

**KINGSTON POLICE SERVICES BOARD
ALARM REGISTRATION AND RESPONSE BY-LAW
BY-LAW NUMBER 23-01**

Being a By-Law of the Kingston Police Services Board to establish the rules for the effective management of police emergency responses to alarm systems and to impose fees and charges on persons for police emergency responses provided or responded to by the Kingston Police.

Whereas the Kingston Police Services Board is responsible for the provision of adequate and effective police services in the City of Kingston, including the establishment of policies for the effective management of the police force;

And Whereas the Kingston Police respond to many requests for an emergency response caused by an alarm system where the Kingston Police finds no evidence that an unauthorized entry or other criminal activity has occurred;

And Whereas such emergency responses to false alarms unnecessarily costs the Kingston Police and may delay Kingston Police responses to true emergencies;

And Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a local Board may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Kingston Police Services Board enacts as follows.

1. Purpose

The purpose of this by-law is to establish the rules for the effective management of police emergency responses to alarm systems and to impose fees and charges on persons for emergency responses provided or responded to by the Kingston Police.

2. Definitions

2.1. In this policy the following definitions apply.

- (a) **Alarm Business** – means a person that, wholly or partly within the geographic area of the City of Kingston, carries on or engages in the business of monitoring one or more Alarm Systems and requesting an emergency response from the Police Service when a monitored Alarm System initiates an electrical, audible or other signal to the person.

- (b) **Alarm Business Registration** – means a valid registration granted to an Alarm Business pursuant to this by-law.
- (c) **Alarm Registration** – means a valid registration granted to either an Alarm Business or an Alarm User with respect to an Alarm System.
- (d) **Alarm Coordinator** – means the person designated by the Chief to administer the provisions of this by-law.
- (e) **Alarm Response Request** – means a request from an Alarm Business or an Alarm User for an emergency response from the Police Service caused, partly or entirely, by an Alarm System initiating an electrical, audible or other signal to the Alarm Business or Alarm User.
- (f) **Alarm System** – means a device which is intended to detect offences under the *Criminal Code*, R.S.C., 1985, c. C-46, with respect to a place or person and then to automatically initiate an electrical, audible or other signal to advise an Alarm Business or Alarm User of such.
- (g) **Alarm User** – means a person who owns an Alarm System or owns or occupies a place with an Alarm System and makes an Alarm Response Request directly to the Police Service.
- (h) **Board** – means the Kingston Police Services Board.
- (i) **Chief** – means the Chief of Police for the Police Service and includes a person of that office who may be appointed from time to time in an acting capacity.
- (j) **False Alarm** – means an Alarm Response Request to the Police Service where the Police Service provides an emergency response and no Police Officer believes on reasonable grounds that an offence under the *Criminal Code*, R.S.C., 1985, c. C-46. was committed or where the Alarm System otherwise appears to have been activated unnecessarily, improperly, accidentally or for a purpose other than for which it was installed, including:
 - (i) testing an Alarm System without prior knowledge and approval of the Police Service;
 - (ii) as a result of failure or malfunction of the Alarm System;
 - (iii) as a result of the negligence or wilful wrongdoing of the Alarm Business or Alarm User; or

- (iv) as a result of atmospheric conditions, excessive vibration or a power failure.
- (k) **Police Service** – means the Kingston Police.
- (l) **Police Officer** – includes the Chief and any other person appointed as a police officer by the Board but does not include a special constable.

APPLICATION

3.1 Alarm Business Registration

3.1.1 The Chief shall establish an Alarm Business registry.

3.1.2 A person may apply to have an Alarm Business Registration granted or renewed by giving to the Alarm Coordinator the following:

- (a) the name and address of the owner of every Alarm System that the applicant intends to monitor;
- (b) the make, model and registration number of every Alarm System that the applicant intends to monitor;
- (c) if the applicant is a corporation, a certificate of status of the corporation, issued by the Ministry of Consumer and Business Services not more than 30 days before the application is given to the Alarm Coordinator, which shows that the corporation is active;
- (d) the fee or fees prescribed by this by-law; and
- (e) such other information and documents as the Alarm Coordinator may require.

3.1.3 The Alarm Coordinator shall grant or renew an Alarm Business Registration to an applicant who meets the requirements of this by-law.

3.1.4 An Alarm Business Registration will expire on December 31 of each calendar year.

3.1.5 If the Alarm Coordinator refuses to grant or renew an Alarm Business Registration, the Alarm Coordinator shall give the applicant written notice of the refusal which sets out the reasons for the refusal.

- 3.1.6 Every Alarm Business shall, within five (5) days after the event, notify the Alarm Coordinator in writing of any change in any information or document given to the Alarm Coordinator.
- 3.1.7 The Alarm Coordinator may require an Alarm Business to pay a fee prescribed in this by-law by giving the Alarm Business written notice of the requirement and the amount of the fee.
- 3.1.8 Every Alarm Business shall pay the fees required under this by-law to the Alarm Coordinator within thirty (30) days of the date the Alarm Business is given written notice of the requirement and the amount of the fee.

3.2 Alarm Registration

- 3.2.1 The Chief shall establish an Alarm Registry.
- 3.2.2 An Alarm Business or an Alarm User may apply to have an Alarm Registration granted or renewed by giving to the Alarm Coordinator the following:
 - (a) the registration number of the Alarm System to be registered; and
 - (b) the fee or fees prescribed by this by-law.
- 3.2.3 The Alarm Coordinator shall grant or renew an Alarm Registration to an applicant who meets the requirements of this by-law.
- 3.2.4 An Alarm Registration will expire on December 31 of each calendar year.
- 3.2.5 Every Alarm Business or Alarm User shall, within five (5) days after the event, notify the Alarm Coordinator in writing of any change in any information or document give to the Alarm Coordinator.
- 3.2.6 The Alarm Coordinator may require an Alarm Business or Alarm User to pay a fee prescribed in this by-law by giving the Alarm Business or Alarm User written notice of the requirement and the amount of the fee.
- 3.2.7 Every Alarm Business or Alarm User shall pay the fees required under this by-law to the Alarm Coordinator within thirty (30) days of the date the Alarm Business or Alarm User is given written notice of the requirement and the amount of the fee.

3.3 Alarm Responses

- 3.3.1 The Police Service may not provide an emergency response to an Alarm Response Request if:
- (a) the Alarm Business making the Alarm Response Request does not hold an Alarm Business Registration;
 - (b) the Alarm Business making the Alarm Response Request holds an Alarm Business Registration that is suspended;
 - (c) the Alarm User or Alarm Business does not hold an Alarm Registration for the Alarm System which caused the Alarm Response Request to be made;
 - (d) the Alarm User or Alarm Business holds an Alarm Registration for the Alarm System which caused the Alarm Response Request to be made is suspended or expired; or
 - (e) the Alarm Response Request comes from an automatic dialing system activated by an Alarm System.
- 3.3.2 Notwithstanding section 16, the Police Service will provide an emergency response to a request for emergency response for an offence under the *Criminal Code*, R.S.C., 1985, c. C-46, when the request is made by calling 9-1-1.
- 3.3.3 If the Police Service provides an emergency response to an Alarm Response Request and decides that the Alarm Response Request is a False Alarm, the Alarm Coordinator must give notice of the decision to the Alarm Business or Alarm User which sets out the reasons for the decision and states that the Alarm Business or the Alarm User may, within fifteen (15) days of being notified of the decision, file a notice of appeal with the Chief, and that the Alarm Coordinator may suspend an Alarm Business Registration or an Alarm Registration if an Alarm System has caused four False Alarms in the preceding twelve-month (12) period.
- 3.3.4 If the Police Service provides an emergency response to an Alarm Response Request made by an Alarm Business that does not hold an Alarm Business Registration or holds an Alarm Business Registration that is suspended, the Alarm Business shall pay the fee or fees required under this by-law.
- 3.3.5 If the Police Service provides an emergency response to an Alarm Response Request caused by an Alarm System for which the Alarm Business or Alarm User which made the Alarm Response does not hold an Alarm Registration or holds an

Alarm Registration that is suspended, the Alarm Business or Alarm User shall pay the fee or fees required under this by-law.

3.4 Registration Suspension and Reinstatement

3.4.1 The Alarm Coordinator may suspend an Alarm Business Registration or an Alarm Registration if:

- (a) the Alarm Business Registration holder or Alarm Registration holder is in default of a fee required under this by-law; or
- (b) an Alarm System has caused four False Alarms in the preceding twelve-month (12) period.

3.4.2 If the Alarm Coordinator suspends an Alarm Business Registration or an Alarm Registration, the Alarm Coordinator shall give the Alarm Business Registration holder or the Alarm Registration holder notice of the suspension which sets out the reasons for the decision and states that the Alarm Business Registration holder or the Alarm Registration holder may, within fifteen (15) days of being notified of the decision, file a notice of appeal with the Chief.

3.4.3 An Alarm Business Registration holder or an Alarm Registration holder whose Alarm Business Registration or Alarm Registration was suspended because the Alarm Business or Alarm User was in default of a fee required under this by-law may apply for reinstatement by giving to the Alarm Coordinator the following:

- (a) the fee or fees prescribed by this by-law; and
- (b) all fee or fees owed to the Police Service at the time the Alarm Business Registration or Alarm Registration was suspended, along with all interest charged thereon under this by-law.

3.4.4 An Alarm Business Registration holder or an Alarm Registration holder whose Alarm Business Registration or Alarm Registration was suspended because an Alarm System caused four False Alarms in the preceding twelve-month (12) period may apply for reinstatement by giving to the Alarm Coordinator the following:

- (a) The fee or fees prescribed by this by-law; and
- (b) A report, in a form satisfactory to the Alarm Coordinator, from a qualified Alarm System technician, confirming that the Alarm System is operating as intended.

- 3.4.5 The Alarm Coordinator shall reinstate an Alarm Business Registration or an Alarm Registration to an applicant who meets the requirements of this by-law.
- 3.4.6 If the Alarm Coordinator reinstates an Alarm Registration that was suspended because the Alarm System caused four False Alarms in the preceding twelve-month (12) period, the Alarm System will be deemed to have caused no False Alarms in the twelve-month (12) period preceding the reinstatement.
- 3.4.7 If the Alarm Coordinator decides not to reinstate an Alarm Business Registration or an Alarm System Registration, the Alarm Coordinator shall give the Alarm Business Registration holder or the Alarm Registration holder notice of the decision which sets out the reasons for the decision and states that the Alarm Business Registration holder or the Alarm Registration holder may, within fifteen (15) days of being notified of the decision, file a notice of appeal with the Chief.

3.5 Appeals

- 3.5.1 An applicant, an Alarm Business Registration holder, or an Alarm Registration holder may appeal any of the following decisions to the Chief:
 - (a) a decision that an Alarm Response Request was a False Alarm;
 - (b) a decision to refuse an application for the grant or renewal of an Alarm Business Registration;
 - (c) a decision to refuse an application for the grant or renewal of an Alarm Registration;
 - (d) a decision to suspend an Alarm Business Registration;
 - (e) a decision to suspend an Alarm Registration;
 - (f) a decision to not reinstate a suspended Alarm Business Registration; or
 - (g) a decision to not reinstate a suspended Alarm Registration.
- 3.5.2 To appeal a decision to the Chief, an applicant, an Alarm Business Registration holder, or an Alarm Registration holder shall give the notice of appeal, including any evidence or submissions that the appellant wishes the Chief to consider, along with the fee or fees prescribed in this by-law, to the Chief's office within fifteen (15) days from the day that the applicant, the Alarm Business Registration holder, or the Alarm Registration holder was notified of the Alarm Coordinator's decision that is being appealed from.

- 3.5.3 An appeal to the Chief does not stay a decision unless the Chief orders otherwise in writing.
- 3.5.4 After receiving a notice of appeal and the fee or fees prescribed under this by-law, the Chief must promptly decide the appeal.
- 3.5.5 On an appeal, the Chief may rescind, confirm or alter the Alarm Coordinator's decision, and may substitute the Chief's own opinion for that of the Alarm Coordinator, and may direct the Alarm Coordinator to take any action that the Chief considers that the Alarm Coordinator ought to take in accordance with this by-law.
- 3.5.6 Decisions of the Chief are final.

3.6 Administration

- 3.6.1 The Chief shall designate an Alarm Coordinator to administer the provisions of this By-Law.
- 3.6.2 Fees and charges imposed by the Board on a person under this by-law constitute a debt of the person to the Board.
- 3.6.3 The Board may request that the treasurer of The Corporation of the City of Kingston add fees and charges imposed by the Board under this by-law to the tax roll for the property to which services or things were supplied under this by-law.
- 3.6.4 Any form, notice or other document is sufficiently given by the Alarm Coordinator if it is sent by email to the email address given in an application to have an Alarm Business Registration or an Alarm System Registration granted or renewed.
- 3.6.5 Any form, notice or other document given by the Alarm Coordinator will be deemed to have been received as follows:
 - (a) in the case of personal delivery, on the date it is actually given by the Alarm Coordinator;
 - (b) in the case of delivery by email, on the date it is actually given by the Alarm Coordinator;
 - (c) in case of delivery by registered mail to an address in the geographic area of the City of Kingston, three (3) business days after the date of mailing;
 - (d) in the case of delivery by registered mail to an address outside the geographic area of the City of Kingston, five (5) business days after the date of mailing;

- (e) in the case of delivery by ordinary mail to an address in the geographic area of the City of Kingston, five (5) business days after the date of mailing; and
- (f) in the case of delivery by ordinary mail to an address outside the geographic area of the City of Kingston, seven (7) business days after the date of mailing.

4. Appendix A

- 4.1 Appendix A is attached hereto and forms part of this by-law.

5. Delegation of Authority

- 5.1 Authority for setting fees and charges pursuant to section 391(1) of the *Municipal Act, 2001* is hereby delegated to the Chief.

6. Reporting Requirements

- 6.1 The Chief shall report revenues from fees and charges imposed pursuant to subsection 391 (1) of the *Municipal Act, 2001*, in the Police's annual budget submissions to council for The Corporation of the City of Kingston.

7. Interpretation

- 7.1 This by-law is not intended to be interpreted in such a way as to make the Board, the Police Service, the Chief or any Police Officer liable for failing to ensure that any person complies with this by-law.

8. Amendment and Repeal

- 8.1 This policy shall not be amended or repealed except by a majority of the whole Board.

9. Commencement

- 9.1 This by-law comes into force and effect on the day that it is passed.

ADOPTED AND PASSED by the Kingston Police Services Board this 21st day of September, 2023, by Resolution Number 23-71.

Chair

Secretary

Appendix “A” (effective January 1, 2024)

Fees and charges – Alarm Registration and False Alarms

ALARM MONITORING		FEE
Alarm monitoring – Administrative fee for failure to obtain alarm vendor license	Each	\$162.00
Alarm monitoring – Administrative fee for failure to register alarm system	Each	\$61.00
Alarm monitoring - if no false alarms in previous year, the fee will be waived	Annually	\$61.00 plus HST
Unregistered false alarm	Each	\$272.00 plus HST
Annual alarm vendor license	Each	\$162.00
FALSE ALARM		
First offence in fiscal year	Property	\$150.00
Second offence in fiscal year	Property	\$175.00
Third offence in fiscal year	Property	\$200.00
Additional offences in fiscal year	Property	\$200.00