

*[Signature]*  
Signed

*13<sup>th</sup> March 2017*  
Dated



**Town of Kensington**  
**A Bylaw to Reduce False Alarms**  
**Bylaw # 2017 – 01**

This Bylaw is made under the authority of the Municipalities Act, R.S.P.E.I., Chapter M-13, R.S.P.E.I. 1988.

*WHEREAS Section 30 of the Municipalities Act, R.S.P.E.I., 1988 authorizes a Municipality to provide emergency services such as Police Protection;*

*AND WHEREAS Section 57 of the Municipalities Act, R.S.P.E.I., 1988 authorizes a Municipality to make bylaws for the peace, order and good government of the municipality, the provision of municipal services and any other matter within the jurisdiction of the municipality;*

*AND WHEREAS costs are incurred unnecessarily by the Kensington Police Service in responding to false alarms;*

*AND WHEREAS the Town seeks to recover part of the costs of responding to false alarms;*

*AND WHEREAS responding to false alarms may delay attendance, by members of the Kensington Police Service, at genuine emergencies;*

**BE IT ENACTED** by the Council of the Town of Kensington as follows:

**1.0 Title**

- 1.1 This Bylaw may be cited as the “**Town of Kensington False Alarm Bylaw No. 2017-01**”.

**2.0 Definitions**

- 2.1 **Alarm System** – means any system, device, or equipment, whether monitored by an alarm company or not, intended to signal the presence of a problem and any other situation to which the Kensington Police Service would or could reasonably be expected to respond, but does not include personal alerting devices, panic alarms or a device that is installed in a vehicle;
- 2.2 **CAO** – means the Chief Administrative Officer of the Town of Kensington;

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- 2.3 **False Alarm** – means, for the purposes of this bylaw, the activation of an Alarm System which results in a response from the Kensington Police Service where a situation requiring such response does not exist and includes a situation where:
- a. the Alarm System has a malfunction;
  - b. the Alarm System has been activated in error;
  - c. the Alarm System has been activated during testing; or
  - d. there is no evidence of illegal entry or attempted illegal entry, but does not include a situation where it is substantiated that the situation was caused by:
    - i. storm conditions, lightening, fire, vibration, earthquake or other act of God; or
    - ii. the disruption or disturbance of the equipment or facilities by any utility company;
- 2.4 **Owner** – means the person whose name appears on the assessment roll for the Town as the assessed owner;
- 2.5 **Key Holder** - means a person who is capable of providing entry to an alarmed premises;
- 2.6 **Police Officer (Officer in Charge)** – means the Police Chief or the Corporal of the Kensington Police Service;
- 2.7 **Premises** – means any building, structure, residence or facility of any kind.
- 2.8 **Town** – means the Town of Kensington;
- 2.9 **Town Council** – means the duly elected Mayor and Town Councilors of the Town of Kensington;

### 3.0 Maintenance

- 3.1 Every owner of real property or premises where an alarm system is installed shall be responsible for the proper installation, use, maintenance, and operation of such system so as to prevent false alarms.

### 4.0 Notification to Owners

- 4.1 Upon the first occurrence of a false alarm for the Kensington Police Service, a notice will be provided to the owner of the property and/or premises that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.

### 5.0 Fee for False Alarms

- 5.1 On the occurrence of a second false alarm for the Kensington Police Service, and each subsequent false alarm during any consecutive 12 month period, there shall be a fee of \$200.00 for each occurrence.

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- 5.2 Where a fee is charged in accordance with this bylaw, the Town shall invoice the owner of the property.
- 5.3 An invoice issued under this bylaw shall be due and payable to the Town within thirty (30) days of the date of the invoice for such fee.
- 5.4 Interest on any unpaid fees or charges will be charged at a rate of two percent (2%) per month compounded monthly.
- 5.5 If an owner fails to pay any fees within sixty (60) days of the date of the invoice, the Town may take appropriate steps in relation to the collection thereof, which may include civil action.

### **6.0 Excessive False Alarms**

- 6.1 If, in any 12 month period, the Kensington Police Service responds to six or more false alarms originating from one alarm system, the Police Officer may cause a notice to be sent to the owner of the premises in which the alarm system is installed advising that the Kensington Police Service, as the case may be, may elect not to respond to subsequent alarms.

### **7.0 Monitored Alarm Systems**

- 7.1 Where a third party is responsible for monitoring an alarm system, that third party shall verify that the alarm activation is not false by contacting the key holder for the premises where the alarm is installed. The key holder shall decide whether or not to dispatch the Kensington Police Service.
- 7.2 Every person providing an alarm monitoring service shall maintain a list of key holders.
- 7.3 The key holder:
  - (a) shall be available to receive telephone calls made in respect of the alarms;
  - (b) shall be capable of affording access to the premises where the alarm is located;
  - (c) shall attend at the premises where the alarm is located within 20 minutes of being notified of the alarm. The Kensington Police Service will not respond to an alarm unless the key holder is in attendance at the premises.

### **8.0 Appeal**

- 8.1 Any owner who has been assessed with a false alarm charge who wishes to appeal the charge may submit a letter to the CAO requesting a review of the charges. Town Council will be the final authority on whether or not the charges are a legitimate false alarm charge or not. The letter must include reason for appeal and provide information to support your request that the incident was not a false alarm.



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**9.0 General**

- 9.1 Should any provision of this bylaw be found invalid, the invalid portion shall be severed and the remaining bylaw shall be maintained.
- 9.2 All previous bylaws of the Town of Kensington pertaining to false alarms are hereby repealed.
- 9.3 The effective date of this bylaw is the date it is formally adopted by Town Council.

*READ A FIRST TIME, THIS 9<sup>th</sup> DAY OF JANUARY, 2017.*

*READ A SECOND TIME AND FORMALLY ADOPTED THIS 14 DAY OF February, 2017.*

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer