

# The Corporation of the Town of Tecumseh

## By-Law Number 2019 -DRAFT

A by-law to Impose fees and charges for the services or activities provided by the Town of Tecumseh Fire/Rescue Service on behalf of the Corporation of the Town of Tecumseh related to Alarms

**WHEREAS** *The Municipal Act, 2001 S.O. 2001, c. M.25* grants a municipality the power to pass by-laws that impose specific fees for licensing, services, permits and other reasons;

**AND WHEREAS** Section 220.1 of the *Municipal Act, 2001, S.O.2001, c.25*, as amended or substituted from time to time, similarly permits a municipality to pass by-laws imposing fees and charges;

**AND WHEREAS** Section 391 of *The Municipal Act, 2001 S.O. 2001, c. M.25* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and for the use of its property including property under its control;

**AND WHEREAS** Section 446(1) of *The Municipal Act 2001 S.O. 2001, c. M.25* authorizes a municipality under this or any other Act or under a bylaw under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**AND WHEREAS** The Corporation of the Town of Tecumseh desires to prescribe administrative fees and charges for the registration of fire alarm systems for residential and commercial property owners and to impose a fee for At Fault False Alarms;

**AND WHEREAS** responses to At Fault False Alarms interferes with the ability of the Tecumseh Fire & Rescue Services to respond to emergency events;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. In this By-law and recitals:
  - A) "Alarm" or "Alarms" means any form of notification to Windsor Fire/Police Dispatch of an Emergency Situation or of an At Fault False Alarm;
  - B) "At Fault False Alarm" means any one of the following:
    - (1) The testing of an Alarm without prior notification to and approval of Windsor Fire Dispatch and OPP;
    - (2) An Alarm caused by the mechanical failure or improper installation of any warning device; or
    - (3) An Alarm inadvertently activated by any means, including internal or external atmospheric conditions, vibrations or power surges;
    - (4) An Alarm caused by carelessness or negligence of any person at a Registered Premise or an Unregistered Premise;

- C) “Emergency Situation” means any type of emergency occurring at or in relation to any business or residential premises located within the geographic boundaries of the Town and requiring the assistance of the Tecumseh Fire & Rescue Services..
  - D) “Registered Premise” or “Registered Premises” means any business or residential premises located within the geographic boundaries of the Town of Tecumseh containing an Alarm which automatically notifies Windsor Fire Dispatch and the Tecumseh Fire & Rescue Services of an Emergency Situation and which premises have been registered with the Town of Tecumseh by the owner thereof in accordance with the provisions of this by-law;
  - E) “Unregistered Premise” or “Unregistered Premises” means any business or residential premises located within the geographic boundaries of the Town of Tecumseh which are not Registered Premises;
  - F) “Tecumseh Fire & Rescue Services” means the Corporation of the Town of Tecumseh Fire & Rescue Services Department;
  - G) “Town” means The Corporation of the Town of Tecumseh; and
  - H) “Windsor Fire Dispatch” means the Windsor Fire Dispatch, a division of the Windsor Fire and Rescue Service, an entity which provides fire dispatch services to the Town.
2. The Town of Tecumseh’s Fire & Rescue Services shall maintain the following:
    - A) A written record of each separate Alarm, which record shall include, without limiting generality, the date, time, and location of such Alarm; and
    - B) A written record of all Registered Premises.
  3. The owner or occupier of a Registered Premise shall pay, in advance, a fee for the maintenance of the register of Alarms as set out in the annual Fees and Charges By-law
  4. The Town’s Fire & Rescue Services will respond to all Alarms and all At Fault False Alarms.
  5. Notwithstanding any other provision of this by-law:
  6. The owners or occupiers of a Registered Premise shall pay to the Town the Ministry of Transportation rate for responses to an emergency on a provincial highway (MTO Rate) after the second At Fault False Alarm within each calendar year.
  7. The owners or occupiers of an Unregistered Premise shall pay to the Town the MTO Rate for each At Fault False Alarm which occurs at the Unregistered Premise.
  8. In the event of non-payment of the amounts required to be paid by the owner or occupier of a Registered Premise or an Unregistered Premise pursuant to the provisions of this by-law within 30 days of receipt of an invoice from the Town, the Town may, in addition to any other collection remedies, add the amount required to be paid to the municipal tax rolls to be collected in a like manner as municipal taxes.

9. No person shall install, maintain or use an automatic calling device designed to transmit a message to the Town, OPP, or the Tecumseh Fire & Rescue Services.
10. The owner or occupier of each Registered Premise shall:
  - A) Attend their Registered Premise when its Alarm is activated, within thirty (30) minutes of the activation; and
  - B) Allow access to the Registered Premise for inspection purposes and to answer inquiries from the the Tecumseh Fire & Rescue Services.
  - C) An owner or occupier that does not attend in accordance within thirty (30) minutes of the activation shall pay to the Town the MTO Rate.
11. Should any section, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.
12. By-law No. 2001-48, and any by-law inconsistent with this by-law, is hereby repealed.
13. This by-law shall come into full force and effect upon final passing thereof.

**Read** a first, second and third time and finally passed this **Choose an item.** day of **Choose an item.**, **Choose an item.**

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Gary McNamara, Mayor

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Laura Moy, Clerk