

**THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NO. 8809-2015**

*A BY-LAW TO REGULATE INSTALLATION AND OPERATION OF FIRE AND/OR CARBON MONOXIDE
ALARM SYSTEM.*

WHEREAS section 2 of the *Fire Protection and Prevention Act 1997*, S.O. 1997, c. 4, as amended, authorizes a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency fire services program;

AND WHEREAS the Corporation of the Town of Smiths Falls has established a Fire Department to deliver firefighting and related emergency services;

AND WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality and a local board may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS the Council of the Corporation of the Town of Smiths Falls deems it desirable to control the installation and operation of Fire Alarms and/or Carbon Monoxide Alarm systems;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls hereby enacts as follows:

1. SHORT TITLE:

- a) This By-law may be cited as the "Fire Alarm and Carbon Monoxide By-law"

2. DEFINITIONS

In this by-law,

- a) "Alarm Monitoring Service" shall mean the business, by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm device and reporting the occurrence of alarms to the Fire Service.
- b) "Town" shall mean the Corporation of the Town of Smiths Falls.
- c) "False Alarm" shall mean the activation of a Fire Alarm, or Carbon Monoxide Alarm System or emergency system through a mechanical failure, equipment malfunction, improper use/improper installation of the system or failure to maintain the system as prescribed by the *Fire Code* being O.Reg. 388/97, under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended.

- d) "Fire Alarm System or Carbon Monoxide Alarm System" shall mean a combination of devices designed to warn building occupants of an emergency condition and connected to an Alarm Monitoring Service.
- e) "Fire Chief" means the Fire Chief of the Town of Smiths Falls. For the purpose of this By-Law, the Fire Chief delegates his authority to Chief Fire Official, or any Smiths Falls firefighter;
- f) "Fiscal Year" shall mean the twelve month period between January 1 and December 31 inclusive.
- g) "Occupant" shall mean any person or persons who appear to be in possession of the property.
- h) "Owner" shall mean the Business Owner, Property Owner or Property Manager, or the person who at any time manages or receives the rent of the land or premises in connection with which the word is used whether on his own account or as an agent or trustee of any other person or who would receive the rent if such land and premises were let, and shall also include a lessee or Occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;
- i) "Person" shall include a corporation and organization as well as an individual;
- j) "Permittee" means the holder of an Fire Alarm and/or Carbon Monoxide Alarm System;
- k) "Property" shall mean the property defined by the municipal address and includes buildings or structures or part of a building or structure and the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, and out-buildings.

3. APPLICATION:

- a) This By-law shall apply to all Properties within the jurisdiction of the Town of Smiths Falls.

4. ADMINISTRATION

- a) The Fire Chief is responsible for the administration of this By-law on behalf of the Town.

5. RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

- a) Every Owner and Occupant of Property shall be responsible for the proper use, installation, maintenance and operation of any Fire Alarm and/or Carbon Monoxide System installed on or in the Property in order to ensure the prevention of False Alarms.
- b) Every Owner or Occupant of Property that has a Fire Alarm and/or Carbon Monoxide Alarm System shall provide to the Alarm Monitoring Service a current list of at least two (2) persons who will be known as Contact Persons. The list of Contact Persons shall include the names, addresses and telephone numbers of each Contact Person. The form in Schedule 'C' of this by-law must be completed in order to be eligible for a permit.

6. CONTACT PERSONS

- a) The Contact Persons whose names are provided pursuant to Section 5 must be persons who are:
 - I. Available to receive telephone calls from the Alarm Monitoring Service and/or Smiths Falls Fire Dispatch Centre in the event of an alarm incident;
 - II. Able to attend at the address of the alarm incident within a reasonable time frame after the activation of a fire alarm upon the request of the Alarm Monitoring Service on behalf of or Smiths Falls Fire Department;
 - III. Capable of affording Smiths Falls Fire Department access to the Property where the alarm incident occurred; and
 - IV. Capable of operating the Fire Alarm and/or Carbon Monoxide Alarm System and able to safeguard the Property.

7. FALSE ALARM

- a) When Smiths Falls Fire Department responds to more than three (3) False Alarm during the same Fiscal Year, the Owner or Occupant of the Property from which the False Alarm originated shall be required to pay to the Corporation of the Town of Smiths Falls the prescribed fee, payable in accordance with Schedule 'A' of this By-Law
- b) No Person shall undertake any work on any Fire Alarm and/or Carbon Monoxide Alarm System that sends an alarm directly to Smiths Falls Fire Dispatch Centre or a fire Alarm Monitoring Service without first notifying the Smiths Falls Fire Dispatch Center.
- c) If an Owner fails to notify Smiths Falls Fire Dispatch Centre in advance of any work being conducted on a Fire Alarm and/or Carbon Monoxide Alarm System and as a result of the work being done on a Fire Alarm and/or Carbon Monoxide Alarm System an alarm is triggered that results in a response by Smiths Falls Fire Department, the Owner shall be required to pay to the Corporation of the Town of Smiths Falls the prescribed fee, payable in accordance with Schedule 'A' of this By-Law.
- d) The Town shall deliver an invoice to each person upon whom a fee is imposed under this By-law and the person shall pay the fee within thirty (30) days of receipt of the invoice.
- e) The Town may deliver an invoice personally, by registered mail, or by regular mail to a person's home address or, in the case of the Owner, to the Owner's address as recorded on the City's assessment roll.
 - a) If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Town may add such amount to the tax roll for any Property in the municipality for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.
 - b) Smiths Falls Fire Department shall continue to respond to all alarms and calls for assistance notwithstanding any previous False Alarm from a Property or non-payment of any fee hereunder.

8. STAND BY FEE

- a) Where Smiths Falls Fire Department responds to a False Alarm and the Owner or Occupant does not provide access to the interior of a building on the Property within 30 minutes of the arrival of Smiths Falls Fire Department at the Property, the Owner or Occupant may be required to pay to the Corporation of the Town of Smiths Falls, in addition to the False Alarm fee, an additional prescribed stand by fee, payable in accordance with Schedule 'A' of this By-Law.

9. FIRE ALARM AND/OR CARBON MONOXIDE SYSTEM PERMIT

- a) No person shall install, keep, or use or permit the installation, keeping or use of a Fire Alarm System or Carbon Monoxide Alarm System connected to an Alarm Monitoring Service unless there is a valid and subsisting permit issued with respect thereto;
- b) An applicant for an Fire Alarm System or Carbon Monoxide Alarm System permit shall:
 - I. provide the information required in the form attached hereto as Schedule "B" to this By-Law to Smiths Falls Fire Department;
 - II. pay a permit fee of \$10.00 as Schedule "A";
- c) Fire Alarm System or Carbon Monoxide Alarm System Permits shall be issued under:
 - I. the personal signature of the Fire Chief;
 - II. the mechanically reproduced signature of the Fire Chief.
- d) A Fire Alarm System or Carbon Monoxide Alarm System Permit permit shall be issued in the name of the person in actual occupation of the premises which the Fire Alarm System or Carbon Monoxide Alarm System is designated to protect;
- e) An Fire Alarm System or Carbon Monoxide Alarm System permit shall not be assigned or transferred and shall become void upon a change of the person actually occupying the premises in which the alarm system is located;
- f) A permittee shall ensure that all information provided by him pursuant to Section 5 hereof is kept current and correct and shall forthwith notify the Fire Chief in writing of any and all changes or corrections to such information.

10. SUSPENSION OR REVOCATION OF PERMIT

- a) The Fire Chief may revoke or suspend any Fire Alarm System or Carbon Monoxide Alarm System permit if:
 - I. the permittee has contravened any of the provisions of this By-Law;
 - II. the persons to be contacted pursuant to Section 5 & 6 of the By-Law are not available to receive telephone calls as contemplated by Section 6;
 - III. the person contacted is not capable of affording access by Smiths Falls Fire Department to the premises where the alarm is located in accordance with Section 6 or fails to attend the premises where the alarm is located in accordance with Section 6;
- b) When the Fire Chief:
 - I. refuses to issue a Fire Alarm System or Carbon Monoxide Alarm System permit to any person; or
 - II. suspends or revokes the Fire Alarm System or Carbon Monoxide Alarm System permit held by any such person;

- III. The Fire Chief shall notify such person of such refusal, suspension or revocation;
- c) Where a Fire Alarm System or Carbon Monoxide Alarm System permit has been revoked and the person responsible for said alarm system has been advised as such pursuant to sub section (b), the Fire Alarm System or Carbon Monoxide Alarm System shall conditional upon Article 9 be forthwith rendered inoperable by disconnecting the power source to the system.

The alarm system shall remain inoperable until a new permit is issued.

- d) Where a Fire Alarm System or Carbon Monoxide Alarm System permit has been revoked, the Fire Chief may refuse to issue a further alarm system permit for such alarm system for a period of six (6) months from the revocation.

11. TERM OF PERMIT

A permit issued for a Fire Alarm System or Carbon Monoxide Alarm System is valid for a calendar year.

12. PREVIOUS INSTALLATION

This By-Law shall apply to all alarm systems whether installed, kept or used prior to after the coming into force of this By-Law.

13. PROHIBITIONS

- a) No person shall maintain an active Fire Alarm System or Carbon Monoxide Alarm System without having the appropriate permit.
- b) Refusing to provide contact persons information's to Smiths Falls Fire Dispatch Centre.
- c) Having more than three (3) false alarms during the same fiscal year is subject to a fine. Each subsequent False Alarm during the same fiscal year will be treated as a fourth false alarm and a fine will be issued.

14. ANNUAL MAINTENANCE

- a) This article apply only for non-residential buildings and residential buildings with more than 4 apartments (suites)
 - I. A permittee shall provide to the Fire Chief annually a proof proving his Fire Alarm System or Carbon Monoxide Alarm System has its annual maintenance in accordance to CAN/ULC-S537-04, Verification of Fire Alarm Systems in order to get a Fire Alarm System or Carbon Monoxide Alarm System Permit.

15. OFFENCES AND PENALTIES

- a) Every person who commits an offence under Section 13 of this By-Law is, upon conviction, liable to the fines or others penalties as provided for in the Provincial Offences Act.

- b) Upon registering a conviction of any provision of the By-Law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by the By-Law make an order prohibiting the continuation or repetition of the offence by the person convicted.

16. VALIDITY

If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of the Council of the Corporation of the Town of Smiths Falls that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

17. COMMENCEMENT

Read a first and second time this 4th of August, 2015.

Read a third time and passed this 4th of August, 2015.



Mayor



Clerk

SCHEDULE A

Fire Alarm System or Carbon Monoxide Alarm System Permit	Fees
Fire Alarm System	\$10
Carbon Monoxide Alarm System	\$10
Renewal for Fire Alarm System or Carbon Monoxide Alarm System Permit	\$10
Emergency Response for False Alarm	\$600
Emergency Response due to work being conducted on a Fire Alarm and/or Carbon Monoxide System	\$600
Stand By Fee per hour	\$600

SCHEDULE B

ITEM	INFRACTIONS	PROVISION CREATING OR DEFINING OFFENSE	SET FINE
1	No person shall maintain an active Fire Alarm System or Carbon Monoxide Alarm System without having the appropriate permit	13a	\$200
2	Refusing to provide contact persons information's to Smiths Falls Fire Dispatch Centre	13b	\$200
3	Having more than three (3) false alarms during the same fiscal year	13c	\$600

SCHEDULE C



SMITHS FALLS FIRE DEPARTMENT

77 Beckwith Street North

Smiths Falls, Ontario

Phone: 613-283-5869, Fax 613-283-6935

fire@smithsfalls.ca

PART A

PERMIT APPLICATION

Alarm System or Carbon Monoxide Alarm System Permit

Applicant's Name			
Full Address		, Smiths Falls	
Home Telephone		Owner <input type="checkbox"/>	Occupant <input type="checkbox"/>
Cell Phone		Work	
Applicant's email		Know how to operate the Alarm System? <input type="checkbox"/>	
Have you read and do you understand Fire Alarm and Carbon Monoxide by-law (by-Law 8809-2015)		Yes <input type="checkbox"/>	No <input type="checkbox"/>

PART B

Contact Person 1			
Name		Has the key? <input type="checkbox"/>	
Full Address		, Smiths Falls	
Home Telephone	Cell Phone	Know how to operate the Alarm System? <input type="checkbox"/>	
Contact Person 2			
Applicant's Name		Has the key? <input type="checkbox"/>	
Full Address		, Smiths Falls	
Home Telephone	Cell Phone	Know how to operate the Alarm System? <input type="checkbox"/>	
Applicant Signature:		Date:	

PART C

APPLICATION REVIEW (To be completed by person accepting application)		
<input type="checkbox"/> All information provided above is complete		
<input type="checkbox"/> Applicant has signed and dated below		
<input type="checkbox"/> Permit fee paid		
Reviewed by:	Signature:	Date:
Section below to be completed by the Fire Department		
Permit Approved	YES <input type="checkbox"/>	NO <input type="checkbox"/>
		Permit no.:
Entered in CAD system <input type="checkbox"/>	Date	

