

THE CORPORATION OF THE CITY OF KINGSTON
BY-LAW NO. 2006-213
A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES

PASSED: September 19, 2006
AMENDED: Nov 21, 2017

WHEREAS Part IV of the Municipal Act, 2001 authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS Council considers it desirable to exercise this authority for the purpose of health and safety, nuisance control and consumer protection;

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1.0 DEFINITIONS:

In this by-law:

“Alarm Coordinator” means the person designated to administer the provisions of this by-law;

“Alarm Registration” means a record of an alarm system which has been registered with the Alarm Coordinator pursuant to the provisions of this by-law;

“Alarm Reinstatement” means that suspension of police response to an alarm from an Alarm System has been lifted and police response to the alarm system is reinstated;

“Alarm Reinstatement Notice” means the written notification given to an alarm monitoring company advising that alarm response has been reinstated to an alarm system;

“Alarm Renewal” means the process of paying a fee (if applicable) per Alarm System to the Kingston Police Alarm Coordinator annually for Alarm Registration renewal

“Alarm Service Technician” means a person who is employed by an alarm installation company or an alarm monitoring company;

“Alarm System” means any device installed in a building, structure or premise to detect unauthorized entry or criminal activity which, when activated, transmits a wireless, electronic, video signal and/or emits an audible or silent signal or

message to an alarm monitoring company, and includes an automated bank machine and holdup or panic alarm
i.e. a device to report that a robbery is in progress, but does not include a medical alert alarm or a fire alarm system;

“Alarm System Inspection Report” means a report detailing the operating condition of an Alarm System completed by an Alarm Service Technician;

“Cancellation of Police Response” means the process or request to terminate response by the Kingston Police after an alarm dispatch request and prior to Police Officers’ arrival on scene;

“Caution Notice” means the written notification given to an alarm monitoring company advising that an Alarm System has had three (3) False Alarms in a calendar year;

“False Alarm” means any signal or message from an alarm system to an alarm monitoring company that is reported to the Kingston Police, where there is no evidence that unauthorized was made or attempted or that criminal activity has occurred and where the alarm system appears to have been activated unnecessarily, improperly, accidentally or for a purpose other than that for which it was installed, including:

1. by testing an alarm system without the prior knowledge and approval of the Kingston Police;
2. by reporting an attempted or completed criminal act or an emergency situation where there is no evidence that such an act took place or that such a situation existed;
3. as a result of mechanical failure, malfunction or faulty equipment;
4. as a result of negligence, error or carelessness on the part of the owner of the system, e.g. by permitting authorized persons to be on the premises without alarm passwords; or
5. as a result of atmospheric conditions, excessive vibrations or a power failure

“Licensing and Enforcement Division” and “Division” means the Licensing and Enforcement Division, Planning, Building, Licensing & Enforcement Department, Community Services Group or, in the event of organizational changes, another unit designated by Council to carry out the Division’s responsibilities for the administration and enforcement of this by-law;

“Suspension Notice” means written notification issued to an alarm monitoring company advising that there will be no police response to an alarm from an Alarm System;

“Suspended Alarm System” means an Alarm System for which a Suspension Notice has been issued, advising that there will be no police response to an alarm from the Alarm System;

“Unregistered False Alarm” means a False Alarm an Alarm System that is not registered with the Alarm Coordinator;

Schedule A-2 ALARM INSTALLATION and ALARM MONITORING

Application to:	Every business which sells, leases, installs, replaces, maintains, services, repairs, or monitors security Alarm Systems which notifies the Kingston Police when an Alarm System has been activated
Exemptions:	None
Reason for Licensing/Conditions:	Consumer protection – adequate responses to legitimate alarms Nuisance control – reduce unnecessary use of police resources
Annual Licence Fees:	As prescribed by By-Law number 2005-10, as amended. Annual Alarm System monitoring fee for new Alarm System registrations will be pro-rated by month, except that the provisions of Section 3.4 of this By-Law shall also apply (By-Law Number 2006-213; 2008-16)
Additional Fees for	A company monitoring an Alarm System will be required to pay the fees as prescribed by By-Law number 2005-10, as amended, when; <ol style="list-style-type: none">(1) Kingston Police respond to a False Alarm from a registered Alarm System or an Unregistered False Alarm(2) Kingston Police respond to a founded alarm from an unlicensed alarm monitoring company;(3) Kingston Police’s response to an alarm from an Unregistered Alarm System is cancelled;(4) Kingston Police respond to a False Alarm or a founded alarm from an Unregistered Alarm System

Business License Fee	\$162.00
Unregistered Business License	\$324.00 (\$162.00 BLF + \$162.00 Admin Fee)
Premise Registration	\$ 68.93 (\$61.00 Reg'n + \$7.93 HST)
Unregistered False Alarm Admin Fee + HST	\$ False Alarm Fee + \$61.00 Reg'n + \$61.00
Pro-Rated Registration	\$ Adjusted/mth + HST
<i>(For NEW customers registering after January)</i>	
1st False	\$150.00 + HST
2nd False	\$175.00 + HST
3rd False	\$200.00 + HST & Caution Notice
4th False	\$200.00 + HST & Suspension Notice

Special Conditions:

In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions applies to every alarm installation company and every alarm monitoring company:

- (1) Kingston Police shall designate an Alarm Coordinator to administer the provisions of this Schedule;
- (2) Kingston Police may not respond to an alarm if the alarm monitoring company or the Alarm System are not registered
- (3) Every application for a License shall include a register which identifies the name and address of the owner and the registration number of every Alarm System that is to be monitored. It is the responsibility of the Licensee to ensure Kingston Police has current key holder contact information;
- (4) Every Licensee shall maintain this register and inform the Kingston Police promptly of any changes to the information;
- (5) Every alarm installation company and every alarm monitoring company shall pay the annual License fee to the Kingston Police Alarm Coordinator within 30 days of the date of the invoice and if a Licensee fails to do so, the Alarm Coordinator may suspend, revoke or refuse to renew the alarm installation company's license or the alarm monitoring company's license;
- (6) If an alarm monitoring company fails to provide its current contact information to the Kingston Police, all

invoices and notices will be deemed served to the business's last known address;

(7) If Kingston Police are dispatched to an alarm from an unlicensed alarm monitoring company, the alarm monitoring company shall pay the annual license fee and an administrative fee for failing to obtain a license, as prescribed by Fees and charges By-Law Number 2005-10, as amended;

(8) Every alarm monitoring company shall pay the fee for a False Alarm and administrative fee to the Kingston Police Alarm Coordinator within 30 days of date of invoice, and if the alarm monitoring company fails to do so after 60 days from the due date on the invoice, Kingston Police response to the Alarm System may be suspended upon issuance of a Suspension Notice indicating alarm response is suspended to the Alarm System until all fees have been paid in full. Upon payment of all fees, and Alarm Reinstatement Notice will be issued;

(9) Kingston Police may suspend police response to an alarm from an Alarm System that has had Excessive False Alarms. In the event that police response to an Alarm System is suspended, a Suspension Notice shall be issued to the alarm monitoring company. Police response to an Alarm System shall not be reinstated until an Alarm System Inspection Report from an Alarm Service Technician has been received and accepted by the Alarm Coordinator. Upon issuance of an Alarm Reinstatement Notice, the False Alarm count for the Alarm system shall be reset to zero;

(10) Every alarm monitoring company shall submit alarm registration and payment of fees for each Alarm System it monitors. Failure to do so prior to a call for alarm response will result in the Alarm System not to be considered registered with Kingston Police;

(11) Only a licensed alarm monitoring company may request police response to an alarm and the licensed alarm monitoring company shall provide all contact numbers for the alarm monitoring station, and shall provide its own business name and not the name of a second party alarm company;

(12) A cancellation of Police response will not incur a fee if the Alarm System is registered. If the alarm system is not

registered, the alarm monitoring company shall pay the annual Alarm System registration fee and an administrative fee for failing to register and Alarm System, as prescribed by the Fees and Charges By-Law Number 2005-10, as amended;

(13) After an Alarm System has incurred three (3) False Alarms in a calendar year, Kingston Police will issue a Caution Notice to the alarm monitoring company warning that police response may be suspended if a fourth or subsequent False Alarm occurs within the calendar year;

(14) Receipt of an invoice, a Caution Notice, Suspension Notice or an Alarm Reinstatement Notice shall be deemed to have occurred;

- (a) On the date of delivery, if delivered personally;
- (b) Three (3) business days after the date of mailing, if delivered by registered mail to an address within the City of Kingston;
- (c) Five (5) days after the date of mailing, if delivered by registered mail to an address outside of the City of Kingston;
- (d) Five (5) days after the date of mailing, if delivered by regular mail to an address within the City of Kingston; and
- (e) Seven (7) days after the date of mailing, if delivered by regular mail to an address outside of the City of Kingston

(15) Receipt of an invoice, a Caution Notice, a Suspension Notice, or an Alarm Reinstatement Notice shall be deemed to have occurred if delivered personally or to the last known address of the alarm monitoring company;

(16) If Kingston Police respond to a False Alarm or a founded alarm from an Unregistered Alarm System, the alarm monitoring company shall pay the annual Alarm System registration fee and an administrative fee for failing to register an Alarm System, as prescribed by the Fees and Charges By-law Number 2005-10, as amended;

(17) Kingston Police shall not respond to automatic dialing systems activated by alarms; and

(18) An appeal of a False Alarm invoice must be submitted in writing to the Kingston Police Alarm Coordinator by the alarm monitoring company within 30 days of the invoice. A

decision on the appeal will be sent to the alarm monitoring company, which will be responsible for notifying the alarm system customer of the outcome. The decision of the Kingston Police Alarm Coordinator shall be final.