

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

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 system” means any device installed in a building, structure or premises to detect unauthorized entry or criminal activity which, when activated, emits and audible sound or transmits a signal or message to an alarm monitoring business, and includes bank automated teller 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.

“false alarm” means any signal or message from an alarm system to an alarm monitoring business that is reported to the Kingston Police, where there is no evidence that unauthorized entry or criminal activity was made or attempted 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

2.0 APPLICATION:

2.1 The requirements of this by-law apply to the following trades businesses and occupations carried on within the geographic limits of the City of Kingston;

General

- Alarm installation
- Alarm monitoring

ALARM INSTALLATION

Application to: Every business which installs, replaces, maintains, repairs and services security alarm systems

Exemptions: None

Reason for Licensing/Conditions: Consumer protection, nuisance control

Annual Licence Fee: **\$127.00**

Application Circulated To: 1) Building Section 2) Kingston Police

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

Special Conditions: (1) the past conduct of an applicant shall provide reasonable evidence that the issuance of a license would not be adverse to the public interest, including evidence that the applicant has not been convicted of an offence under the Criminal Code

ALARM MONITORING

Application to: Every business which monitors security alarm systems and 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 – protect public from unnecessary use of police time

Annual Licence Fee:

1. **\$127.00** for an alarm monitoring company
2. an additional **\$51.50 + HST** fee per alarm system will be payable unless there have been no false alarms in the previous licensing period for renewing system; and
3. if alarm systems are added after the start of a calendar year, a supplementary monthly fee of **\$4.29 + HST** per alarm system is payable

If the Kingston Police respond, within a 365 day period, to false alarms from a registered alarm system, the business monitoring the system will be required to pay the following fees:

Additions Fees for False Alarms

1st False Alarm	FREE
2nd False Alarm	\$76.00
3rd False Alarm	\$114.00
4th False Alarm	\$152.00
5th False Alarm	\$196.00

Application Circulated to:

- 1) Building Section
- 2) Kingston Police

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 monitoring business:

- (1) the past conduct of an applicant shall provide reasonable evidence that the issuance of a license would

not be adverse to the public interest, including evidence that the applicant has not been convicted of an offence under the Criminal Code;

- (2) an alarm system shall not be monitored unless it has been registered with the Kingston Police and assigned a registration number; and Kingston Police will not respond to an alarm that is not registered in accordance with this by-law
- (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.
- (4) every licensee shall maintain this register and inform the Kingston Police promptly of any changes to the information;
- (5) every licensee shall pay the fee for a false alarm to the Kingston Police within 30 days of the date of invoice and, if a licensee fails to do so, the Division may suspend, revoke or refuse to renew his or her license.