

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 98 – 6

Being a By-Law of the Rural Municipality of East St. Paul To Regulate and Control Burglary and Robbery Alarm Systems, to be known as the "Police Alarm By-Law".

WHEREAS the East St. Paul Police Department has identified a problem with alarms requiring a response by municipal personnel being falsely activated and on occasion frequently falsely activated;

AND WHEREAS in addition to posing a threat to the safety of police officers and the public by creating unnecessary hazards, false alarms result in considerable unnecessary expense and are a nuisance;

AND WHEREAS the Rural Municipality of East St. Paul, pursuant to Section 232(1) of The Municipal Act L.M. 1996, c. 58, may pass a by-law respecting the safety, health, protection and well being of people and the safety and protection of property and for the enforcement of by-laws;

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, duly assembled, enacts as follows:

1. This by-law shall apply to all persons who install, keep, or use an alarm system for security against burglary, vandalism, hold-ups, distress, or other similar reasons, and desire to take advantage of the protective services offered by the East St. Paul Police Department.
- 2.(a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law shall have the same meaning as the same words and expressions in The Municipal Act of the Province of Manitoba.
- (b) In this by-law, unless the context otherwise requires:
  - (1) "ALARM SYSTEM" means any mechanical, electrical or electronic device which is designed or used for the detection of an unlawful act in, or unauthorized entry into, a building, structure or facility and which emits a sound or transmits a signal or message when actuated but does not include:
    - i) a device which registers an alarm that is not audible, visible or perceptible outside of the protected building, structure or facility, or
    - ii) a device that is installed in a "motor vehicle" or "motor home" as those terms are defined in The Highway Traffic Act, C.C.S.M. c.H60.
  - (2) "AUDIBLE ALARM" means an alarm system which generates an audible sound only in, on or about the premises where it is located when it is actuated.
  - (3) "AUTOMATIC CALLING DEVICE" means any device, or combination of devices, that will upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message which is designed to be transmitted over regular telephone lines.
  - (4) "CHIEF CONSTABLE" means the Chief Constable, Chief of Police, for the Municipality or anyone acting or authorized to act on his behalf.
  - (5) "MUNICIPALITY" means the Rural Municipality of East St. Paul or the area contained within the boundary thereof.
  - (6) "EXCESSIVE FALSE ALARMS" means three (3) or more false alarms in any six (6) calendar months.

- (7) "FALSE ALARM" means the actuation of an alarm system resulting in a response by the Police Department where there has been no unauthorized entry or commission of an unlawful act on the premises.
  - (8) "MONITORED ALARM SYSTEM" means an alarm system, excluding an audible alarm, which when actuated transmits a sound, signal or message to a location where personnel are in attendance at all times and one of those functions it is to notify the Police Department of the alarm system being actuated.
  - (9) "OFFICER" means a peace officer, police officer, or constable, working for the Police Department, or any person appointed as a by-law enforcement officer.
  - (10) "POLICE DEPARTMENT" means the Police Department for the Municipality.
- 3.(a) Every person maintaining an audible alarm shall keep the Police Department informed, by notice in writing, of the name, address and telephone number of at least two persons at difference locations to be contacted in the event that the audible alarm is actuated.
- (b) At least one of the persons to be contacted pursuant to subsection (a) shall always:
- i) be available to receive telephone calls from the Police Department made in respect of the audible alarm;
  - ii) be capable of affording access to the premises where the audible alarm is located; and
  - iii) attend at the premises where the audible alarm is located within forty-five (45) minutes of being requested to do so by an Officer.
- (c) No person shall install, maintain or use an audible alarm that is capable of being sounded continually for a period of greater than fifteen (15) minutes after each actuation;
- (d) Where premises contain both an audible and a monitored alarm system, the provisions of this by-law relating to a monitored alarm system shall apply.
- 4.(a) When a person attending a monitored alarm system receives an alarm from such system during those hours when the premises in which the system is located is normally occupied, such person shall, before advising an Officer of the alarm, attempt to verify by telephoning the said premises that the alarm is not a false alarm;
- (b) Subsection (a) does not apply to a monitored alarm system installed in a bank, trust company or a credit union;
- (c) A person who attends a monitored alarm system and who informs any Officer that the monitored alarm system has been actuated shall:
- i) at the same time notify a person capable of affording access to the premises where the monitored alarm system is located to attend at such premises within forty-five (45) minutes from the time an Officer is informed of the actuation of the monitored alarm system.
- (d) In the event a person attending a monitored alarm system is unable to notify a person pursuant to clause (c) i) within ten (10) minutes, an Officer shall not, upon inspecting the exterior of said premises and finding nothing amiss, remain at said premises.
5. It shall be an offence for any person to use, maintain or program or permit the use, maintenance or programming of any automatic calling device to transmit any message to any telephone number assigned to the Police Department concerning any unauthorized entry into a building, structure or facility or the commission of any unlawful act or requesting Police assistance. This restriction does not apply to alarm systems installed for the Police Department for the purpose of monitoring their own facilities.

- 6.(a) The Chief Constable may cause to be issued a Common Offence Notice if:
- i) any person has contravened any of the provisions of this by-law;
  - ii) the persons to be contacted pursuant to subsection 3(a) are not available to receive telephone calls as required by clause 3(b) i);
  - iii) a person contacted pursuant to subsection 3(a) is not capable of affording access to the premises where the audible alarm is located in accordance with clause 3(b) ii) or fails to attend at the premises where the audible alarm is located in accordance with clause 3(b) iii);
  - iv) the person attending the alarm system, in the case of a monitored alarm system, fails to comply with Section 4;
  - v) the alarm system actuates excessive false alarms.
- (b) The following shall not be included when computing the number of false alarms which have occurred for the purpose of subsection (a):
- i) any false alarm which a person can demonstrate was caused by a storm, lightning, fire, earthquake or other Act of God; or
  - ii) any false alarm which a person can demonstrate was actually caused by the act of some person other than the person using or maintaining the alarm system, including that person's officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the user or maintainer of the alarm system.
- 7.(a) Notwithstanding the provisions of subsection 6(b) in the event that a Common Offence Notice is issued, any false alarm which occurred prior to the issuance of the Common Offence Notice shall not be included when determining whether the alarm system actuates excessive false alarms in a subsequent proceeding taken pursuant to clause 6(a) v);
- (b) Where an alarm system actuates excessive false alarms, the Chief Constable may, by a Caution Notice, as set out in Schedule "A" attached hereto, require the person to have the alarm system inspected by a person knowledgeable in the installation and use of alarm systems;
- (c) Within fourteen (14) days of the issuance date of the Caution Notice referred to in subsection (b), a person shall provide the Chief Constable with a report in writing verifying that the inspection has been carried out and indicating the results of the inspection;
- (d) If the report referred to in subsection (c) indicates in any way that the alarm system is malfunctioning due to a fault or deficiency in the alarm system, the person shall forthwith remedy such default or deficiency.
- (e) Where a Caution Notice as mentioned in subsection (b) has been issued and the reporting period mentioned in subsection (c) has passed, the Chief Constable may cause to be issued a Common Offence Notice for each further false alarm within the next six (6) calendar months following.
8. The Common Notice referred to in Clause 7, subsection (b) shall be in writing and shall be delivered to the person using and/or maintaining the alarm system either by:
- i) personal delivery; or
  - ii) by registered mail to such person at the last known address, and where a monitored alarm system is involved, a copy of the said notification may be mailed by ordinary mail to the person or company monitoring said system if the said person or company is known to the Chief Constable.

9. Any person who contravenes any portion of this by-law is guilty of an offence and is liable upon summary conviction to a fine not to exceed One Thousand Dollars (\$1,000.00) but not to be less than One Hundred Dollars (\$100.00).
10. This by-law shall come into effect on the date of the final reading and shall replace By-Law No. 96-77.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled at East St. Paul, in Manitoba, this 18<sup>th</sup> day of February, A. D. 1998.

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Reeve

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Secretary-Treasurer

Read a first time this 10<sup>th</sup> day of February, A. D. 1998.

Read a second time this 18<sup>th</sup> day of February, A. D. 1998.

Read a third time this 18<sup>th</sup> day of February, A. D. 1998.

**POLICE ALARM BY-LAW NO. 98 – 6**  
(Schedule "A")

**EAST ST. PAUL POLICE DEPARTMENT**

**CAUTION NOTICE**

DATE:

TO:

Dear Resident:

The East St. Paul Police Department has received three alarms from your premises during the period of \_\_\_\_\_ to \_\_\_\_\_. These alarms were investigated and found to be False Alarms, as defined by By-Law No. 98-6.

Due to the number of false alarms received from your premises it would appear that there may be a problem with your alarm system. You are, therefore, requested to have your system inspected by a person knowledgeable in the installation and use of alarm systems within fourteen days of the date of this letter and on completion of the inspection provide the East St. Paul Police Department a written report verifying that the inspection has been carried out and the results of that inspection.

Please be aware that any subsequent alarms within the next six month calendar period beginning on \_\_\_\_\_, may cause a Common Offence Notice to be issued for a contravention of the provisions of the Police Alarm By-Law No. 98-6. Any person who contravenes any provision of the Police Alarm By-Law No. 98-6 is guilty of a summary conviction offence and is liable to a fine not exceeding One Thousand Dollars.

An unreasonable false alarm rate imposes a considerable strain on Police resources, seriously impairing the ability of Police Personnel to respond to a genuine occurrence. If you have any questions, please feel free to contact the Chief Constable's office.

Yours truly,

**DAVID GRANT**  
Chief Constable

3021 Bird's Hill Road, East St. Paul, Manitoba R2E 1A7 (204) 668-8322 FAX: (204) 669-8641

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