

PTHE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2004 - 06

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF EAST ST. PAUL
TO AMEND BY-LAW NO. 96-44 AS AMENDED, BEING A BY-LAW NO. 96-44, AS
AMENDED;**

WHEREAS Council of the Rural Municipality of East St Paul deems it expedient and in the best interest of the Municipality to amend by-law No. 96-44, as amended;

THEREFORE the Council of the Rural Municipality of East St Paul, enacts as follows:

AND WHEREAS The Rural Municipality of East St. Paul, pursuant to Section 232(2)(d) of The Municipal Act, C.C.S.M. chapter M225, and amendments thereto (the "Act"), may establish fees to be paid by the owner or occupier of real property for services provided by the municipality;

AND WHEREAS excessive numbers of false alarms are being permitted to occur by the owners or occupiers of real property with alarm systems;

AND WHEREAS these false alarms require emergency responses from the Police of The Rural Municipality of East St. Paul and in doing so poses a threat to the safety of these officers and members of the public by creating unnecessary hazards and delaying the Police response to true emergencies;

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

1. (a) Unless otherwise expressly provided for herein 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 Act.
- (b) In this By-law, unless the context otherwise requires:
 - (i) "Alarm System" means "Security Alarm System", being any mechanical, electrical or electronic device which is installed on or in real property and designed to warn of unlawful act in or unauthorized entry into a building,

structure or facility by activating an audible alarm signal or alerting a monitoring facility but does not include:

(A) a device which registers an alarm that is not audible, visible or perceptible outside of the protected building, structure or facility; or

(B) 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.

(ii) "Alarm Incident" means the activation of an Alarm System and the direct or indirect reporting of the activation to the Police;

(iii) "Audible Alarm" means an Alarm System which generates an audible sound only in, on or about the real property where it is located when activated;

(iv) "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;

(v) "False Alarm" means the activation of an Alarm System resulting in a response by the Police where there has been no unauthorized entry or commission of an unlawful act on the real property. Without limiting the generality of the foregoing, this includes situations where the Alarm System has malfunctioned, has been activated in error or activated during a test. It does not include activations in severe storm conditions or disruption or disturbance of the Alarm System or the real property by a utility company.

(vi) "Monitoring Service" means a person, partnership or company engaged in the business of monitoring Alarm Systems and reporting the occurrence of alarms to the Police.

(vii) "Police" means The Rural Municipality of East St. Paul Police.

2. 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 use the protective services offered by the Police.

3. (a) The owner or occupier of real property shall be responsible for the proper use, installation, maintenance and operation of any Alarm System installed on or in that real property in order to ensure the prevention of false alarms.

(b) The owner or occupier of real property maintaining an audible Alarm System shall keep the Police informed, by notice in writing, of the names, addresses and

telephone numbers of at least two persons at different locations to be contacted in the event that the Audible Alarm is activated.

- (c) At least one of the persons to be contacted pursuant to subsection (b) shall always be available to receive telephone calls from the Police made in respect to the Audible Alarm. These persons must be capable of affording access to the real property where the Audible Alarm is located and be able to attend the real property where the Alarm System is located within forty-five (45) minutes of being requested to do so by the Police.
 - (d) The owner or occupier of real property shall not 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 activation.
 - (e) Where real property contains both an Audible Alarm and an Alarm System with a Monitoring Service, the provisions of this By-law relating to an Alarm System with a Monitoring Service shall apply.
- 4.
- (a) When a Monitoring Service received an alarm from a monitored Alarm System during those hours when a property in which the Alarm System is located is normally occupied, the Monitoring Service shall, before advising Police, make every reasonable attempt to verify by telephone or other methods, that the alarm is not a false alarm;
 - (b) For the purposes of this subsection (a) above, reasonable attempts to verify that the alarm is not a false alarm shall include, but not be limited to, the consideration of the following:
 - date of installation of the Alarm System;
 - number of alarms since installation;
 - location of the cause of the alarm within or on the real property;
 - date and nature of last reported alarm;
 - history of break-ins to the premises located on the real property;
 - likelihood of inadvertent activation by authorized persons;
 - results of attempted contacts with the premises;
 - (c) Subsection (a) does not apply to any type of security alarm system installed in a bank, a trust company, a credit union or a personal distress or panic alarm;
 - (d) A Monitoring Service receiving an alarm and which has notified Police that an Alarm System has been activated shall at the same time notify a person capable of affording access to the real property within forty-five (45) minutes of notification to the Police;
 - (e) In the event a Monitoring Service is unable to notify a person pursuant to Section 3(c) and subsection (d) of this section within ten (10) minutes, the Police shall not, upon inspecting the exterior of the property and finding nothing amiss, remain at said property.

5. It shall be an offense 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 concerning any unauthorized entry into any real property or the commission of any unlawful act or requesting Police assistance. This restriction does not apply to security alarm systems installed for the Police to monitor their own facilities.
6. The owner or occupier of real property to which the services of the Police are provided in response to a False Alarm shall pay to The Rural Municipality of East St. Paul the following fees:
 - (a) for the first two false alarms in a calendar year there shall be no fee;
 - (b) for the third and subsequent false alarms in that calendar years a fee of One Hundred Dollars (\$100.00) for each false alarm;
 - (c) for a false alarm which occurs more than twelve consecutive months from the date of the last false alarm there shall be no fee; and
 - (d) for a false alarm where the Police response has been cancelled prior to the arrival of the Police at the alarm incident, there shall be no fee.
7. Where a fee is charged for a False Alarm, The Rural Municipality of East St. Paul will invoice the owner of the real property. Such invoice is due and payable upon receipt.
8. Any fees remaining unpaid at December 31st (and where the bill is more than 30 days in arrears) will be added to and form part of the taxes payable on the real property where the False Alarm occurred as taxes in arrears.
9. Every person who contravenes or violates any provision of this By-law, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this By-law or who neglects to do or refrains from doing anything required to be done by a provision of this By-law, commits an offense and, upon summary conviction thereof, shall be liable to a fine not to exceed One Thousand Dollars (\$1,000.00) but not less than One Hundred Dollars (\$100.00).
10. This By-law shall come into force and effect on the date of the final reading thereof.
11. That by-law No. 98 – 6 is hereby repealed.

DONE AND PASSED by the Council of The Rural Municipality of East St. Paul in Council duly assembled, in East St. Paul, in Manitoba, this 3rd day of March, 2004.

Originally signed by Lawrence Morris
Reeve

Originally signed Jerome Mauws
Chief Administrative Officer

Read a first time the 4th day of February, 2004

Read a second time the 3rd day of March, 2004

Read a third time the 3rd day of March, 2004