

# TOWN OF WINNIPEG BEACH

## BY-LAW NO. 13-2015

**Being a by-law of the Town of Winnipeg Beach for the purpose of regulating and controlling alarm systems that cause false alarms to be actuated.**

WHEREAS the Town of Winnipeg Beach has identified a problem with the false activation of alarm systems which has required alarm responses by law or by-law enforcement, or the Winnipeg Beach Fire Department or rescue or emergency services;

AND WHEREAS in addition to posing a threat to the safety of the members of law or by-law enforcement, or the Winnipeg Beach Fire Department or rescue or emergency services and the public by creating unnecessary hazards, the false alarms are a nuisance that result in considerable and unnecessary expenses;

AND WHEREAS Section 232 (1) (a) of The Municipal Act provides that a Council may pass by-laws for municipal purposes respecting the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS Section 232 (2) (e) of The Municipal Act states that a by-law may provide for a system of licenses, permits or approvals and specifically pursuant to Section 264 and 267 of The Municipal Act may regulate the installation and false activation of automatic fire detection systems within the Town of Winnipeg Beach.

NOW THEREFORE the Council of the Town of Winnipeg Beach, in regular session assembled, enacts as follows:

1. This By-law may be cited as "The False Alarm By-law".

### 2. DEFINITIONS

2.1 "Alarm System" means any mechanical, electrical or electronic device which is designed or used for;

- (a) the detection of an unlawful act in, or unauthorized entry into a building, structure or facility, or
- (b) the detection of fire and/or smoke in 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.S.M. c.H60.

2.2 "False Alarm" means either

- (a) the actuation of an Alarm System resulting in a response by law or by-law enforcement where there has been no emergency or unauthorized entry or commission of an unlawful act on the premises;
- (b) the actuation of an Alarm System resulting in a response by the Winnipeg Beach Fire Department or rescue or emergency services where there is no emergency, fire and/or smoke.

2.3 "Excessive False Alarms" means three (3) or more False Alarms in any twelve (12) continuous month period, as reported to the Town by law or by-law enforcement, or the Winnipeg Beach Fire Department or rescue or emergency services.

2.4 "Person" means any individual and includes a corporation, firm, partnership or association.

2.5 "Town" means the Town of Winnipeg Beach.

### 3. PROVISIONS

3.1 No Person shall, by use of Alarm System or by any other means of notification, make or cause to be made any False Alarms; intentionally or due to negligence or faulty equipment.

3.2 Where an Alarm System actuates False Alarms, the Chief Administrative Officer or their designate will provide a Written Warning Notice for the first two offenses, requiring the Persons registered on the land title to have the Alarm System inspected by a Person knowledgeable in the installation and use of Alarm Systems and confirm to the Town that the system is in working order.

3.4 Where an Alarm System actuates Excessive False Alarm a penalty, as described in Section 4.1, will be charged to the Person owning the land to which the False Alarms resulted upon.

3.3 All Alarm Systems must be maintained in working order to avoid unnecessary malfunctioning due to a fault or deficiency in the Alarm System, and such default or deficiency must be remedied immediately to avoid False Alarms.

3.4 Law or by-law enforcement, or the Winnipeg Beach Fire Department or rescue or emergency services will determine whether the actuation of an Alarm System is deemed to be False. The Town will track all False Alarms reported to the Town by law or by-law enforcement, or the Winnipeg Beach Fire Department or rescue or emergency services. Any violations to this by-law will be dealt with according to Section 4.

### 4. VIOLATIONS AND ENFORCEMENT

4.1 Any Person who contravenes this By-law is guilty of an offence and will be subject to the following actions:

(a) 1<sup>st</sup> Offence – Written Warning Notice outlining False Alarm provisions (Schedule B).

(b) 2<sup>nd</sup> Offence – Final Written Warning Notice outlining False Alarm provisions. (Schedule C).

(c) 3<sup>rd</sup> and Subsequent Offences – A Penalty Order in the amount of \$500.00 for each separate offence shall be sent to the property owner by way of registered mail (Schedule D).

4.2 Any penalty or fine levied or charged under this By-law shall be a debt owed by the Person to the Town of Winnipeg Beach and same may be collected in any manner in which a tax owed to the Town of Winnipeg Beach may be collected or enforced under the Municipal Act.

### 5. APPEALS

5.1 Any interested person may appeal a Penalty Order issued by the Town by filing with the Chief Administrative Officer of the Town of Winnipeg Beach within 14 days from the date of the order, outlining the reasons for objection or appeal of the order substantially on the form attached as Schedule A - Objection or Appeal of Penalty Order.

5.2 Upon receipt of an appeal in the required Objection or Appeal of Penalty Order form, the Chief Administrative Officer of the Town of Winnipeg Beach shall cause a copy thereof to be forwarded to the Council forthwith and the Council shall entertain such appeal within 40 days of receipt of it by holding a hearing. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose. A notice of hearing shall be issued by Council and shall be served upon the registered property owner no later than 10 days prior to the appeal hearing.

**Schedule "A"**  
**Appeal or Objection of Penalty Order Form**  
**The False Alarm By-law Number 13-2015**  
**Town of Winnipeg Beach**

Attention: Chief Administrative Officer:  
Town of Winnipeg Beach  
PO Box 160  
29 Robinson Ave  
Winnipeg Beach, MB R0C 3G0

Penalty Order Number: \_\_\_\_\_

Registered Owner(s) Name: \_\_\_\_\_

Roll #: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Please take notice that I object to the False Alarm By-law Penalty Order and am appealing the Order on the following grounds:

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- 
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Signed by:

\_\_\_\_\_  
Registered Property Owner

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

**This Appeal or Objection of Penalty Order Form is authorized by Section 5 of the False Alarm By-law Number 13-2015 of the Town of Winnipeg Beach.**

**Please note: Registered Owner is the name of the owner listed in the current assessment record.**



By-Law No. 13-2015  
Schedule B

Address: \_\_\_\_\_

Date of This Notice: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

**Re: False Alarm Responses**

On \_\_\_\_\_, \_\_\_\_\_ the \_\_\_\_\_ reported the above referenced address for a false alarm call.

Please note this is your first warning to advise you, the property owner, that a third and any subsequent false alarms in a 12 month period will result in a \$500.00 fine for each instance.

A copy of By-Law 13-2015 is enclosed for your reference. If you have any questions regarding this By-law please contact the Town office.

Yours truly,

CAO  
Town of Winnipeg Beach



By-Law No.13/2015  
Schedule C

Address: \_\_\_\_\_

Date of This Notice: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

**Re: False Alarm Responses – SECOND INCIDENT & FINAL WARNING**

On \_\_\_\_\_, \_\_\_\_\_ the \_\_\_\_\_ reported the above referenced address for a false alarm call. Please note this is your **second and final warning**.

Please be advised that a third and any subsequent false alarms in a 12 month period will result in a \$500.00 fine for each instance.

A copy of By-Law 13-2015 is enclosed for your reference. If you have any questions regarding this By-law please contact the Town office.

Yours truly,

CAO  
Town of Winnipeg Beach



By-Law No. 13-2015  
Schedule D

Address: \_\_\_\_\_

Date of this Notice: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

**Re: False Alarm Responses – THIRD INSTANCE / INVOICE ATTACHED**

On \_\_\_\_\_, \_\_\_\_\_ reported the above referenced address for a false alarm call. Please note this is your **third** instance which results in a **\$500.00 fine**. Our invoice is attached.

**Please note** that all successive false alarms in any 12 month period shall result in a \$500.00 fine for **each instance**.

A copy of By-Law 13-2015 Schedule D is enclosed for your reference. If you have any questions regarding this By-law please contact the Town office.

I trust you will govern yourself accordingly.

Yours truly,

CAO  
Town of Winnipeg Beach

5.3 The Council shall determine an appeal within 10 days of a hearing and shall serve a notice of disposition forthwith upon determination, upon the interested person(s). The Council may:

- 5.3.1 Confirm the original Penalty Order
- 5.3.2 Vary the Penalty Order
- 5.3.3 Cancel the Penalty Order

DONE AND PASSED in open Council assembled at the Council Chambers of the Town of Winnipeg Beach, this 14th day of October A.D. 2015.

**TOWN OF WINNIPEG BEACH**

  
\_\_\_\_\_  
Mayor, Tony Pimentel

  
\_\_\_\_\_  
CAO, Kerry Lawless

Read a first time this 23th day of September, A.D. 2015.  
Read a second time this 14<sup>th</sup> day of October, A.D. 2015  
Read a third time 14<sup>th</sup> day of October, A.D. 2015