

City of Portage la Prairie
BY-LAW NO. 03-8208

A by-law of the City of Portage la Prairie to regulate and control burglary and robbery alarm systems and to require permits therefor:

WHEREAS law enforcement officers in the City of Portage la Prairie have determined that many alarms are falsely actuated on a frequent basis;

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

THEREFORE THE COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN SESSION DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This by-law may be cited as The Alarm By-Law.
2. 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:
 - (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, CCSM 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 actuation 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 of Police" means the police officer in charge of the Portage la Prairie detachment of the Royal Canadian Mounted Police (the RCMP);
 - (5) "Director of Finance" means the Clerk of the City of Portage la Prairie;
 - (6) "false alarm" means the actuation of an alarm system resulting in a response by the RCMP where there has been no unauthorized entry or commission of an unlawful act on the premises;

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- (7) "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 whose function it is to notify the RCMP of the alarm system being actuated;
- (8) "permittee" means the holder of an alarm system permit;
3. (1) Every establishment, with the exception of private residences, maintaining an audible alarm shall keep the Chief of 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 actuated.
- (2) At least one of the persons to be contacted pursuant to subsection (1) shall always:
- (a) be available to receive telephone calls from the RCMP made in respect of the audible alarm, and
- (b) be capable of affording access to the premises where the audible alarm is located, and
- (c) attend at the premises where the audible alarm is located within 15 minutes of being requested to do so by a member of the RCMP.
- (3) No person shall install, maintain or use an audible alarm that is capable of being sounded continually for more than 15 minutes after each actuation.
- (4) Where premises contain both an audible alarm and a monitored alarm system, the provisions of this by-law relating to a monitored system shall apply.
4. (1) When a person attending a monitored alarm system receives an alarm from that system during those hours when the premises in which the system is located are normally occupied, that person shall, before advising any member of the RCMP of the alarm, attempt to verify that the alarm is not a false alarm by telephoning the premises.
- (2) Subsection (1) does not apply to a monitored alarm system installed in a bank, trust company or a credit union.
- (3) A person who attends a monitored alarm system and who informs any member of the RCMP that the monitored alarm system has been actuated shall:
- (a) at the same time advise such member of the RCMP of the alarm system permit number for the system, and

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- (b) notify a person capable of affording access to the premises where the monitored alarm system is located to attend at the premises within 15 minutes from the time a member of the RCMP is informed of the actuation of the monitored alarm system.
- (4) In the event the person attending a monitored alarm system is unable to notify a person pursuant to clause 4(3)(b) above, within 10 minutes, the police shall not, upon inspecting the exterior of the premises and finding nothing amiss, remain on the premises.
5. (1) No person shall install, keep or use or permit the installation, keeping or use of an alarm system unless there is a valid and subsisting alarm system permit therefor.
- (2) An applicant for an alarm system permit shall make application and provide the information requested to the Director of Finance on the form attached as Schedule A to this by-law, and the applicant shall insure that all the information is kept current and correct and that the Director of Finance is forthwith informed in writing of any changes or corrections to such information during the term of the alarm system permit.
- (3) If a person who installs an alarm fails to apply for a permit as required, and the City becomes aware of this, the City shall notify the owner of the property in writing to comply with the By-Law. If application is made within ~~30 days~~ 45 days (*AM By-Law 04-8249*) of ~~receipt of notice~~ "date of notice" (*AM By-Law 04-8249*), a permit will be issued on the person's behalf. If application is made after ~~30 days~~ 45 days (*AM By-Law 04-8249*) of ~~receipt of notice~~ "date of notice" (*AM By-Law 04-8249*), a fee as stated in the Fees & Charges By-Law is payable.
- (4) The applicant shall pay such fees and penalties as provided in the Fees & Charges By-Law. Unpaid fees and penalties may be added to the property's tax account.
- (5) Alarm system permits shall be issued under:
- (a) the personal signature of the Director of Finance or;
- (b) his mechanically reproduced signature.
- (6) An alarm system permit shall be issued in the name of the property owner.
- (7) An alarm system permit shall not be assigned or transferred.
- (8) Any label or decal issued with the alarm system permit shall be affixed to the protected premises so as to be legible from the exterior of the said premises.
- (9) The Director of Finance shall forthwith provide the RCMP with particulars of every alarm system permit issued by the City.

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- (10) The Chief of Police shall maintain a record of all false alarms and shall each month provide the Director of Finance with an updated report on all false alarms recorded.
- (11) The Chief of Police may recommend the revocation of an alarm system and the Director of Finance may revoke the permit if,
- (a) the permittee has contravened any of the provisions of this by-law,
 - (b) the persons to be contacted pursuant to subsection 3(1) are not available to receive telephone calls as required by subsection 3(2)(a),
 - (c) a person contacted pursuant to section 3(1)
 - (i) is not capable of affording access to the premises where the audible alarm is located in accordance with subsection 3(2)(b), or
 - (ii) fails to attend at the premises where the audible alarm is located in accordance with subsection 3(2)(c),
 - (d) the person attending the alarm system, in the case of a monitored alarm system, fails to comply with section 4, or
 - (e) the alarm system actuates excessive false alarms.
 - (f) the permittee is no longer the owner of the property.
- (12) For the purpose of this section "excessive false alarms" means 3 or more false alarms in 12 calendar months.
- (a) If the alarm system actuates excessive false alarms, an excessive false alarm fee as per the Fees & Charges By-Law will be charged to the owner of the property.
- (13) The following shall not be included when computing the number of false alarms which have occurred for the purposes of subsection (12):
- (a) any false alarm which the permittee can demonstrate was caused by a storm, lightning, fire, earthquake, or other acts of God, or
 - (b) any false alarm which the permittee can demonstrate was actually caused by the act of some person other than:
 - (i) the permittee, including the permittee's officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the permittee,

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- (ii) the person who installed, connected, operated, maintained or serviced the alarm system, or
 - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer.
 - (14)
 - (a) Notwithstanding the provisions of subsection (11) in the event that an alarm system permit is revoked, any false alarm which occurred prior to the revocation shall not be included when determining whether the alarm system actuates excessive false alarms in a subsequent proceeding taken pursuant to subsection 5(11)(e).
 - (b) Where an alarm system actuates excessive false alarms, the Director of Finance may, by notice in writing, require the permittee to have the alarm system inspected by a person knowledgeable in the installation and use of alarm systems.
 - (c) Within 14 days of receipt of the notice referred to in clause (b), a permittee shall provide the Director of Finance 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 clause (c) indicates in any way that the alarm system is malfunctioning due to a fault or deficiency in the alarm system, the permittee shall forthwith remedy such fault or deficiency.
 - (e) Where an alarm system permit has been revoked, the Director of Finance shall not issue a further alarm system permit for the alarm system until the permittee shall have paid the reinstatement fee set out in the Fees & Charges By-Law to the City of Portage la Prairie.
 - (15) When the Director of Finance
 - (a) refuses to issue an alarm system permit to any person, or
 - (b) revokes the alarm system permit held by any person, the Director of Finance shall notify such person of the refusal or revocation by causing a notice in writing,
 - (i) to be delivered to such person, or
 - (ii) to be mailed to such person by registered mail at his last known address, and where a monitored alarm system is involved, a copy of said notification may be mailed by ordinary mail to the person or corporation monitoring the system if the person or corporation is known to the Director of Finance.

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- (16) A person who has been refused an alarm system permit or whose alarm system permit has been revoked may, within 30 days of being notified of the refusal or revocation, appeal such refusal or revocation to council by notifying the Director of Finance in writing of his intention to appeal and following a hearing, the decision of council shall be final and binding and not subject to further appeal.
- (17) When a revocation is appealed in accordance with subsection 5(14), the revocation shall be automatically stayed until the appeal is determined, unless further false alarms are received from the alarm system or from the location in question prior to the hearing of the appeal.
6. No person shall 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 RCMP concerning any unauthorized entry into a building, structure or facility or the commission of any unlawful act or requesting police assistance.
7. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon summary conviction to a fine of not less than \$100.0 and not more than \$1,000.00 in the case of an individual or \$5,000.00 in the case of a corporation.
8. Unless an annual term is specified for alarm system permits pursuant to Section 5, an alarm system permit shall remain in force until revoked.
9. This by-law shall come into force and effect the day after the final passing thereof and shall apply to all alarm systems whether installed, kept or used prior to or after the coming into force of this by-law.
10. By-Laws No. 7626, 00-8061, and 03-8198 be hereby repealed.

DONE AND PASSED IN COUNCIL DULY THIS 8th DAY OF December, 2003

[original signed by Mayor Ian MacKenzie]
Mayor

[original signed by Margaret Loewen]
Manager of Administration

Read a first time this 10th day of November, 2003
Read a second time this 8th day of December, 2003.
Read a third and final time this 8th day of December, 2003.

(Alarm Permit Application to be attached to form part of this by-law.)