



CITY OF DAUPHIN

BY-LAW NUMBER 13/2005

**BEING A BY-LAW OF THE CITY OF DAUPHIN
TO REGULATE AND CONTROL BURGLARY AND ROBBERY ALARMS SYSTEMS**

WHEREAS pursuant to Section 232(1) of *The Municipal Act*, C.C.S.M., chapter M225 and amendments thereto, the City of Dauphin 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;

AND WHEREAS the City of Dauphin pursuant to Section 232(2)(d) of *The Municipal Act*, C.C.S.M., chapter M225, and amendments thereto may establish fees to be paid by the owner of real property for services provided by the municipality;

AND WHEREAS, the Parkland RCMP has determined that many alarms have been falsely activated on a frequent basis;

AND WHEREAS false alarms result in considerable unnecessary expense and are a nuisance requiring police response and delaying the police to respond to true emergencies;

NOW THEREFORE, the Council of the City of Dauphin, duly assembled, enacts as follows:

1. THAT 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.
 - c) a device installed on television sets in hotels/motels that registers an alarm when a television set is being removed from the premise.
- (ii) “**Alarm Incident**” means the activation of an Alarm System and the direct or indirect report 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, imitate a telephonic or recorded message which is designed to be transmitted over regular telephone lines;
 - (v) “**Chief of Police**” means the police officer in charge of the Parkland Royal Mounted Police or anyone acting or authorized to act on his behalf.
 - (vi) “**Excessive False Alarms**” means three (3) or more false alarms reported from one premise in a twelve (12) month calendar period.
 - (vii) “**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 or any apparent attempt to commit such acts. 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.
 - (viii) “**Key Holder**” means any person appointed by the owner of the premise who has the responsibility of attending to the premise, when contacted by the Monitoring Service of the Alarm System, in the event that the Alarm System is activated and the owner of the premise cannot be contacted. The Key Holder shall be available to receive telephone calls from the Monitoring Service and/or RCMP and shall be capable of affording access to the premises where the audible alarm is located and attend at the premises where the audible alarm is located within fifteen (15) minutes of being requested to do so by a member of the RCMP.

- (ix) **“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 functions it is to notify the RCMP of the alarm system being actuated.
 - (x) **“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.
 - (xi) **“Police”** means the Parkland Royal Canadian Mounted Police (R.C.M.P.)
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. The registered owner of the property shall be responsible for the proper use, installation, maintenance and operation of any alarm system installed on or in that property in order to ensure the prevention of false alarms.
 4. No person shall install, maintain or use an audible alarm that is capable of being sounded continually for a period of more than fifteen (15) minutes after each activation.
 5. The RCMP will not respond to businesses or residential intruder alarms unless:
 - a) The alarm system is monitored by a bona fide monitoring service.
 - b) The monitoring service ensures that a “key holder” attend the premise to respond to the sounded alarm; determine if dispatch of the RCMP is warranted; and be capable of affording access to the premise where the audible alarm is located to the RCMP.
 - c) The key holder must attend within 15 minutes of being so requested by the monitoring service. In the event that a monitoring service is unable to notify a key holder pursuant to subsection b) the police if upon inspecting the exterior of the property and finding nothing amiss shall *not remain* at the property.
 6. The RCMP will not respond to a device installed on television sets in hotels/motels that

- registers an alarm when television set is being removed from the premise.
7.
 - (i) The Monitoring Company when receiving an alarm from a monitored property during those hours when a property in which the alarm system is located is normally occupied, shall before advising police, make every reasonable attempts to verify by telephoning the premise and/or using any other method to ensure that it is not a false alarm.
 - (ii) Subsection (i) shall 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;
 - (iii) In the event that a monitoring service is unable to notify a key holder pursuant to subsection (i) of this section, the police if upon inspecting the exterior of the property and finding nothing amiss shall *not remain* at the property.
 8. Where an alarm system activates excessive false alarms, the Chief of Police may by notice in writing request the registered owner to have the alarm system inspected by a person knowledgeable in the installation and use of alarms systems.
 9. The notice referred to in subsection 8 shall be in writing and shall be delivered to the registered owner of the premise either by:
 - i) personal delivery or;
 - ii) by registered mail to such person at his last known address, and where a monitored alarm system is involved, a copy of said notification may be mailed by regular mail to the person or company monitoring said system.
 10. Within 14 days of receipt of this written notice, the registered owner shall provide to the Chief of Police with a report in writing verifying that an inspection has been carried out and the results of the inspection.
 11. If the report indicates that the alarm system is malfunctioning due to a fault or deficiency in the alarm system, the registered owner shall forthwith remedy such fault or deficiency,
 12. The following shall not be included when computing the number of false alarms which have occurred for the purposes of subsection 7:

- a) Any false alarm which can be demonstrated to be caused by a storm, lightning, fire, earthquake, or other acts of God, or;
 - b) Any false alarm which can be demonstrated was actually caused by the acts of another person other than:
 - i. owner of the property, employees, occupants and any other persons subject to the direct or indirect control of the owner;
 - 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.
- 13.** The registered owner of real property to which the services of the Police are provided in response to a False Alarm shall pay to the City of Dauphin the following fees per calendar year (Jan 1-Dec 31):
- a) First two False Alarms – no fee charged
 - b) For the 3rd False Alarm a fee of \$100
 - c) For the 4th False Alarm a fee of \$200
 - d) For the 5th and subsequent False Alarms a fee of \$300
 - e) When a false alarm occurs where the police response has been cancelled prior to the arrival of the police at the property – there shall be no fee charged.
- 14.** The RCMP shall maintain a record of all false alarms and shall at the end of each month provide the City of Dauphin with an updated report on all false alarms recorded.
- 15.** The Chief of Police may order the removal of the alarm system if the alarm system activates excessive false alarms. If the owner fails to remove the alarm system within the time stipulated in the order, the City may enter the premises and remove the alarm system at the cost of the owner, which cost will be collected as a debt to the City.
- 16.** Where a fee is chargeable for a False Alarm, the City of Dauphin shall invoice the registered owner of the real property and such invoice is due and payable upon receipt.

17. Where any fees remain unpaid at December 31 of each year (the invoice is more than 30 days in arrears), the said fees shall be added to and form part of the taxes payable on the real property where the False Alarm occurred as taxes.

18. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues, and is liable upon summary conviction to a fine of not less than \$100 and not more than a fine of One Thousand Dollars (\$1,000) and costs, or imprisonment for a term not exceeding six (6) months or to both such a fine and such imprisonment and costs.

19. This by-law shall come into force and effect on the date of the final reading thereof.

DONE AND PASSED by Council of the City of Dauphin in Regular Session assembled, this 9th day of May, A.D., 2005.

Alex Paul, Mayor

Brad D. Collett, Chief Administrative Officer

READ A FIRST TIME this 18th day of April, A.D., 2005.

READ A SECOND TIME this 9th day of May, A.D., 2005.

READ A THIRD TIME this 9th day of May, A.D., 2005.