

RIVERDALE MUNICIPALITY BY-LAW 2022-09

BEING A BY-LAW OF RIVERDALE MUNICIPALITY FOR THE PURPOSE OF REGULATING AND CONTROLLING ALARM SYSTEMS THAT CAUSE FALSE ALARMS TO BE ACTUATED

WHEREAS Riverdale Municipality has identified a problem with the false activation of alarm systems which has required alarm responses by Rivers Police Service and/or Rivers/Daly Fire Department services;

AND WHEREAS in addition to posing a threat to the safety of the members of RPS or the RDFD services and the Public by creating unnecessary hazards, the false alarms are a nuisance that result in considerable and unnecessary expenses;

AND WHEREAS Section232(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 Section232(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 Riverdale Municipality.

NOW THEREFORE the Council of Riverdale Municipality, 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 in to 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 “motorhome” 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 bylaw 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 RPS and/or RDFD 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 RPS and/or RDFD services.

2.4 “**Person**” means any individual and includes a corporation, firm, partnership or association.

2.5 “**Municipality**” means Riverdale Municipality.

2.6 “**RPS**” means Rivers Police Service

2.7 “**RDFD**” means Rivers/Daly Fire Department

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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 Municipality 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 RPS or RDFD Services will determine whether the actuation of an Alarm System is deemed to be False. The Municipality will track all False Alarms reported to the Municipality by RPS and/or RDFD 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) 1st Offence – Written Warning Notice outlining False Alarm provisions (Schedule B).
- (b) 2nd Offence – Final Written Warning Notice outlining False Alarm provisions. (Schedule C).
- (c) 3rd 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 Riverdale Municipality and same may be collected in any manner in which a tax owed to the Municipality may be collected or enforced under the Municipal Act.

5. APPEALS

5.1 Any interested person may appeal a Penalty Order issued by the Municipality by filing with the Chief Administrative Officer of the Municipality 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 Municipality 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.

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

RIVERDALE MUNICIPALITY BY-LAW 2022-09

DONE AND PASSED by the Council of Riverdale Municipality, in a meeting duly assembled, at Rivers, in Manitoba, this 3rd day of January A.D. 2023.

Original signed by H. Lamb

Mayor – Heather Lamb

Original signed by K. Bridgeman

Chief Administrative Officer

Read a first time this	<u>20th</u>	day of	<u>December</u>	A.D.	<u>2022</u>
Read a second time this	<u>20th</u>	day of	<u>December</u>	A.D.	<u>2022</u>
Read a third time this	<u>3rd</u>	day of	<u>January</u>	A.D.	<u>2023</u>

RIVERDALE MUNICIPALITY BY-LAW 2022-09

SCHEDULE 'A' APPEAL OR OBJECTION OF PENALTY ORDER FORM FALSE ALARM BY-LAW 2022-09 Riverdale Municipality

Attention: Chief Administrative Officer
Riverdale Municipality
PO box 520
Rivers MB R0K 1X0

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:

-
-
-
-
-

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 2022-09 of Riverdale Municipality.

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

**RIVERDALE MUNICIPALITY
BY-LAW 2022-09**

SCHEDULE "B"

Riverdale Municipality
Box 520
Rivers MB R0K 1X0
Ph: 204-328-5300

RE: _____
Address

Date of this Notice: _____

Dear _____

RE: False Alarm Responses

On _____, _____ the _____ reported the above referenced address for a false alarm.

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 No 2022-09 is enclosed for your reference.

Sincerely,

Name & Title
Riverdale Municipality

**RIVERDALE MUNICIPALITY
BY-LAW 2022-09**

SCHEDULE "C"

Riverdale Municipality
Box 520
Rivers MB R0K 1X0
Ph: 204-328-5300

RE: _____
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. Please note this is your **second and final warning**.

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

A copy of By-Law No 2022-09 is enclosed for your reference.

Sincerely,

Name & Title
Riverdale Municipality

**RIVERDALE MUNICIPALITY
BY-LAW 2022-09**

SCHEDULE "D"

Riverdale Municipality
Box 520
Rivers MB R0K 1X0
Ph: 204-328-5300

RE: _____
Address

Date of this Notice: _____

Dear _____

RE: False Alarm Responses – THIRD INSTANCE / INVOICE ATTACHED

On _____, _____ the _____ reported the above referenced address for a false alarm. 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 will result in a \$500.00 fine for each instance.

A copy of By-Law No 2022-09 is enclosed for your reference.

Sincerely,

Name & Title
Riverdale Municipality