

RURAL MUNICIPALITY OF GIMLI

BY-LAW NO. 16-0002

Being a by-law of the Rural Municipality of Gimli for the purpose of regulating and controlling alarm systems that cause false alarms to be actuated.

WHEREAS the Rural Municipality of Gimli has identified a problem with the false activation of alarm systems which has required alarm responses by the Gimli R.C.M.P. Detachment or the Gimli Fire Department;

AND WHEREAS in addition to posing a threat to the safety of the members of the Gimli R.C.M.P. Detachment, the Gimli Fire Department 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 Rural Municipality of Gimli.

NOW THEREFORE the Council of the Rural Municipality of Gimli, 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 the Gimli R.C.M.P. Detachment 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 Gimli Fire Department 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 RM by the local R.C.M.P. Detachment or two (2) or more False Alarms in any twelve (12) continuous month period, as reported to the RM by Gimli Fire Department.

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

2.5 "RM" means the Rural Municipality of Gimli.

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 for the R.C.M.P and for the first offence for the Gimli Fire Department, 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 RM 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 owing 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 The local R.C.M.P. Detachment or Gimli Fire Department will determine whether the actuation of an Alarm System is deemed to be False. The RM will track all False Alarms reported to the Municipality by the local R.C.M.P. Detachment or Gimli Fire Department. 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 for the Gimli Fire Department or R.C.M.P.

(b) 2nd Offence – Final Written Warning Notice outlining False Alarm provisions for the R.C.M.P.

(c) 2nd and Subsequent Offences for the Gimli Fire Department – 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.

(d) 3rd and Subsequent Offences for the R.C.M.P. – A Penalty Order in the amount of \$250.00 for each separate offence shall be sent to the property owner by way of registered mail.

4.2 Any penalty or fine levied or charged under this By-law shall be a debt owed by the Person to the Rural Municipality of Gimli and same may be collected in any manner in which a tax owed to the Rural Municipality of Gimli 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 Rural Municipality of Gimli 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 Rural Municipality of Gimli 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

5.4 That By-Law 14-0010 be repealed and replaced by By-Law 16-0002.

DONE AND PASSED in open Council assembled at the Council Chambers of the Rural Municipality of Gimli, this 9th day of March, 2016.

RURAL MUNICIPALITY OF GIMLI



Mayor



Chief Administrative Officer

Read a first time this 10th day of February, 2016.
Read a second time this 24th day of February, 2016
Read a third time this 9th day of March, 2016



Schedule "A"
Appeal or Objection of Penalty Order Form
The False Alarm By-law Number 16-0002
Rural Municipality of Gimli

Attention: Chief Administrative Officer:
Rural Municipality of Gimli
PO Box 1246
62 2nd Avenue
Gimli, MB R0C 1B0

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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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 16-0002 of the Rural Municipality of Gimli.**

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

