

BY-LAW NO. 15-12

-of-

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law of the Rural Municipality of Springfield for the purpose of regulating and controlling alarm systems that cause false alarms to be actuated.

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

AND WHEREAS in addition to posing a threat to the safety of the members of the R.C.M.P., Springfield Police, Springfield 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 Springfield.

NOW THEREFORE the Council of the Rural Municipality of Springfield, 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 R.C.M.P. or Springfield Police 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 Springfield 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., Springfield Police or Springfield Fire Department.

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

2.5 “RM” means the Rural Municipality of Springfield.

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 RM that the system is in working order.

3.3 Where an Alarm System actuates an 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.

3.4 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.

3.5 The local R.C.M.P., Springfield Police or Springfield 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., Springfield Police or Springfield 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.
- b) 2nd Offence – Final Written Warning Notice outlining False Alarm provisions.
- c) 3rd and Subsequent Offences – A Penalty Order for each separate offence shall be sent to the property owner by way of registered mail as set out in Schedule B – Penalty Offence.
- d) That Council may from time to time, by resolution, amend the Schedules attached to this by-law.

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 Springfield and same may be collected in any manner in which a tax owed to the Rural Municipality of Springfield 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 Springfield 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 Springfield 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

DONE AND PASSED in Council at The Rural Municipality of Springfield at Oakbank,
in the Province of Manitoba this 15th day of December, A.D. 2015.

Bob Bodnaruk

Reeve

Bob Bodnaruk

Colleen Draper

Asst. Chief Administrative Officer

Colleen Draper

READ a first time this 3rd day of November, A.D. 2015.
READ a second time this 1st day of December, A.D. 2015.
READ a third time this 15th day of December, A.D. 2015.

Schedule "A"
Appeal or Objection of Penalty Order Form
The False Alarm By-law No. 15-12
Rural Municipality of Springfield

Attention: Chief Administrative Officer:
Rural Municipality of Springfield
PO Box 219
100 Springfield Centre Drive.
Oakbank, MB R0E 1J0

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:

Date: _____

Registered Property Owner

Print Name

**This Appeal or Objection of Penalty Order Form is authorized by Section 5 of the
False Alarm By-law No. 15-12 of the Rural Municipality of Springfield.**

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

Schedule "B"
Penalty Offence
The False Alarm By-law No. 15-12
Rural Municipality of Springfield

Registered Owner(s) Name: _____

Roll #: _____

Civic Address: _____

You are charged that on the _____ day of _____, 20__ an alarm system at the above noted civic address actuated a false alarm which is subject to a penalty of \$250.00.

Any penalty or fine levied or charged under By-law 15-12 shall be a debt owed by the Person to the Rural Municipality of Springfield and same may be collected in any manner in which a tax owed to the Rural Municipality of Springfield may be collected or enforced under the Municipal Act

Signed by:

Date: _____

**This Penalty is authorized by Section 4 of the False Alarm By-law No. 15-12 of the
Rural Municipality of Springfield.**

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