

CONTINUING CONSOLIDATION
POLICE ALARM BY- LAW NO. 5985/22/92

AS AMENDED BY BY-LAWS NO. 6094/43/93, 6610, 6662 AND 6665.

BEING A BY-LAW of The City of Brandon to regulate and control burglary and robbery alarm systems to be known as the "Police Alarm By-law".

WHEREAS the Brandon Police Service has identified a problem with alarms requiring a response by City Personnel being falsely activated and on occasion frequently falsely activated;
[AM. B/L 6094/43/93]

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

AND WHEREAS The City of Brandon pursuant to Sections 98, 287 and 370 of The Municipal Act, R.S.M. 1988, c.M225 may regulate the installation and utilization of crime prevention alarms within The City of Brandon;

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

- 1. 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 desire to take advantage of the protective services offered by the Police Service.**
[AM. B/L 6094/43/93]
- 2. (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law shall have the same meaning as the same words and expressions in The Municipal Act of The Province of Manitoba.**
(b) 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:**
 - 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.C.S.M. 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 activation, 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 Chief of Police for the City or any one acting or authorized to act on his behalf.**

2. (b) (5) **"CITY"** means The City of Brandon or the area contained within the boundary thereof.
- (6) **"EXCESSIVE FALSE ALARMS"** means four (4) or more false alarms reported from one premise in any twelve (12) calendar month period.
[AM. B/L 6662]
- (7) **"FALSE ALARM"** means the actuation of an alarm system resulting in a response by the Police Service where there has been no unauthorized entry or commission of an unlawful act on the premises.
[AM. B/L 6094/43/93]
- (8) **"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 Police Service of the alarm system being actuated.
[AM. B/L 6094/43/93]
- (9) **"OFFICER"** means a peace officer, police officer, or constable, working for the Police Service, or any person appointed as a by-law enforcement officer.
[AM. B/L 6094/43/93]
- (10) **"PERMITTEE"** means the holder of an alarm system permit.
- (11) **"PERSON"** means any individual and includes business, corporation, firm, partnership, association, company or group of persons.
- (12) **"POLICE SERVICE"** means the Police Service for the City.
[AM. B/L 6094/43/93]
- (13) **"SUPERVISOR OF MUNICIPAL LICENSING"** means the Supervisor of the Municipal Licensing Section of the Department of Legal Services for the City or any one acting or authorized to act on his behalf; and **"LICENSE INSPECTOR"** shall have the same meaning.
3. It shall be an offence for any person to install, keep, or use, or permit the installation, keeping, or use of, an alarm system without a valid and subsisting alarm system permit from the City to do so, in the form attached as Schedule "A" hereto.
4. (a) Every person seeking an alarm system permit shall make application and provide the information requested to the Supervisor of Municipal Licensing in the form attached as Schedule "B" hereto, and shall tender with such application the non-refundable application fee as set out in the City's annual fee schedule.. The Supervisor of Municipal Licensing will issue an alarm system permit providing the applicant is in compliance with the provisions of this by-law.
[AM. B/L 6610]
- (b) An alarm system permit shall be issued in the name of the person in actual occupation of the premises, or in the name of the manager of a corporation, partnership or other organization in occupation of the premises, which the alarm system is designed to protect.

- (c) An alarm system permit shall remain in force for the duration that the alarm system is maintained unless said permit is suspended or revoked and such permit shall not be assigned or transferred.
 - (d) 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 premises. The form of such decal is set out on Schedule "C" hereto.
 - (e) A permittee shall ensure all information respecting the alarm system is kept current with the Supervisor of Municipal Licensing, and in any respect will annually confirm with the Supervisor of Municipal Licensing that the information respecting the alarm system is accurate. Where such confirmation has not been provided by March 31 of any year, the permittee will be required to pay a late registration fee as set out in the City's annual fee schedule.
[AM. B/L 6610]
5.
 - (a) Every person maintaining an audible alarm shall keep the Supervisor of Municipal Licensing informed, by notice in writing, of the name, address and telephone number of at least two persons at different locations to be contacted in the event that the audible alarm is actuated.
 - (b) At least one of the persons to be contacted pursuant to subsection (a) shall always:
 - (1) be available to receive telephone calls from the Police Service made in respect of the audible alarm;
[AM. B/L 6094/43/93]
 - (2) be capable of affording access to the premises where the audible alarm is located; and
 - (3) attend at the premises where the audible alarm is located within forty-five (45) minutes of being requested to do so by an Officer.
 - (c) No person shall install, maintain or use an audible alarm that is capable of being sounded continually for a period of greater than fifteen (15) minutes after each actuation;
 - (d) Where premises contain both an audible and a monitored alarm system, the provisions of this by-law relating to a monitored alarm system shall apply.
6.
 - (a) When a person attending a monitored alarm system receives an alarm from such system during those hours when the premises in which the system is located is normally occupied, such person shall, before advising an Officer of the alarm, attempt to verify by telephoning the said premises that the alarm is not a false alarm;
 - (b) Subsection (a) does not apply to a monitored alarm system installed in a bank, trust company or a credit union;

6. (c) A person who attends a monitored alarm system and who informs any Officer that the monitored alarm system has been actuated shall:
- (1) at the same time advise such Officer of the alarm system permit number for such system; and
 - (2) notify a person capable of affording access to the premises where the monitored alarm system is located to attend at such premises within forty-five (45) minutes from the time an Officer is informed of the actuation of the monitored alarm system.
- (d) In the event a person attending a monitored alarm system is unable to notify a person pursuant to clause (c)(2) within ten (10) minutes, an Officer shall not, upon inspecting the exterior of said premises and finding nothing amiss, remain at said premises.
7. It shall be an offence for any person to 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 Police Service concerning any unauthorized entry into a building, structure or facility or the commission of any unlawful act or requesting police assistance. This restriction does not apply to alarm systems installed for the Police Service for the purpose of monitoring their own facilities.
[AM. B/L 6094/43/93]
8. (a) The Chief of Police may revoke or suspend any alarm system permit if:
- (1) the permittee has contravened any of the provisions of this by-law;
 - (2) the persons to be contacted pursuant to subsection 5(a) are not available to receive telephone calls as required by clause 5(b)(1);
 - (3) a person contacted pursuant to subsection 5(a):
 - i) is not capable of affording access to the premises where the audible alarm is located in accordance with clause 5(b)(2), or
 - ii) fails to attend at the premises where the audible alarm is located in accordance with clause 5(b)(3);
 - (4) the person attending the alarm system, in the case of a monitored alarm system, fails to comply with Section 6; or
 - (5) the alarm system actuates excessive false alarms.
8. (b) The following shall not be included when computing the number of false alarms which have occurred for the purpose of subsection (a):
- (1) any false alarm which the permittee can demonstrate was caused by a storm, lightning, fire, earthquake or other act of God; or
 - (2) any false alarm which the permittee can demonstrate was actually caused by the act of some person other than 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.

9. (a) Notwithstanding the provisions of subsection 8(b) in the event that an alarm system permit is suspended or revoked, any false alarm which occurred prior to the suspension or revocation shall not be included when determining whether the alarm system actuates excessive false alarms in a subsequent proceeding taken pursuant to clause 8(a)(5);
- (b) Where an alarm system actuates excessive false alarms, the Chief of Police 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 fourteen (14) days of receipt of the notice referred to in subsection (b), a permittee shall provide the Chief of Police 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 subsection (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 default or deficiency;
- (e) Where an alarm system permit has been revoked, the Chief of Police shall advise the Supervisor of Municipal Licensing who may, during the six (6) months following such revocation, refuse to issue a further alarm system permit for such alarm system.
10. (a) When the Chief of Police suspends or revokes an alarm system permit, the permittee shall be notified of such suspension or revocation.
- (b) When the Supervisor of Municipal Licensing refuses to issue an alarm system permit, the applicant shall be notified of such refusal.
- (c) The notice referred to in subsections (a) and (b) shall be in writing and shall be delivered to the permittee or the applicant either by:
- i) personal delivery; or,
 - ii) by registered mail to such person or permittee 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 company monitoring said system if the said person or company is known to the Chief of Police.
11. (a) The decision of the Chief of Police to suspend or revoke an alarm system permit is final and absolute.
[AM. B/L 6665]
- (b) A person who has been refused an alarm system permit may, within thirty (30) days of being notified of the refusal, submit a written appeal to the Chief of Police, the decision of the Chief of Police shall be final and absolute.
[AM. B/L 6665]
- (c) Any holder of an alarm system permit which has been revoked shall be required to reapply pursuant to subsection 4(a) prior to obtaining any subsequent alarm system permit, including tendering a non-refundable reapplication fee as set out in the City's annual fee schedule.
[AM. B/L 6610]

12. Any person who contravenes any provision of this By-law is guilty of an offense and is liable upon summary conviction to a fine not exceeding One Thousand (\$1,000.00) Dollars.
- 12.1 Notwithstanding subsection 9(b), any person owning an alarm system deemed to have actuated excessive false alarms is guilty of an offence and will be charged a user fee of \$100.00 for each excessive false alarm, payable upon receipt of a registered bill.
[AM. B/L 6662]
13. By-law 5913/70/91 is hereby repealed.
14. This By-law shall come into full force and take effect upon the passage thereof.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 2nd day of March, A.D. 1992.

“R.N. Bortotsik”

MAYOR

“C.R.Arvisais”

ACTING CITY CLERK

Read a first time this 2nd day of March, A.D. 1992.

Read a second time this 2nd day of March, A.D. 1992.

Read a third time this 2nd day of March, A.D. 1992.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 5985/22/92, as amended by By-laws No. 6094/43/93, 6610, 6662 and 6665.

C.R.Arvisais, City Clerk

SCHEDULE "A" TO POLICE ALARM BY-LAW NO. 5985/22/92

FEE: _____

PERMIT NO.: _____

ALARM SYSTEM PERMIT

THIS IS TO CERTIFY THAT _____

of _____
(address)

is hereby authorized to operate an alarm system in the City of Brandon.

THIS Permit is to be in force from the date hereof for the duration that the alarm system is maintained, unless sooner suspended or forfeited.

PROVIDED, nevertheless, that the Permittee shall comply with all By-laws, Rules and Regulations as are now or hereinafter may be in force in the said City respecting said permit.

Alarm system permits and/or decals are to be displayed in a location visible to patrolling Officers.

DATED at the City of Brandon, this _____ day of _____, A.D. 19____, By Order of the Council of The City of Brandon.

(for) Supervisor of Municipal Licensing

ALARM PERMIT
APPLICATIONBRANDON CITY
POLICE DEPARTMENT

P R E M I S E S P R O T E C T E D	NAME OF APPLICANT		
	NAME OF COMPANY (if different from above)		
	ADDRESS OF PROTECTED PREMISES (where alarm is located)		POSTAL CODE
			PHONE NUMBER
A L A R M	TYPE RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/>		DATE INSTALLED
	PURPOSE BURGLAR <input type="checkbox"/> HOLD UP <input type="checkbox"/> VANDAL <input type="checkbox"/> DISTRESS <input type="checkbox"/> OTHER <input type="checkbox"/> specify		
	MONITORING COMPANY NAME		ADDRESS
			PHONE NUMBER
	INSTALLING COMPANY NAME		ADDRESS
			PHONE NUMBER
S Y S T E M S K E Y H O L D E R O N L Y	NAME	HOME ADDRESS (to include Postal Code)	HOME PHONE
			BUSINESS PHONE
	NAME	HOME ADDRESS	HOME PHONE
			BUSINESS PHONE
	NAME	HOME ADDRESS	HOME PHONE
			BUSINESS PHONE
H A Z A R D S	(TO INCLUDE DANGEROUS GOODS, GUARDS, DOGS OR OTHER)		
C E R T I F I C A T I O N	I CERTIFY THAT ALL INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT, TO THE BEST OF MY KNOWLEDGE.		
	(APPLICANT'S NAME - PRINT)		SIGNATURE

White — POLICE

Yellow — LICENCING

Pink --- APPLICANT

