

Town of Carberry

By-Law No. 3/2018

BEING a by-law of the Town of Carberry for the purpose of regulating and controlling alarm systems that cause false alarms to be actuated.

WHEREAS The Town of Carberry has identified a problem with the false activation of alarm systems which has required alarm responses by the Carberry North Cypress-Langford Fire Department emergency services;

AND WHEREAS in addition to posing a threat to the safety of the members of the Fire Department emergency services 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 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 (1) (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 Town of Carberry.

NOW THEREFORE the Council of The Town of Carberry, 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:

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.S.M. c.H60.

2.2 “False Alarm” means;

(a) The actuation of an Alarm System resulting in a response by the Carberry North Cypress-Langford Fire Department or rescue or emergency services where there is no emergency, fire and/or smoke. This includes a response by members to the fire hall only, not necessarily to the address in question.

2.3 “Excessive False Alarms” means three (3) or more False Alarms in any twelve (12) continuous month period, as reported to the Town by the Fire Department.

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 offences, 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 Town in writing that the system is in working order.
- 3.3 Where an alarm system actuates excessive false alarms, 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 Carberry North Cypress-Langford Fire Department will determine whether the actuation of an Alarm System is deemed to be False. The Town will track all False Alarms reported to the Town by the 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 (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 debt owed by the Person to the Town of Carberry and same may be collected in any manner in which a tax owed to the Town of Carberry may be collected or enforced under the Municipal Act.

5. APPEALS

- 5.1 Any interested person may appeal a Penalty Order issued by the Town by filing with the Chief Administrative Officer of the Town of Carberry 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 Town of Carberry shall cause a copy

thereof to be forwarded to 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 the hearing and shall serve a notice of disposition forthwith upon determination, upon the interested person(s). The Council may:

- 5.3.1 Confirm the Penalty Order
- 5.3.2 Vary the Penalty Order
- 5.3.3 Cancel the Penalty Order

DONE AND PASSED in open Council assembled at the Council Chambers of the Town of Carberry, this 9th day of October, 2018.

Town of Carberry

Mayor, Stuart Olmstead

CAO, Sandra Jones

Read a first time this 11th day of September, 2018
Read a second time this 9th day of October, 2018
Read a third time this 9th day of October, 2018