

**RURAL MUNICIPALITY OF ELTON  
BY-LAW NO. 1650**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ELTON for the purpose  
of regulating and controlling alarm systems that cause false alarms to be actuated.**

**WHEREAS** The Rural Municipality of Elton (Municipality) has identified a problem with the false activation of alarm systems which has required alarm responses from contracted fire departments which include The City of Brandon Fire Department, Canadian Forces Base (CFB) Shilo, Riverdale Municipality (Rivers/Daly Fire Department) and the Rural Municipality of Oakview Fire Department (Contracted Fire Departments) as well as the Royal Canadian Mounted Police (RCMP) Blue Hills Area Detachment;

**WHEREAS** Section 232 (1) (a) of The Municipal Act provides that Council may pass by-laws for municipal purposes respecting to the safety, health protection and well-being of people, and the safety and protection of property;

**WHEREAS** Section 232 (2) (e) (i) of The Municipal Act states that a by-law may provide for a system of licenses, permits or approvals to establish fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation 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 Municipal of Elton.

**NOW THEREFORE** the Council of the Rural Municipality of Elton enacts as follows:

**TITLE**

1. This By-Law may be known as the “False Alarm By-Law”.

**DEFINITIONS**

2. In this By-Law,

**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 “Contracted Fire Departments”** means the The City of Brandon Fire Department, Canadian Forces Base (CFB) Shilo, Riverdale Municipality (Rivers/Daly Fire Department) and the Rural Municipality of Oakview Fire Department.

**2.3 “Excessive False Alarms”** means two (2) or more False Alarms in a 12-month period, as reported to the Municipality by the RCMP Detachment and/or one of the Contracted Fire Departments.

**2.4 “False Alarm”** means either:

- a) the actuation of an Alarm System resulting in a response by the RCMP 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 one of the Contracted Fire Departments where there is no emergency, fire and/or smoke.

**2.4 “Municipality”** means the Rural Municipality of Elton.

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

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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 offense, 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 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 Contracted Fire Departments and/or the RCMP Detachment 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 the Contracted Fire Departments and/or the RCMP Detachment. 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) 1<sup>st</sup> Offence – Written warning notice outlining False Alarm provisions.
- b) 2<sup>nd</sup> Offence – Final written warning Notice outlining False Alarm provisions.
- c) 3<sup>rd</sup> and Subsequent Offences (Excessive False Alarms) – 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.

4.2 Any penalty or fine levied or charged under the By-Law shall be debt owned by the Person to the Rural Municipality of Elton and may be collected in any manner in which a tax owned to the Rural Municipality of Elton may be collected or enforced under the Municipal Act.

**5. APPEALS**

5.1 Any interested Person may appeal a Penalty Order issued by the Rural Municipality of Elton by filing with the Chief Administrative Officer or designated officer within 21 days from the date of the order, outlining the reasons for the 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 Elton shall cause a copy to be forwarded to the Council, and the Council shall entertain such an appeal at a board of appeal hearing held at the next regular scheduled Council meeting.

5.3 The Council shall determine an appeal within 10 days of review and have the following courses of action:

- 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 Manitoba this 12 day of July 2022.

  
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Reeve  
  
\_\_\_\_\_  
Chief Administrative Officer

Read a First time this 14<sup>th</sup> day of June, 2022.

Read a Second time this 12<sup>th</sup> day of July, 2022.

Read a Third time this 12<sup>th</sup> day of July, 2022.