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CONSOLIDATION UPDATE: NOVEMBER 9, 2022

THE CITY OF WINNIPEG

THE ALARM BY-LAW
NO. 4676/87

A By-law of THE CITY OF WINNIPEG to regulate and control burglary and robbery alarm systems and to require permits therefor.

WHEREAS the Winnipeg Police Service has carried out a study of alarm responses in the City of Winnipeg; and

AND WHEREAS the Winnipeg Police Service has determined that many alarms have been falsely activated on a frequent basis; and

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;

amended 6595/95

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This By-law may be cited as "**The Alarm By-law**".

2. In this By-law, unless the context otherwise requires:

amended 6595/95

"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:

(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.C.S.M. c. H60.

"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;

"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;

"Chief of Police" means the Chief of Police of The City of Winnipeg or his designate;

"false alarm" means the actuation of an alarm system resulting in a response by the Winnipeg Police Service where there has been no unauthorized entry or commission of an unlawful act on the premises;

amended 6595/95

"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 Winnipeg Police Service of the alarm system being actuated;

amended 6595/95

"permittee" means the holder of an alarm system permit;

amended 6595/95

2.1 The Chief of Police and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter*¹ and for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

added 8162/2002

3. (1) Every person maintaining an audible alarm shall keep the Chief of Police informed, by notice in writing, of the names, addresses and telephone numbers of at least two persons at different locations to be contacted in the event that the audible alarm is actuated.

(2) At least one of the persons to be contacted pursuant to subsection (1) shall always:

(a) be available to receive telephone calls from the Winnipeg Police Service made in respect of the audible alarm; and

amended 6595/95

(b) be capable of affording access to the premises where the audible alarm is located; and

- (c) attend at the premises where the audible alarm is located within forty-five (45) minutes of being requested to do so by a member of the Winnipeg Police Service.
amended 6595/95
 - (3) 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.
 - (4) Where premises contain both an audible alarm and a monitored alarm system, the provisions of this By-law relating to a monitored alarm system shall apply.
- 4.
- (1) 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 any member of the Winnipeg Police Service of the alarm attempt to verify by telephoning the said premises that the alarm is not a false alarm.
amended 6595/95
 - (2) Subsection (1) does not apply to a monitored alarm system installed in a bank, trust company or a credit union.
 - (3) A person who attends a monitored alarm system and who informs any member of the Winnipeg Police Service that the monitored alarm system has been actuated shall:
 - (a) at the same time advise such member of the Winnipeg Police Service of the alarm system permit number for such system, and
 - (b) 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 a member of the Winnipeg Police Service is informed of the actuation of the monitored alarm system.
amended 6595/95
 - (4) In the event the person attending a monitored alarm system is unable to notify a person pursuant to clause (b) of subsection 3 within 10 minutes, the police shall not, upon inspecting the exterior of said premises and finding nothing amiss, remain at said premises.
- 5.
- (1) No person shall install, replace, relocate, keep or use, or permit the installation, replacement, relocation, keeping or use of an alarm system unless a valid and subsisting alarm system permit has been issued therefor.
amended 7386/99

- (2) An applicant for an alarm system permit shall make application and provide the information requested to the Chief of Police in the content and form as approved by the Winnipeg Police Service, and the applicant shall ensure that all such information is kept current and correct and that the Winnipeg Police Service is forthwith informed in writing of any and all changes or corrections to such information during the term of the alarm system permit.
amended 6595/95; 42/2005
- (3) Alarm system permits shall be issued under
 - (a) the personal signature of the Chief of Police, or
 - (b) his mechanically reproduced signature.
- (4) An alarm system permit shall be issued in the name of the person in actual occupation of the premises which the alarm system is designed to protect.
- (5) An alarm system permit shall not be assigned or transferred.
- (6) 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 said premises.
- (7) The Chief of Police may revoke or suspend any alarm system permit if
 - (a) the permittee has contravened any of the provisions of this By-law;
 - (b) the persons to be contacted pursuant to subsection 3(1) are not available to receive telephone calls as required by subsection 3(2)(a);
 - (c) a person contacted pursuant to section 3(1)
 - (i) is not capable of affording access to the premises where the audible alarm is located in accordance with subsection 3(2)(b), or
 - (ii) fails to attend at the premises where the audible alarm is located in accordance with subsection 3(2)(c);
 - (d) the person attending the alarm system, in the case of a monitored alarm system, fails to comply with section 4; or
 - (e) the alarm system actuates excessive false alarms.
- (8) For the purpose of this section "excessive false alarms" means two or more false alarms in any 12 calendar months.
amended 7386/99

- (9) The following shall not be included when computing the number of false alarms which have occurred for the purpose of subsection (8):
- (a) any false alarm which the permittee can demonstrate was caused by a storm, lightning, fire, earthquake or other act of God; or
 - (b) any false alarm which the permittee can demonstrate was actually caused by the act of some person other than
 - (i) 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;
 - (ii) the person who installed, connected, operated, maintained or serviced the alarm system; or
 - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer.
- (10) (a) *repealed 7386/99*
- (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. The notice shall be served in accordance with *The City of Winnipeg Charter*.² Where an address for sending a notice is required, the residential address shown on the application form approved by the Winnipeg Police Service shall be used.
amended 8162/2002; 42/2005
- (c) Within fourteen (14) days of receipt of the notice referred to in clause (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 clause (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 fault or deficiency;
- (e) Where an alarm system permit has been revoked the Chief of Police may, during the 12 months following such revocation, refuse to issue a further alarm system permit for such alarm system.
amended 7386/99

- (11) When the Chief of Police
- (a) refuses to issue an alarm system permit to any person; or
 - (b) suspends or revokes the alarm system permit held by any person, the Chief of Police shall notify such person of the refusal, suspension or revocation by causing a notice in writing which shall contain the information required by, and be served in accordance with *The City of Winnipeg Charter*.³ Where an address for sending a notice is required, the residential address shown on the application form approved by the Winnipeg Police Service shall be used.
amended 8162/2002; 42/2005
 - (c) *repealed 8162/2002*
 - (d) *repealed 8162/2002*
- (12) An appeal from a notice issued under subsection 5(11) may be made within thirty (30) days in accordance with *The City of Winnipeg Charter*.⁴ to the Standing Policy Committee on Community Services.
amended 8162/2002; 106/2015; 137/2022
- (13) When a suspension or revocation is appealed in accordance with subsection 5(12), the suspension or revocation shall be automatically stayed until the appeal is determined, unless further false alarms are received from said alarm system or from the location in question prior to the hearing of the appeal.
- (14) Every person who occupies premises in which an alarm system is installed shall ensure that the alarm system does not actuate excessive false alarms.
added 7386/99
6. No person shall 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 Winnipeg Police Service concerning any unauthorized entry into a building, structure or facility or the commission of any unlawful act or requesting police assistance.
amended 6595/95
- 7(1) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule.
amended 53/2017

7(2) If an Early Payment Discount amount for a provision of this By-law is set out in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who is issued penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

amended 7386/99; 53/2017

7(3) Subject to subsections (1) and (2), an individual who contravenes any other provision of this By-law is subject to a minimum fine of \$75.00 and a maximum fine of \$1,000, and a corporation is subject to a maximum fine of \$5,000.00.

added 53/2017

7.1

repealed 53/2017

8. (1) Subject to section 8.1, an alarm permit issued pursuant to this By-law expires four years after the date of issue, unless earlier revoked, but may be renewed upon payment of the fee set out in subsection (4).

(2) Alarm permit fees for commercial premises and residential premises are payable by the applicant for an alarm permit for:

- (a) the installation of a new or replacement alarm system,
- (b) the relocation of an existing alarm system or
- (c) the reinstatement of an alarm permit after a period of revocation.

amended 31/2015 (entire subsection)

(3) For the purposes of subsection (2), a residential permit applies only to an alarm system in a single family or two family residential dwelling.

(4) A permit renewal fee is payable for the renewal of an existing alarm permit or the reinstatement of an alarm permit after a period of suspension.

amended 87/2008; 31/2015 (effective April 1, 2015)

8.1 (1) Notwithstanding subsection 8(1),

- (a) alarm permits that were issued in 1999 or earlier expire on November 30, 2008;
- (b) alarm permits that were issued in 2000, 2001 or 2002 expire on November 30, 2009;
- (c) alarm permits that were issued in 2003, 2004, 2005 or 2006 expire on November 30, 2010;
- (d) alarm permits that were issued in 2007 expire on November 30, 2011; and

- (e) alarm permits that were issued between January 1, 2008 and July 1, 2008 expire four years after the date they were issued.
 - (2) Alarm permits referred to in subsection (1) may be renewed prior to the date that they expire upon payment of the fee set out in subsection 8(4), and are thereafter valid for a period of four years from the date of renewal, unless earlier revoked.
amended 87/2008 (effective July 1, 2008)
- 9. This By-law shall come into force and effect on the 1st day of April, 1988, and shall apply to all alarm systems whether installed, kept or used prior to or after the coming into force of this By-law.
amended 4773/87
- 10. (1) *repealed 6245/93*
(2) *repealed 6245/93*

DONE AND PASSED in Council assembled, this 20th day of August, 1987.

1 See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.

2 See sections 180 to 184 and sections 116 and 117 of *The City of Winnipeg Charter* for information about the powers given to designated employees to issue compliance orders and how they must be served.

3 See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.

4 See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.

Schedule A to The Alarm By-law No. 4676/87

repealed 42/2005