



The Corporation of the Township of Adjala-Tosorontio

By-law 11-41 (Consolidated – as amended)

Fire & Emergency Services Fees and Charges By-Law

A by-law to establish fire and emergency services fees and charges

Consolidation		
Amendment No. 1	By-law 13-17	June 3, 2013

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E&EO

OFFICE CONSOLIDATION
Current to Amendment No. 1
By-law 13-17, June 3, 2013

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 11 - 41

FIRE & EMERGENCY SERVICES FEES AND CHARGES BY-LAW

WHEREAS section 2 of the *Fire Protection and Prevention Act 1997*, S.O. 1997, c. 4, as amended, authorizes a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency fire services program;

AND WHEREAS The Corporation of the Township of Adjala – Tosorontio has established a Fire Department to deliver firefighting and related emergency services together with fire protection services;

AND WHEREAS section 391 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, authorizes a municipality by by-law to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control.

AND WHEREAS the Council of the Corporation gave notice that it intended to pass a By-law to Establish Fees for Fire Department Services;

AND WHEREAS the Council of the Township of Adjala-Tosorontio deems it necessary and expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows:

1. In this by-law,

“agency” includes any law enforcement agency, public utility, provincial or federal ministry together with any of its agencies, boards and commissions, the Electrical Safety Authority, the Technical Standards & Safety Authority together with any other entity that has statutory regulatory or oversight authority;

“applicant” means a property owner, tenant, authorized agent of a property owner or agency and who formally requests the assistance of the fire department.

“controlled substance” means a “controlled substance” as defined and described in Schedules I, II, and III of the Controlled Drugs and Substances Act, 1996, c.19, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully licensed under any other Township by-law;

“Corporation” means The Corporation of the Township of Adjala – Tosorontio;

“emergency system” includes a sprinkler system, standpipe system, fire extinguishing system, smoke control system, emergency power system, fire pump system, voice communication system;

“Fire & Emergency Services” means the fire department within the meaning of the *Fire Protection and Prevention Act 1997*, S.O. 1997, c.4, as amended, and is deemed to include any member of the Fire & Emergency Services;

“firefighting and emergency services” includes all services related or incidental to the prevention, control and suppression of fires and the protection of lives and property, but excludes the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma;

“malicious act” means a wrongful act done intentionally by any person without just cause or excuse;

“member” means a volunteer firefighter and officer of Fire & Emergency Services, but excludes the Fire Chief, Deputy Fire Chief and an administrative secretary to the Fire Chief;

“motor vehicle” has the same meaning as prescribed in the *Highway Traffic Act* R.S.O. 1990 c. H.8, as amended;

“person” includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative;

“nuisance false alarm” means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper installation of the system or failure to maintain the system as prescribed by the Fire Code being Ontario Regulation 213/07, as amended, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system;

“property” means any public or private real property within the Township of Adjala – Tosorontio including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown;

“property owner” means the registered owner of property or any person, firm or corporation having control over or possession of the property or any portion thereof, including a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

2. The fees and charges shall be in accordance with the Township Fees and Charges By-law, as amended.
(By-law No. 13-17)
3. Payment of all fees and charges are due in advance of the requested service or at the time the expense is incurred unless otherwise stated within the Township Fees and Charges By-law.
(By-law No. 13-17)
4. This By-law shall be known as the “Fire & Emergency Services Fees and Charges By-Law”.

FIRE ALARMS

5. If Fire & Emergency Services attends at a property in response to a fire alarm and upon conducting an investigation a member of Fire & Emergency Services determines that the alarm is a nuisance false alarm, the property owner may be charged a fee if Fire and Emergency

Services responds to the false alarms.
(By-law No. 13-17)

6. If a property owner fails to notify the Fire & Emergency Services in advance of any work being conducted on a fire alarm system or emergency system at a property, and as a result of the work being done on a fire alarm system or emergency system a false alarm is triggered, the property owner may be charged a fee if Fire & Emergency Services responds to a false alarm.
(By-law No. 13-17)
7. If Fire & Emergency Services responds to a fire alarm and upon conducting an investigation a member of Fire & Emergency Services determines that the alarm is a false alarm occurring as a result of a malicious act, the property owner may be charged a fee.
(By-law No. 13-17)

MOTOR VEHICLE ACCIDENTS

8. If Fire & Emergency Services attends at the scene of a motor vehicle accident on any property within the Township of Adjala - Tosorontio and provides firefighting or other emergency services, the Corporation may charge a fee to any one or more of the driver, the owner and the insurance company in order to recover full payment of the stipulated fee.
(By-law No. 13-17)
9. If Fire & Emergency Services attends at the scene of a motor vehicle fire on any property within the Township of Adjala - Tosorontio and provides firefighting or other emergency services, the Corporation may charge a fee to either or both of the owners or the insurance company in order to recover full payment of the stipulated fee.
(By-law No. 13-17)

FIRE CONTROL BY-LAW VIOLATION OR COMPLAINT RESPONSE

10. If Fire & Emergency Services attends at a property in response to a possible fire control by-law violation or complaint, the property owner may be charged a fee.
(By-law No. 13-17)

NATURAL GAS INCIDENT RESPONSE

12. If Fire & Emergency Services attends at a property in response to a natural gas leak where no locate was obtained or where requirements of the locate had not been followed, the property owner may be charged a fee.
(By-law No. 13-17)

FIRE EXTINGUISHER TRAINING

13. If Fire & Emergency Services provides fire extinguisher training sessions to an applicant, the applicant may be charged a fee.
(By-law No. 13-17)

FIRE INSPECTIONS

14. For the provision of requested fire-related inspection services, the property owner may be charged a fee.
(By-law No. 13-17)

PERMITS AND APPLICATIONS

15. For all fire-related permit requests, designated fire route applications and Propane Facility License applications, the applicant may be charged a fee.
(By-law No. 13-17)

FIRE REPORTS AND FILE SEARCHES

16. For all fire-related file searches, environmental searches and fire report requests, the applicant may be charged a fee.
(By-law No. 13-17)

EXTRAORDINARY EXPENSES

17. If Fire & Emergency Services responds to a fire or other emergency at a property and determines, or the Fire Chief or designate determines, that it is necessary to retain a private contractor, or rent special equipment, or use consumable materials other than water and medical supplies, in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, all costs and expenses incurred by Fire & Emergency Services for retaining a private contractor, renting special equipment and/or for all consumable materials used other than water and medical supplies, as applicable, may be charged to the property owner and recovered as a fee under this By-Law.
18. If Fire & Emergency Services responds to a request for assistance:
 - a) from another agency,
 - b) from a property owner, or
 - c) to a property that is being used for the manufacture, cultivation, trade and/or distribution of a controlled substance.

all of the costs and expenses incurred as a result of the attendance, which include, but are not limited to the costs and expenses of vehicles, labour, equipment, materials and administration, may be charged to the property owner, and all such costs may be recovered as a fee under this By-law.

ADMINISTRATION AND ENFORCEMENT

19. The Corporation may deliver an invoice either personally, or by registered mail, or by ordinary mail to a person's home address or, in the case of a property owner, to the property owner's address as recorded on the Corporation's assessment roll. Receipt of an invoice may be deemed to have occurred:
 - a) on the date of delivery in the case of personal delivery,
 - b) three days after mailing by registered mail if delivered to an address within the Township of Adjala – Tosorontio;
 - c) five days after mailing by registered mail if delivered to an address outside of the Township of Adjala – Tosorontio;
 - d) five days after mailing by ordinary mail if delivered to an address within the Township of Adjala - Tosorontio, or
 - e) seven days after mailing by ordinary mail if delivered to an address outside of the Township of Adjala - Tosorontio
20. If a person who is charged a fee or charge under this by-law fails to pay the fee within thirty days of the date upon which payment is due, the

person may be charged interest commencing on the thirty-first day that the fee remains unpaid at the rate at a rate of 1.25% per month applied or a fraction thereof, unless precluded by by-law or legislation. Government bodies are exempt from interest.

GENERAL

21. **THAT** By-Law 02-19 is hereby repealed.
22. **THAT** should any part of this By-Law be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-Law shall be severable and that the remainder of this By-Law as applicable, shall continue to operate and to be in force and effect.
(By-law No. 13-17)
23. **THAT** this By-law shall take full force and effect with the passing hereof.
24. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 5th day of December, 2011.

MAYOR TOM WALSH

Office Consolidation

BARBARA KANE

Excerpt from
Fees and Charges By-law No. 16-36

Schedule "C"
To
By-law No. 16 - 36

**FIRE SERVICES
FEES AND CHARGES**

	FEE
Fire Inspections & Permits	
<u>Paid Inspections Commercial (Group A, D, & E Occupancy)</u>	
Inspect base building or 1 occupancy plus common elements up to 10,000 sq. ft. (929 sq. M.) - per hour	60.00
Inspect each additional 3000 sq. ft. (279 sq. M.) - per hour	60.00
Inspect each occupancy in addition to base building – per hour	60.00
Repeat follow-up inspections on a violation – per hour	60.00
<u>Paid Inspections Industrial (Group F Occupancy)</u>	
To Inspect Base building or one occupant up to 10,000 sq. ft. (929 sq. M.) – per hour	60.00
Inspect base building or one occupant & common elements – per hour	60.00
Inspect each tenant/occupant in addition to base building – per hour	60.00
<u>To Inspect Base building or One Occupant up to 10,000 sq ft. (929 sq. M.)</u>	
Inspect base building or one occupant & common elements first 10,000 sq. ft (929 sq M) – per hour	60.00
Inspect each additional 3000 sq. ft. (279 sq. M.) – per hour	60.00
Repeat follow-up inspections on a violation – per hour	60.00
<u>Paid Inspections Residential (Group C)</u>	
Daycare, Group Home, Single Family Residence, PLASP, 1 to 2 floors – per hour	60.00
Multi-Tenant Low Rise-3 to 6 floors – per hour	60.00
Inspect base building – per hour	60.00
Inspect each tenant/occupant/apartment – per hour	60.00
General Fire Fees	
Fire Route Application	60.00
Outdoor functions: Weddings, Special Events - per address	60.00
Permit to light a fire	10.00
Large Burn Inspection	n/c
Marijuana Grow-op Investigation and Compliance Inspection - per address – per hour	60.00
Propane license application Review – per hour	60.00
For fire extinguisher training – per hour	60.00
Inquiries for reports pertaining to emergency responses and/or information relating to emergency calls	60.00
File search/Fire Report for Environmental issues - per address	60.00
File Search/Fire Reports information - per address	60.00
Posting of licence	60.00

Schedule "C"
To
By-law No. 16 - 36

FIRE SERVICES
FEES AND CHARGES

EMERGENCY RESPONSES

	FEE
<u>Responding to nuisance false alarms</u>	
(a) first false alarm in any calendar year will be subject to investigation and recommendations	n/c
(b) second fire alarm in any calendar year	warning letter
(c) third & subsequent false alarms in any calendar year - per vehicle - per hour	649.00
(d) for each additional one - half hour or part thereof	324.50
<u>For responding to false alarms occurring as a result of work being performed on a first alarm system or emergency system</u>	
(a) first false alarm in any calendar year will be subject to investigation and recommendations	n/c
(b) second fire alarm in any calendar year	warning letter
(c) third & subsequent false alarms in any calendar year - per vehicle - per hour	649.00
(d) for each additional one - half hour or part thereof	324.50
<u>Responding to false alarms occurring as a result of a malicious act</u>	
(a) first false alarm in any calendar year will be subject to investigation and recommendations	n/c
(b) each subsequent false alarm in any calendar year - per vehicle - per hour	649.00
(c) for each additional one - half hour or part thereof	324.50
<u>For attending at the scene of a motor vehicle accident or at the scene of a motor vehicle fire and providing firefighting or other emergency services</u>	
(a) for the first hour - per vehicle - per hour	649.00
(b) for each additional one - half hour or part thereof	324.50
(c) Motor Vehicle Accident – MTO ARIS charge for the each plate abstract request	15.00
<u>For responding to a fire control by-law violation or complaint</u>	
(a) first response in any calendar year will be subject to an investigation by the fire department. The content of the fire control by-law and permit will be reviewed with the owner/tenant or person in charge of the fire. The possible offense, penalties and response fees will be discussed with the owner/tenant or persons in charge	Charged at the discretion of the Fire Chief or designate
(b) for each subsequent response in any calendar year	
(i) for the first hour - per vehicle - per hour	649.00
(ii) for each additional one - half hour or part thereof	324.50

Schedule "C"
To
By-law No. 16 - 36

FIRE SERVICES
FEES AND CHARGES

EMERGENCY RESPONSES

	FEE
<u>Attending a natural gas incident</u>	
Attendance at this type of incident will be at full cost recovery	Cost
<u>Attending a fire scene investigation</u>	
Attendance at this type of incident will be at full cost recovery	Cost
<u>Attending a hazardous materials incident</u>	
Attendance at this type of incident will be at full cost recovery	Cost
<u>Responding to assistance requests by other agencies</u>	
Attendance at this type of incident will be at full cost recovery	Cost
<u>Fire Response Fee – Indemnification Technology</u>	
(a) for the first hour – per vehicle – per hour	649.00
(b) for each additional one-half hour or part thereof	324.50
Supply a smoke alarm to ensure an occupancy is protected	20.00
Supply a carbon monoxide alarm to ensure an occupancy is protected	30.00
Supply a combination carbon monoxide / smoke alarm to ensure an occupancy is protected	50.00