

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2015-053

### DRUMMOND/NORTH ELMSLEY TAY VALLEY FIRE RESCUE FEES AND CHARGES

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**WHEREAS**, Section 5 (0.1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4, as amended, provides that the Council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

**AND WHEREAS**, the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township have passed by-laws to Establish and Regulate the Drummond/North Elmsley Tay Valley Fire Rescue;

**AND WHEREAS**, Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may impose fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. DEFINITIONS

For the purpose of this by-law:

- 1.1 **“Emergency Response”** - means the core services as outlined in the Establishing and Regulating By-Law for the Fire Department, excluding
- 1.2 **“Fire Chief”** – means the person or designate appointed under subsection 6 (1), (2) or (4) of the *Fire Protection and Prevention Act, 1997*, as amended, appointed by Council.
- 1.3 **“Fire Department”** – means the Drummond/North Elmsley Tay Valley Fire Rescue.
- 1.4 **“Fire Fees”** – means the fees and charges as set out in Schedule “A” to this by-law.
- 1.5 **“Fire Watch”** – means when a Member is required to ensure the fire safety of a building or area in the event of any act (ex. hot work, or situation that may pose an increased risk to Persons or Property).

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- 1.6 **“Member”** – means any firefighter or employee of the Fire Department, as approved by the Fire Board.
- 1.7 **“Motor Vehicle”** – has the same meaning as prescribed in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.
- 1.8 **“MTO Rates”** – means the Ministry of Transportation authorized rate per hour for each apparatus responding to the incident.
- 1.9 **“Municipality”** – means The Corporation of Tay Valley Township and/or the Corporation of the Township of Drummond/North Elmsley.
- 1.10 **“Non-Resident”** – means the Person who is neither an Owner of Property nor a Tenant of Property within the Municipality.
- 1.11 **“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, and includes the owner of Motor Vehicles.
- 1.12 **“Person”** – means 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.
- 1.13 **“Property”** – means any real property within the Municipality and includes all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land, but excludes real property owned by the Federal and Provincial Government.
- 1.14 **“Tenant”** – has the same meaning as prescribed in the *Assessment Act*, R.S.O. 1990, c. A.31, as amended.

**2. GENERAL REGULATIONS**

- 2.1 **THAT**, the Council of the Corporation of Tay Valley Township hereby establishes the fees and charges as set out in Schedule “A” – Fire Fees.
- 2.2 **THAT**, Fire Fees are subject to the Harmonized Sales Tax (HST) as applicable.
- 2.3 **THAT**, no discounts apply for early payment of Fire Fees.
- 2.4 **THAT**, payment of all Fire Fees is due within 30 days of receipt of an invoice issued by the Fire Department unless otherwise stated in Schedule “A”.

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**3. MOTOR VEHICLE ACCIDENTS AND FIRES**

**3.1** If the Fire Department attends the scene of a Motor Vehicle accident or Motor Vehicle fire on any Property with the Municipality and provides Emergency Response and the Owner of the Motor Vehicle is a Non-Resident of the Municipality, the Fire Department shall charge the respective Fire Fee to the Owner and the Owner's insurance company in order to recover full payment of the Fire Fee.

**4. NATURAL GAS INCIDENT RESPONSE**

**4.1** If the Fire Department attends a Property in response to a natural gas leak, the Owner or Person shall be charged the respective Fire Fee.

**5. EXTRAORDINARY EXPENSES**

**5.1** If the Fire Department provides Emergency Response and the Fire Chief 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 control and eliminate an emergency, all costs and expenses incurred by the Fire Department shall be charged to the Owner.

**6. HAZARDOUS MATERIALS INCIDENT**

**6.1** If the Fire Department provides Emergency Response to an incident involving a hazardous substance that was not properly controlled during handling, stored, manufactured, processed, packaged, used, disposed or transported, or involved in an accident, all costs and expenses incurred by the Fire Department shall be charged to the Owner or Person.

**7. ADMINISTRATION AND ENFORCEMENT**

**7.1** The Fire Department may deliver an invoice either personally, or by registered mail, or by ordinary mail to a Person or Owner or to the Person's or Owner's address.

**7.2** Receipt of an invoice shall be deemed to have occurred:

7.2.1 on the date of delivery in the case of personal delivery;

7.2.2 five days after mailing by registered mail;

7.2.3 seven days after mailing by regular mail.

**7.3** All fees shall be subject to 1.25% interest per month on the outstanding amount following the date the fee is due.

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7.4 Any unpaid fees and accumulated charges may be added to the tax roll and recovered in a similar manner as municipal taxes pursuant to Section 398 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**8. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.


**9. BY-LAW REPEALED**

9.1 By-Law No. 2006-046 is hereby repealed.

9.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**10. EFFECTIVE DATE**

ENACTED AND PASSED this 13<sup>th</sup> day of October, 2015.

  
Keith Kerr, Reeve



  
Amanda Mabo, Clerk

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**SCHEDULE "A"**

**FIRE FEES**

ITEM	FEE
<p><b>Motor Vehicle Accidents and Fires</b></p> <p>(a) for the first hour or any part thereof (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p>For attending a <b>Natural Gas Incident</b>:</p> <p>(a) for the first hour or any part thereof; (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p><b>Extraordinary Expenses</b></p> <ul style="list-style-type: none"> <li>• Incurred by the Fire Department in providing Emergency Response</li> </ul>	<p>Costs and Expenses</p>
<p>For attending a <b>Hazardous Materials Incident</b></p> <p>(a) for the first hour or any part thereof; (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p>For attending a scene for <b>Fire Watch</b></p> <p>(a) for the first hour or any part thereof; (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p>For responding to an <b>Assistance Request by Other Agencies</b></p> <p>(a) for the first hour or any part thereof; (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p>For responding to an <b>Open Air Burning By-Law Contravention</b></p> <p>(a) for the first hour or any part thereof; (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates MTO Rates</p>
<p>For the investigation of an <b>Open Air Burning By-Law Contravention</b></p>	<p>\$125.00</p>

<p>For any response on a <b>Provincial Highway</b> with the exception of a Medical Related Emergency</p> <p>(a) for the first hour or any part thereof  (b) for each additional one-half hour or part thereof</p>	<p>MTO Rates  MTO Rates</p>
<p><b>Correspondence:</b></p> <ul style="list-style-type: none"> <li>• Fire Code Compliance Letter</li> <li>• File Search/Fire Reports</li> <li>• Fire Investigation Report</li> <li>• Clearance Letter</li> </ul> <p><i>*Payment is required in advance</i></p>	<p>\$100.00  \$100.00  \$100.00  \$100.00</p>
<p><b>Inspections:</b></p> <ul style="list-style-type: none"> <li>• Liquor Licensing Inspection</li> <li>• Real Estate Home/Commercial Inspection</li> <li>• Private Day Care Inspection</li> <li>• Marijuana Grow-Op Investigation and Compliance Inspection</li> </ul> <p><i>*Payment is required in advance</i></p>	<p>\$100.00  \$100.00  \$100.00  Staff time accumulated.</p>