

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2018-06

A BY-LAW to rescind By-law No.'s 2011-78 and 2015-19; and to establish a Tariff of Fees for Certain Services provided by the South Dundas Fire & Emergency Services Department.

WHEREAS *the Municipal Act, 2001*, and the *Fire Protection and Prevention Act, 1997*, as amended, authorize a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency services program;

AND WHEREAS the Corporation of the Municipality of South Dundas has established a Fire Department being the South Dundas Fire & Emergency Services to deliver firefighting and related emergency services;

AND WHEREAS *the Municipal Act, 2001*, as amended, authorizes a municipality by by-law to impose fees or charges for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of South Dundas deems it expedient to review and update the fees and charges to be collected;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas enacts as follows:

1. In this by-law,
 - a) "Corporation/Municipality" means the Corporation of the Municipality of South Dundas;
 - b) "emergency system" includes a sprinkler system, standpipe system, fire extinguishing system, smoke control system, emergency power system, fire pump system, voice communication system or any other device monitored through a fire alarm system;
 - c) "fees" means a payment for the services of the South Dundas Fire & Emergency Services;
 - d) "Fire Department" means the South Dundas Fire & Emergency Services for the Corporation;
 - e) "Fire Chief" means the Director of Fire & Emergency Services as appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA, or his/her designate;
 - f) "firefighting and emergency services" includes all services related or incidental to the prevention, control and suppression of fires and all the protection of lives and property, but excludes the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma;
 - g) "alarm response" means the complement of vehicles and members normally sent to an emergency;

- h) "malicious act" means a wrongful act done intentionally by a person without just cause or excuse;
- i) "member" means a volunteer firefighter and officer of the Fire Department.
- j) "property" means any public or private real property within the Municipality of South Dundas, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Crown either Federally or Provincially;
- k) "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.

Fire Alarms

- 2. If the Fire Department attends at a property in response to a fire alarm and upon conducting an investigation the Fire Chief determines that the alarm is a false alarm occurring as a result of a malfunction, or the property owner having failed to maintain the fire alarm system or emergency system as prescribed by the Ontario Fire Code (O.Reg.388/97), the property owner shall be:
 - 1) charged a fee as stipulated in Schedule "A" attached hereto and forming part of this By-law.
- 3. If a property owner fails to notify the Fire Department dispatch 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 shall be charged a fee as stipulated in Schedule "A" attached to this By-law if the Fire Department responds to the false alarm.
- 4. If the Fire Department respond to a fire alarm and upon conducting an investigation the Fire Chief determines that the alarm is a false alarm occurring as a result of a malicious act, the occurrence shall be reported to the police and a criminal investigation may be initiated.

Extraordinary Expenses

- 5. If the Fire Department respond to a fire or other emergency at a property and the Fire Chief determines that it is necessary to retain a private contractor, rent special equipment, or use more materials than are carried on an alarm response in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, the property owner shall be charged those expenses incurred by the Fire Department where a private contractor is retained, special equipment is rented or more materials than are carried on an alarm response are used.

Administration and Enforcement

6. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under this By-law and the person shall pay the fee within thirty days of receipt of the invoice.
7. The Corporation may deliver an invoice either personally, or by prepaid 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 shall be deemed to have occurred:
 - a) on the date of delivery in the case of personal delivery;
 - b) three days after mailing by prepaid registered mail if delivered to an address within the Municipality of South Dundas;
 - c) five days after mailing by prepaid registered mail if delivered to an address outside of the Municipality of South Dundas;
 - d) five days after mailing by ordinary mail if delivered to an address within the Municipality of South Dundas, or
 - e) seven days after mailing by ordinary mail if delivered to an address outside of the Municipality of South Dundas.
8. A fee imposed upon a person under this By-law, including any interest and penalty charges and costs of collection, constitutes a debt of the person to the Corporation.
9. A person may pay any fees and charges imposed under this by-law by cash, debit, cheque, certified cheque or banker's draft payable to the Corporation.
10. If a person who is charged a fee under this By-law fails to pay the fee within thirty days of receipt of an invoice, the person shall be charged interest commencing on the thirty-first day that the fee remains unpaid.
11. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Municipality of South Dundas registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.
12. Schedule "A" constitutes part of this By-law.
13. That By-law No.'s 2011-78 and 2015-19 be repealed in their entirety.
14. This By-law shall come into force an effect on the date of passing.

READ and passed in open Council, signed and sealed this 6th day of February, 2018.

MAYOR

CLERK

SCHEDULE "A"
To
By-Law No. 2018-06

<u>SUMMARY OF FEES & CHARGES</u>	<u>FEE</u>
Licensed Day Care Home Inspection (request)	\$60.00/Hour
Licensed Day Nurseries Inspection (request)	\$60.00/Hour
False Alarm Charges (after 3 alarm calls in one year)	Current MTO rates
Homes for Special Care Inspection (request)	\$60.00/Hour
Industrial Inspection (request)	\$60.00/Hour
LLBO Inspection (special occasion, patios & premises)	\$60.00/Hour
Burning without Notice, unattended, unapproved or oversize fire	Current MTO rates
Trade Shows & Special Function Inspection (request)	No Charge
Fire Reports – Residential & Mortgage Renewals/resales	\$60.00/Hour
Fire Reports - Commercial	\$150.00
Fire Guard Requests (Fire Watch)	Full cost recovery
Providing inspection reports to solicitors and insurance companies	\$60.00
Performing special inspection requests (i.e. property resale, mortgage renewal for residential type buildings)	\$60.00/Hour
Inspection of private Home Day Care facilities or Group Homes with three (3) or fewer residents	\$60.00/Hour
Inspection of Group Homes with more than three (3) residents	\$60.00/Hour
Requested inspections for premises or buildings not mentioned elsewhere	\$60.00/Hour
-Single occupancy up to 2,000m ²	\$60.00/Hour
-Multiple occupancy up to 2,000m ²	\$60.00/Hour
Two unit residential inspection for compliance with Section 9.8 of the Fire Code	\$60.00/Hour
Institutional inspection	\$60.00/hour
Residential inspection for compliance with Section 9.5 of the Fire Code	\$60.00/hour
Liquor Licensing requests: -Patios -Special Occasions -Premises	\$60.00/Hour \$60.00 if no inspection is required
Motor Vehicle Incidents – Responding to and providing vehicle fire extinguishment and extrication services to owners/drivers (Provincial Highways) *	Processed through the Ministry of Transportation (MTO) based on their criteria

<u>SUMMARY OF FEES & CHARGES</u>	<u>FEE</u>
Specialized equipment and/or resources to control or minimize loss (not provided by fire department)	Total cost recovery
Clean-up of spills as defined in the Environmental Protection Act, Part X, as amended *	Total cost recovery
Equipment required to take down or make safe a scene for investigation or overhaul (not owned by Fire Department) *	Total cost recovery
Demolish, clean-up and make safe after a fire (if not completed by property owner) *	Total cost recovery
*Note: Vehicle and firefighter hours to include refurbish of vehicles and equipment readied for the next incident or response.	