

**THE CORPORATION OF THE TOWNSHIP OF
OTONABEE-SOUTH MONAGHAN**

BY-LAW NUMBER 2016-49

Being a By-law to adopt a Tariff of Fees for Various
Services carried out by or under the jurisdiction
Of the Fire Department of the Township of
Otonabee-South Monaghan

WHEREAS Section 390(1) of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended provides that Municipalities may pass by-laws setting fees for certain services within the Municipality;

AND WHEREAS Part X, Section 100(4) of the Ontario Environmental Protection Act provides that a Municipality designated by regulations has the right to compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable cost and expense incurred in acting under subsection (1);

AND WHEREAS the Council of the Corporation of the Township of Otonabee-South Monaghan deems it desirable to adopt a Schedule of Fees for inspections and other services provided by the Fire Department of the Municipality;

NOW THEREFORE the Council of the Corporation of the Township of Otonabee-South Monaghan hereby enacts as follows:

Part 1: Application of the By-law

1. This By-law applies to services provided by or under the jurisdiction of the Fire Department of the Township of Otonabee-South Monaghan (hereinafter the "Fire Department") and set out in Schedule "A";

Part 2: Administrative and Emergency Response Services

2. Upon requesting the Fire Department, in writing, to provide an Administrative Service listed in Schedule "A" paragraph 1, an individual or property owner shall pay to the municipality the applicable fee(s) listed in Schedule "A" paragraph 2 and 3 as deemed applicable.
3. Where the Fire Department provides any Emergency Response Service as listed in Schedule "A", paragraph 4, the person(s) or corporation(s) receiving or obtaining the benefit of the Emergency Response Service shall pay to the municipality the applicable fee(s) listed in Schedule "A", paragraph 5 and 6 as deemed applicable.

Part 3: False Fire Alarms

- 4.(a) **"Alarm User"** means the registered owner or mortgagee in possession of a building from where a false alarm originates and in the case of a condominium building means the condominium corporation having control of the common elements of the building.
- (b) **"False Fire Alarm"** means the negligent or intentional misuse of a fire alarm system resulting in the activation of the system but does not include the activation of a fire alarm system under circumstances that would have caused a careful or prudent person to believe that a fire related emergency was in progress at the alarm users premises. A "False Fire Alarm" also means the activation of a fire alarm system through a mechanical failure, equipment malfunction or improper maintenance or installation of the system but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system.
5. Where the Fire Department responds to two false fire alarms at the same municipal address and within the same calendar year, the alarm user will be provided with a written warning in person or by registered mail by the Fire Department or its designate.
6. Where the Fire Department responds to any false fire alarm at the same municipal address following issuance of a warning within the calendar year, the alarm user shall pay to the municipality the applicable fee listed in Schedule "A", paragraph 7 and shall pay that fee for each false fire alarm thereafter.

Part 4: Schedules

7. **Schedule "A"** forms part of this By-law and the services and fees specified therein may be reviewed and adjusted from time to time.

Part 5: Payment of Fees

8. The Treasurer of the Municipality is hereby appointed and authorized to take all necessary procedures for the billing and collection of the said fees, subject to sections 10 and 11 of this By-law.
9. There shall be added to any fee thereof due, but unpaid, the sum of 1.25% on the unpaid balance on the day following the due date, and the first day of each calendar month thereafter.
10. (a) Any payments for fees regarding False Fire Alarms that are not received by the Treasurer within **30 days** of the invoicing date, except for payments respecting condominium buildings which may be recovered by action, shall be added by the Treasurer to the tax roll of the alarm user's property where the false alarm originated and may be collected in the same manner as municipal taxes.

(b) Any payments for fees regarding Emergency Response Services, provided on private property and where the above noted services benefit the owner of the said property, that are not received by the Treasurer within **30 days** of the invoicing date, except for payments respecting condominium buildings which may be recovered by action, shall be added by the Treasurer to the tax roll of the property where the Emergency Response originated may be collected in the same manner as municipal taxes.

Part 6: Force and Effect

11. This By-law shall come into force and take effect upon the date of its passage.
12. If any section or part of this By-law is found to be illegal or beyond the power of Township Council to enact, such section shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
13. **By-law No. 2011-11 is hereby repealed.**

Read a First time this 8 day of August, 2016

Read a Second time this 8 day of August, 2016

Read a Third time and Finally passed this 8 day of August, 2016.

Reeve – David P. Nelson

Clerk – Heather Scott

Schedule "A" to By-law 2016-49

Administrative Services and Fees

1. (a) **Fire Prevention Inspection of Building and Property – By Request**
Group homes, day care facilities, or any other Commercial establishment of use requiring an Inspection for licensing, renewal of licence, Insurance or any such purpose:
 - (b) **Reports**
Reports requesting information related to any Fire Department response
2. A **\$100.00** fee is payable for each inspection or report listed in paragraph 1 of this Schedule.
3. Any additional administrative fees, both internal and third party, shall be applied to the invoice to the owner/recipient of the emergency services and/or their insurance company.

Emergency Response Services and Fees

4. (a) Motor Vehicle Accidents / Extrication
 - (b) Incidents involving hazardous materials including but not limited to fires, spills and associated clean up operations.
Incidents involving vehicle fires, danger of fire, accident, extrication, environmental spill or any other emergency situation to which the Fire Department has been called and has responded.
 - (c) Incidents involving vehicle fires, danger of fire, accident, extrication, environmental spill or any other emergency situation to which the Fire Department has been called and has responded.
5. The fee for Emergency Response Services relating to situations described in paragraphs 3 (a), (b) and (c) of this Schedule shall be: ***Current, Accepted and Published MTO Rates***
6. Fees charged to the Corporation of the Township of Otonabee-South Monaghan in relation to section 4. (a), (b), (c), as well as the costs of any consumables used (i.e. absorbent, foam, etc.), shall be applied to the invoice to the owner/recipient of the emergency services and/or their insurance company.

False Fire Alarms and Fees

7. Where applicable, the fee for each false fire alarm shall be charged at the **current, accepted and published MTO Rates.**