

**THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND
RICHARDS**

BY-LAW # 57- 2017

**Being a By-Law to Charge Fees for Services Provided by Fire and
Emergency Services for Emergency and Non-Emergency Services.**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Section 11, subsection 4 Municipal Act, 2001, S.O. 2001, c.25;

AND WHEREAS Section 11(2) of the authorizes a municipality to pass by-laws, subject to the rules set out in Section 11, Subsection 4 of the Municipal Act, 2001, S.O. 2001, c.25;

AND WHEREAS The Corporation of The Township of Killaloe, Hagarty and Richards has established a Fire Department, being the Killaloe, Hagarty and Richards Fire Department, to deliver firefighting and related emergency services;

AND WHEREAS Sections 390 and 391 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes a municipality to pass a by-law to impose fees or charges on any person, including a municipality and a local board and the Crown, for services or activities provided or done by or on behalf of the municipality;

NOW THEREFORE the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

DEFINITIONS:

1. In this by-law,
 - a) "Corporation" means The Corporation of the Township of Killaloe, Hagarty and Richards;
 - b) "Fire Department" means a fire department within the meaning of the Fire Protection and Prevention Act, 1997;
 - c) "Firefighter" means a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter;
 - d) "Firefighting and/or emergency services" includes all services related or incidental to the prevention, control, and suppression of fires and the protection of lives and property;
 - e) "Motor vehicle" as defined in the Highway Traffic Act, R.S.O. 1990, c. H,8 as amended;
 - f) "Motor Vehicle Incident or Accident" means Fire and/or Emergency Services attending the scene of a motor vehicle incident, fire or spill on any property;
 - g) "Spill" as defined in the Environmental Protection Act, Part IX, as amended;

- h) "Property" means any public or private real property including buildings, structures of any nature and kind in or upon such lands, but excludes real property owned by the Crown either federally or provincially;
- i) "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 mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- j) "Vehicle Owner" means the registered owner of a vehicle, or any person, firm or corporation having control over or possession of the vehicle or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- k) "Fire Chief" means the person who is ultimately responsible to Council for the delivery of fire protection services;
- l) "Deputy Fire Chief" means the person who has been appointed by Council to act in the place of the chief of the fire department in his/her absence or in the case of a vacancy in the office.

MOTOR VEHICLE INCIDENTS AND/OR ACCIDENTS

- 2. If Fire and/or Emergency Services attend the scene of any motor vehicle Incident, or motor vehicle accident on a King's Highway, County or Municipal Road, or Private Road and the Fire and/or Emergency Service Provides firefighting and/or emergency services, the insurer of a vehicle owner, regardless of establishing fault, shall be charged those applicable expenses as outlined in Schedule "A" attached hereto and forming part of this By-law as well as all applicable taxes and all such costs shall be recoverable as a fee under this By-law.

EXTRAORDINARY EXPENSES

- 3. If Fire and/or Emergency Services attend the scene of any motor vehicle incident or accident, or other emergency at any property, and the Fire Chief or Deputy Fire Chief or other firefighter authorized to act on behalf of the Fire Chief or Deputy Fire Chief, determines that it is necessary to retain a private contractor, rent special equipment not normally carried on a fire apparatus, use more materials than are carried on a fire apparatus in order to suppress or extinguish a fire, preserve or prevent a fire from spreading or otherwise control and eliminate an emergency or damage equipment owned by the Corporation of the Township of Killaloe, Hagarty and Richards, the owner, vehicle owner, or insurer of an owner or vehicle owner as the case may be, regardless of establishing fault, shall be charged those expenses incurred, plus applicable taxes and all such costs shall be recoverable as a fee under this By-law.

ADMINISTRATION AND ENFORCEMENT:

- 4. The Corporation shall mail an invoice to each owner or owner's insurer, vehicle owner's insurer, or if the vehicle is not insured, to each vehicle owner upon whom a fee is imposed under this By-law, requiring that payment be made within thirty (30) days of the date of mailing of the invoice.
- 5. The Corporation will administer collection procedures in accordance with Municipal Policies and Procedures that are in place at the time of collection,

to the owner/vehicle owner/insurer who is charged a fee under this by-law and who fails to pay the fee within thirty (30) days of mailing of the invoice.

6. The fees imposed by this By-Law may be waived or reduced where circumstances warrant with the approval of the Township of Killaloe, Hagarty and Richards Fire Chief and in accordance with the criteria as approved by Council.
7. All fees and charges payable under this By-law constitute a debt to the Township.
8. This By-Law rescinds and replaces all other By-Laws of the Township of Killaloe, Hagarty and Richards, to Charge Fees for Services Provided by Fire and Emergency Services for Emergency and Non-Emergency Services.
9. A decision by a competent Court that one or more provisions of this By-law are invalid in whole or in part, does not affect the validity, effectiveness or enforcement ability, or the other provisions, or parts of provisions of this By-law.
10. This By-Law shall come into full force and effect upon the date of passing.

This By-law given first and second reading this 9th day of January, 2018.

This By-law given third reading and finally passed this 9th day of January, 2018.

Mayor

CAO/Clerk-Treasurer

TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS FIRE DEPARTMENT
SCHEDULE "A" to By-Law #57-2017

FEE SCHEDULE

1. Fire, Emergency Response Vehicles, and all other municipally-owned vehicles and/or equipment, pricing at M.T.O. rate in place at time of incident and/or accident..
2. Wage rates of responding firefighter(s) and/or other municipal personnel shall be current charged at the wage rate in place at time of response.
3. Letters to Lawyers/Insurance Companies \$30
4. Copy of fire report \$30
5. Inspection upon request \$100 (Inspection fees do not apply to inspections of residential units or Not-For-Profit organizations).
6. Risk and Safety Management Plan Review and Response - \$500-\$2500 with the amount to be determined at the discretion of the Fire Chief.
7. Additional Expenses including but not limited to: replenishing fire suppressant foam, damaged and/or broken hoses used in response to the incident/accident, rental of special equipment, hiring private contractor, preservation of property or evidence, or in order to eliminate an emergency or risk of an emergency situation – Actual Cost.
8. Specialized equipment and/or services and associated persons – Actual Cost.

All municipal personnel hours to include refurbishing of vehicles and equipment readied for the next incident or response.

Mayor

CAO/Clerk-Treasurer