

**The Corporation of the
Township of Cramahe**

By-law No. 2013-41

**Being a By-law to provide for cost recovery for the supply of
certain services by the Cramahe Fire Department.**

Whereas Section 391 of the *Municipal Act*, 2001 S.O. 2001, c.25 allows a municipality or local board to pass by-laws imposing fees or charges on any class of persons for services or activities provide or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of it and for the use of its property including property under its control.

And Whereas it is deemed expedient and appropriate to pass a by-Law to impose fees and other charges in accordance with Section 220.1 (2) of the *Municipal Act*, R.S.O. 1990 C. M.45, as amended, for the supply of fire protection services by the Cramahe Fire Department;

Now Therefore, the Council of the Corporation of the Township of Cramahe Enacts as follows:

Definitions:

In this by-law, unless the context otherwise requires,

- a) **"Approved"** means approved by the Council of the Township of Cramahe;
- b) **"Corporations"** means the Corporation of the Township of Cramahe;
- c) **"Council"** means the Council of the Township of Cramahe;
- d) **"Chief Administrative Officer"** (C.A.O.) means the person appointed by Council to act as Chief Administrative Officer for the Corporation;
- e) **"Fire Department"** means the Cramahe Fire Department;
- f) **"Fire Chief"** means the Chief of the Cramahe Fire Department;
- g) **"Deputy Chief"** means the person appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of an absence or a vacancy in the office of Fire Chief;
- h) **"Designate"** means the person, who, in the absence of the Fire Chief, is assigned to be in charge of the particular activity of the Fire Department and who has the same powers and authority as the Fire Chief;
- i) **"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;

- j) **“Volunteer Fire Fighter”** means a person who voluntarily acts as a Fire Fighter for a nominal fee;
- k) **“Fire Protection Services”** means a range of programs and services designed to protect the lives and property of the inhabitants of the Fire Department response area from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by individuals or nature and includes fire prevention and public education, rescue and suppression services;
- l) **“Property”** means any public or private real property within the Township of Cramahe, 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;
- m) **“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;
- n) **“Motor Vehicle”** has the same meanings as defined in the *Highway Traffic Act*, R.S.O. 1990, C.H.8, as amended;
- o) **“Non-Resident”** means any person who is not either a property owner or tenant of property within the boundaries of the Township of Cramahe;
- p) **“Person”** means any individual, Corporation or Firm;
- q) **“Schedule of Fees to be charged for Fire Protection Services”** means the Schedule of Fees attached as **Schedule “A”** and any amendments thereto subsequently approved by Council;
- r) **“Extra Equipment”** means any equipment or apparatus of any description required to be obtained or procured by the Department to supply Fire Protection Services in response to any incident or event which is not part of the equipment or apparatus owned, leased or otherwise in the possession and control of the Department as part of its normal complement of equipment and apparatus;
- s) **“Extra Personnel”** means personnel who are retained by the Department in addition to the normal complement of Department Personnel, to transport, repair, operate or use Extra Equipment;

Fees and Charges for Fire Protection Services

A fee or charge for Fire Protection Services supplied by Cramahe Fire Department shall be imposed in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services and paid to the Corporation of the Township of Cramahe, as follows:

Responses to Motor Vehicle Collisions, Accidents and Mishaps:

A non-resident involved in a motor vehicle collision, accident, or mishap resulting in the supply of Fire Protection Services shall pay a fee in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services.

False Alarms:

All property owners shall pay a fee in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services for Department responses to false alarms at such property owner's property where such false alarm is a result of either a failure to properly maintain a fire alarm system, a failure to notify the Department of work being performed on a fire alarm system or repetitive negligent or malicious act.

Arson or Other Malicious Acts:

Persons who commit arson or other malicious acts resulting in the supply of Fire Protection Services by the Department shall pay a fee in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services.

Inspection of Properties:

All persons requiring inspection of property for any purpose related to insurance, including insurance claims, or for the purpose of carrying out or continuing in a business or obtaining any license with respect to any activity or business, shall pay a fee in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services.

A property owner or tenant of property shall pay a fee in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services if an inspection of property is necessitated by failure by the property owner or tenant of the property to comply with any lawful requirement of the Department or the Fire Marshall's Office.

Extraordinary Expenses:

All persons shall reimburse and pay the Corporation of the Township of Cramahe for extra equipment and extra personnel in accordance with the applicable sections of the Schedule of Fees to be charged for Fire Protection Services when extra equipment or extra personnel are used by the Department in supplying Fire Protection Services.

Taxes chargeable, assessed against or eligible in respect of the fees and charges herein provided for shall be charged and be due and payable in addition to such fees and charges.

Administration and Enforcement:

All fees to be charged for the supply of Fire Protection Services in accordance with this by-law shall be invoiced by the Corporation of the Township of Cramahe to the person or persons liable and may be sent by prepaid ordinary mail, registered mail or personally delivered to the last known address of such person.

Receipt of an Invoice shall be deemed to have occurred:

- On the date of delivery in the case of personal delivery;
- Three (3) days after mailing by prepaid registered mail if delivered to an address within the Township of Cramahe;
- Five (5) days after mailing by prepaid registered mail if delivered to an address outside the Township of Cramahe;
- Five (5) days after mailing by ordinary mail if delivered to an address within the Township of Cramahe; and
- Seven (7) days after mailing by ordinary mail if delivered to an address outside of the Township of Cramahe;

A fee or charge imposed upon any person under this by-law, including any taxes, interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation of the Township of Cramahe.

All fees, taxes and other charges charged in accordance with this by-law shall be due net thirty (30) days from the date of invoice and thereafter shall accumulate interest at 1.25 per cent per month calculated and payable monthly.

All fees, other charges, taxes and interest thereon which remain unpaid after the due date for payment may be added to the tax roll and collected as realty taxes in respect of the property of any person located within the boundaries of the Township of Cramahe.


Rates of fees and charges specified in the Schedule of Fees to be charged for Fire Protection Services may be changed at any time and from time to time, by Council resolution.

This by-law comes into effect the day it is passed by Council, in the manner appropriate to the Municipality.

That By-law 01-55 or any by-laws or parts thereof and all resolutions of Council which are inconsistent herewith are hereby repealed.

By-law read a first and second time this 13th day of August, 2013

By-law read a third time and finally passed this 13th day of August, 2013



Mayor, Marc Coombs



C.A.O./Clerk, Christie Alexander

Schedule "A"
By-law No. 2013-41

Schedule of Fees to Be Charged

For Fire Protection Services

The following fees and charges shall be charged for Fire Protection Services:

Response to Motor Vehicle Collisions:

All persons involved in a Motor Vehicle collision, accident or mishap resulting in the supply of Fire Protection Services shall pay fees as follows:

- \$410.00 per Department Vehicle per hour (Ministry of Transportation Rate)

Such fees shall be charged on the basis of each Department Vehicle attending the scene and time shall be measured from the time of departure of each vehicle from the Department facilities to the time of return.

False Alarms:

All Property Owners shall pay a fee of \$410.00 per response to each false alarm resulting in Department Personnel attending at the Property Owner's Property provided that such fee may be reduced or waived at the sole discretion of the Fire Chief, or his/her designate, if, in his/her judgment, such false alarm was not the result of any negligence of the Property Owner or was the result of a malicious act by Persons other than the Property Owner or Persons for whom the Property Owner is responsible in law.

Arson or Other Malicious Act:

All Persons responsible for arson or other malicious acts resulting in the supply by the Department of Fire Protection Services shall pay a fee as follows:

- \$350.00 per inspection as a result of failure to comply with Department or Fire Marshall Regulations

- and -

- \$50.00 per hour per inspection, per personnel in attendance

Such fees shall be charged for each Department Vehicle attending the scene and time shall be measured from the time of departure of each Vehicle from the Department's facilities to the time of return.

Inspection of Properties:

Persons requiring inspections of Property for insurance purposes or for purposes of obtaining or maintaining licenses or insurances or for purposes of operating a business shall pay for such inspections and the reports arising from such inspections as follows:

- \$50.00 per inspection attendance per Department Personnel in attendance
- plus -
- \$75.00 per report

Property owners or tenants of Property shall pay a fee for any inspection and report necessitated by failure to comply with any lawful requirement of the Department or the Fire Marshall's Office as follows:

- \$350.00 per inspection attendance per Department Personnel in attendance
- plus -
- \$75.00 per report

Extraordinary Expenses:

All persons for whom or in respect of whose Property Fire Protection Services are supplied shall reimburse and pay, in addition to all other fees and charges otherwise payable, all costs incurred by the Department to procure, use, repair and return, all Extra Equipment utilized by the Department in supplying Fire Protection Services and all costs incurred by the Department for Extra Personnel, including without limiting, the foregoing, all permit costs, transportation costs, contractors' charges and labour and personnel costs for labour supplied by third parties, legal costs, (on a solicitor and client basis), and all other costs and expenses associated with or arising from, plus an administrative charge of 15% of the total of all such costs and charges.

Every Person who contravenes any provisions of By-Law No. 2013-41, being a By-law to Regulate the Setting of Fires, shall be liable for all damages to public/private property caused by fire and shall also be liable for the full costs of extinguishing the fire.

Taxes:

All applicable taxes payable, chargeable or eligible in respect of the fees and charges herein provided for, shall be charged in addition to and shall be added to the fees and charges herein provided for.