

**THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR**

**BY-LAW #30-2015**

Being a By-Law to establish fees for various services of the Burk's Falls and District Fire Department and to rescind By-law #12-2008.

**WHEREAS** Section 391 of the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality may pass by-laws imposing fees or charges on any class of 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 local board;
- c) for the use of its property including property under its control.

**AND WHEREAS** Section 398 (2) of the said Municipal Act provides that the Treasurer of a local municipality may, upon the request of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, or local board, under this Part to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

- a) In the case of fees and charges for the supply of public utility, the property to which the public utility was supplied.
- b) In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

**AND WHEREAS** the Corporation of the Township of Armour, The Corporation of the Township of Ryerson, and The Corporation of the Village of Burk's jointly own the Fire Department which is administered by agreement between them by the Corporation of the Township of Ryerson and it shall be the responsibility of the Municipality in which the person who owes a fee for service resides or owns property to assist in the collection of such fee, if necessary, and pay the same to the Corporation of the Township of Ryerson on account of the Fire Department.

**AND WHEREAS** the Council of the Corporation of the Township of Armour deems it advisable to establish fees to defray the costs associated with the performance of certain services by the Burk's Falls and District Fire Department;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ARMOUR ENACTS AS FOLLOWS:

1. Definitions:

- a) "Council" means the Municipal Council of the Township of Armour.
- b) "Burk's Falls and District Fire Department" means the Burk's Falls and District Fire Department as established by Municipal By-Law.
- c) "Fire Apparatus" means any identified Fire Service Vehicle and equipment responding to the scene of an emergency.
- d) "False Alarm" means any report of a fire or other emergency and the express or implied request for Fire Department assistance communicated by any means to the Fire Department where no actual fire or emergency exists and no notice of a test, malfunction or work on the system was communicated to the Fire Department in advance of the alarm. In the case of such report given by an automatic system, the owner of the premises shall be deemed to have caused or reported the false alarm unless it can be shown to be the deliberate and malicious act of another person.

- e) "Fire Prevention Inspection" means the physical inspection of the building or buildings and property together with the written report for compliance to the Ontario Building and Ontario Fire Codes.
  - f) "Owner" means any person or persons shown on the current assessment roll as the owner of property.
  - g) "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
  - h) "Township" means the legal boundaries of the Township of Armour.
  - i) "Indemnification Technology®" means Fire Department incident reporting, data collection and property insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils.
2. That fees shall be imposed for services performed by the Burk's Falls and District Fire Department in accordance with Schedule "A" attached hereto and forming part of this By-Law.
3. That fees imposed under the following provisions shall be due and payable by the person making the request and no inspection request shall be carried out by the Burk's Falls and District Fire Department until payment is received.
- a) Fire Prevention Inspections to all buildings and properties as follows:
    - Commercial, industrial and provincial occupancies
    - Residential occupancies
    - Inspection and Compliance Reports
  - b) Open Fire Burning in accordance with the current Open Air Burning By-Law.
4. That fees imposed under the following provisions shall become due and payable within thirty (30) days from receipt of an invoice issued and mailed by the Treasurer of the Corporation of the Township of Armour:
- a) Emergency response to open uncontrolled brush, grass or forest fires in contravention of the current Open Air Burning By-Law.
  - b) Alarm emergency response to vehicle fires or danger of fire, motor vehicle accident. **This section is not applicable to ratepayers or residents of the Townships of Ryerson, Armour, and the Village of Burk's Falls.**
  - c) False Alarms:
    - Any person who deliberately or negligently causes or reports a false alarm shall pay the fee described in Schedule "A" forming part of this By-Law.
    - No person shall undertake any work, testing and/or fire drill on any fire alarm or sprinkler system or device that sends an alarm directly to an alarm monitoring company without prior notice to that monitoring company. Failure to give such notice shall be deemed to be the causing or reporting of a false alarm if an alarm occurs.
    - No person shall undertake any work, testing and/or fire drills on any fire alarm or sprinkler system or device that is not monitored by an alarm company without providing prior notice to the Fire Department. This notice can be provided through the fire

department dispatch service but the person providing the notice must request that the fire department be advised of the work being undertaken. Failure to give such notice shall be deemed to be the causing or reporting of a false alarm if an alarm occurs.

d) Repetitive False Alarms:

- A fee will also be charged for repetitive false alarms, such as malfunction, non maintenance, and/or malicious acts. These are alarms to which the Burk's Falls and District Fire Department responds which are caused by life safety systems or devices such as fire alarm systems, sprinkler systems, interconnected smoke alarm systems, and carbon monoxide detectors. If a building has three or more false alarms in any 12 month period, a fee for the third false alarm and any subsequent false alarms in that 12 month period will be charged to the owner of the property, as stated in Schedule "A".
5. That fees imposed by this By-Law shall constitute a debt of the person to the municipality.
  6. That fees imposed by this By-Law, that are due and unpaid, shall be charged interest as established by Council, at a rate of 1.25% on the first day of each calendar month.
  7. That the Treasurer of the Corporation of the Township of Armour shall add to the tax roll of the owner, prescribed fees which are in default and collect the amounts so added in like manner as municipal taxes.
  8. That in the case of a non-resident or tenant of the municipality prescribed fees which are in default shall be collected through Small Claims Court proceedings and when deemed necessary costs will be recovered by filing a claim with the Ontario Court (General Division).
  9. By-law #12-2008 of the Corporation of the Township of Armour is hereby repealed, effective August 11, 2015.
  10. That this By-Law shall come into force on final passing.

Read a first, second and third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 11<sup>th</sup> day of August, 2015.

Original Signed by Bob MacPhail  
REEVE

Original Signed by Wendy Whitwell  
CLERK-ADMINISTRATOR

BY-LAW #30-2015

SCHEDULE "A"

SERVICE	FEE SCHEDULE
<b>A. Requested fire prevention inspections of all buildings and property.</b>	
Requested commercial, industrial, provincial, federal occupancies, and residential resale	\$100.00 1st inspection plus HST, \$30.00/Hour, plus HST each subsequent inspection
Requested residential occupancies including government funded day centres, group homes, child care provider homes, bed and breakfast homes, and schools	\$35.00 per inspection plus HST
Fire Code Retrofit Regulations - compliance	\$100.00 1st inspection plus HST, \$30.00/Hour, plus HST each subsequent inspection
Special Occasion Permits	\$50.00 1st inspection plus HST, \$30.00/Hour plus HST each subsequent inspection per event/occasion
Liquor License	\$100.00 1st inspection plus HST, \$30.00/Hour plus HST each subsequent inspection per event/occasion
Marijuana Grow Operations Fire Safety Inspections	\$100.00 1st inspection plus HST, \$30.00/Hour plus HST each subsequent inspection per event/occasion
Open air burning by-law contravention	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 Hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in the cleanup or control of open air burning
Fee for reports and information regarding incidents	\$65.00 plus HST
Demolition Burn Permit inspections	\$100.00 1st inspection plus HST, \$30.00/Hr. plus HST each subsequent inspection
<b>B. Emergency Response</b>	
Vehicle fire or danger of fire	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in the cleanup or control of vehicle fire or motor vehicle collision
Motor vehicle collision/accident	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in the cleanup or control of vehicle fire or motor vehicle collision

SERVICE	FEE SCHEDULE
Any other incident (or situation) posing a threat of fire	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in the cleanup or control of any incident posing a threat of fire
Hazardous materials, environmental spills or cleanup	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in the cleanup or control of hazardous materials or environmental spills
<b>C. False Alarms</b>	
1st and 2nd false alarm in any 12 month period however caused	No charge
3rd and subsequent false alarms in any 12 month period however caused	<u>For each fire apparatus as follows:</u> First hour: \$410.00 Every 1/2 hour or part thereof after the first hour: \$205.00 Total replacement cost for every or any damaged unit of equipment or material used in responding to a false alarm
<b>D. Fire Response Fees</b>	
Indemnification Technology®: (Municipal Act, 2001, Section 391 (1))	<u>For each fire apparatus as follows:</u> First hour: \$410.00 (Current MTO Rate) plus personnel costs. Every 1/2 hour or part thereof after the first hour: \$205.00 plus personnel costs plus any additional cost to the Fire Department or the Municipal Corporation, Township of Armour for each and every call.