

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 2-2009

A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES FOR CERTAIN SERVICES PROVIDED BY THE FIRE DEPARTMENT

WHEREAS section 2 of the Fire Protection and Prevention Act 1997, S.O. 1997, c. 4, as amended, authorizes a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency fire services program;

AND WHEREAS the Corporation of the Township of Woolwich has established a Fire Department to deliver firefighting and related emergency services;

AND WHEREAS section 391 of the Municipal Act 2001, c.25, as amended, authorizes a municipality by by-law to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS section 100 of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended, authorizes a municipality to do everything practicable to prevent, eliminate and ameliorate the adverse effects where a pollutant is spilled and causes or is likely to cause an adverse effect with the right to require compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable costs and expenses incurred;

NOW THEREFORE the Council of the Corporation of the Township of Woolwich enacts as follows:

DEFINITIONS

1. In this by-law,

“adverse effect” means one or more of,

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment of normal use of property , and
- (h) interference with the normal conduct of business;

“Corporation” means the Corporation of the Township of Woolwich;

“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;

“Fire Department” means a Fire Department for the Corporation and being a fire department within the meaning of the Fire Protection and Prevention Act 1997, S.O. 1997, c.4, as amended and is deemed to include any member of the Fire Department;

“firefighting and emergency services” includes all services related or incidental to the prevention, control and suppression of fires and the protection of lives and property, but excludes the provision of emergency medical and paramedical aid to victims of life threatening injury or trauma;

“malicious act” means a wrongful act done intentionally by any person without just cause or excuse;

“member” means a full-time firefighter, volunteer firefighter and officer of the Fire Department, but excludes the Fire Chief, Deputy Fire Chief and an administrative secretary to the Fire Chief;

“motor vehicle” has the same meaning as prescribed in the Highway Traffic Act R.S.O. 1990 c.H.8, as amended;

“non-resident” means a person who is neither a property owner nor a tenant of property within the Township of Woolwich;

“nuisance false alarm” means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improperly installation of the system or failure to maintain the system as prescribed by the Fire Code being O. Reg. 388/97, as amended, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system;

“property” means any public or private real property within the Township of Woolwich, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown;

“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 a member of the Fire Department determines that the alarm is a nuisance false alarm, the property owner shall be charged the fee as stipulated in schedule A attached to this By-law.
3. If a property owner fails to notify the Fire Department Dispatch Centre 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 the 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 responds to a fire alarm and upon conducting an investigation a member of the Fire Department determines that the alarm is a false alarm occurring as a result of a malicious act, the property owner shall be charged the fee as stipulated in Schedule A attached to this by-law.

MOTOR VEHICLE ACCIDENTS

5. If the Fire Department attends at the scene of a motor vehicle accident on a property within the Township of Woolwich and provides firefighting or other emergency services, to a non-resident driver, the non-resident driver shall be charged the fee as stipulated in Schedule A attached to this by-law.
6. If the Fire Department attends at the scene of a motor vehicle fire on any property within the Township of Woolwich and provides firefighting or other emergency services, and if the owner of the motor vehicle is a non-resident, the non-resident owner shall be charged the fee as stipulated in Schedule A attached to this by-law.

NON-EMERGENCY ELEVATOR INCIDENT RESPONSE

7. If the Fire Department attends at a property to free an individual from an elevator or to standby for service technicians for an elevator that is inoperative due to mechanical failure, equipment malfunction, or improper maintenance or installation of the elevator or any of its components, and if it is determined by a member of the Fire department that the confined individual does not have urgent medical needs or is in immediate danger as a result of the elevator being inoperative, the property owner shall be charged the fee as stipulated in Schedule A attached to this by-law.

FIRE PERMITS AND INSPECTIONS

8. No request by any person for any inspection or permit described in Schedule A will be processed or provided by the Township unless and until the person requesting the inspection or permit has paid the applicable fee in the prescribed amount as set out in Schedule A to this by-law. Open fires that are under two feet by two feet are exempt from the fees applicable to this by-law, however a permit must still be issued.

EXTRAORDINARY EXPENSES

9. If the Fire Department responds to a fire or other emergency at a property and determines, or the Fire Chief, District Fire Chief or Deputy District Chief determines, that it is necessary to retain a private contractor, rent special equipment, or use more materials, equipment or labour than are provided on a first 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 the expenses incurred the Fire Department for retaining a private contractor, renting special equipment and/or using more materials, equipment or labour than are provided on a first alarm response, as applicable.

SPILLS

10. If the Fire Department responds to pollutant spill which has caused or is likely to cause an adverse effect, the owner of the pollutant and the person having control of the pollutant shall be charge the expenses incurred by the Fire Department for responding to the spill.

ADMINISTRATION AND ENFORCEMENT

11. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under his by-law and the person shall pay the fee within thirty days of receipt of the invoice.
12. The fees as listed in Schedule A to this by-law will be subject to Provincial Sales Tax (P.S.T.) and Goods and Services Tax (G.S.T.) where applicable.
13. The Corporation may deliver an invoice either personally, or by 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 registered mail if delivered to an address within the Township of Woolwich,
 - (c) five days after mailing by registered mail if delivered to an address outside of the Township of Woolwich,
 - (d) five days after mailing by ordinary mail if delivered to an address within the Township of Woolwich, or
 - (e) seven days after mailing by ordinary mail if delivered to an address outside of the Township of Woolwich.
14. A fee imposed upon a person under this by-law, including any interest charges and costs of collection, constitutes a debt of the person to the Corporation.
15. A person may pay any fees and charges imposed under this by-law by cash, cheque, certified cheque or banker's draft payable to the Corporation or by interact from time to time.
16. 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 at the rate established by by-law from time to time.
17. 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 interest, to the tax roll for any real property in the Township of Woolwich registered in the name of the owner and collect the fee, including interest, in like manner as municipal taxes.

GENERAL

18. By-law 105-2004 and applicable schedules is hereby repealed.
19. Schedule A shall be deemed to be an integral part of this by-law.
20. Where applicable, any by-law affected by the Schedule of Fees shall be amended in accordance with the Schedule of Fees appended as Schedule A. The appropriate by-laws shall be amended only in respect to the alteration of the fees permitted to be charged under the appropriate by-law, and only in such a manner as is prescribed by the new Schedule of Fees in the attached schedule.
21. Should any part of this by-law, including any part of Schedule A, be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the by-law shall be severable and that the remainder of this by-law, including the remainder of Schedule A, as applicable, shall continue to operate and to be in force and effect.

PASSED this 19th day of January, 2009.

Wm. L Strauss
Mayor

Christine Broughton
Clerk

SCHEDULE "A"

FIRE DEPARTMENT	FEE
<p>For responding to nuisance false alarms:</p> <ul style="list-style-type: none"> a) for properties where monitoring is not augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year b) for properties where monitoring is augmented by a direct electronic data connection to the fire department, first two (2) false alarms in the previous 12 months c) each subsequent false alarm in the previous 12 months 	<p align="center">Nil</p> <p align="center">Nil</p> <p align="center">\$750.00</p>
<p>For responding to false alarms occurring as a result of work being performed on a fire alarm system or emergency system:</p> <ul style="list-style-type: none"> a) for properties where monitoring is not augmented by a direct electronic data connection to the fire department, each false alarm b) for properties where monitoring is augmented by a direct electronic data connection to the fire department, first two (2) false alarm in the previous 12 months c) each subsequent false alarm in the previous 12 months 	<p align="center">\$750.00</p> <p align="center">Nil</p> <p align="center">\$750.00</p>
<p>For attending at the scene of a motor vehicle accident or motor vehicle fire and providing fire fighting or other emergency services to a non-resident:</p> <ul style="list-style-type: none"> a) for the first hour or any part thereof; b) for each additional one-half hour or part thereof 	<p align="center">\$350.00 per dispatched truck</p> <p align="center">\$175.00 per dispatched truck</p>

<p>For attending a non-emergency elevator incident to free an individual from an elevator, or to standby for a repair service:</p> <p>a) for the first hour or part thereof;</p> <p>b) for each additional one-half hour or any part thereof</p>	<p>\$350.00 per dispatched truck</p> <p>\$175.00 per dispatched truck</p>
<p>An inspection for any purpose other than one initiated by the Fire Department:</p> <p>a) for the first hour or any part thereof;</p> <p>b) for each additional one-half hour or any part thereof</p>	<p>\$55.00</p> <p>\$23.00</p>
<p>Outdoor function permit application review (no inspection)</p>	<p>\$55.00</p>
<p>Fireworks display permit</p>	<p>Nil</p>
<p>Open fire burning permit:</p> <p>Less than 2ft by 2ft</p> <p>Greater than 2ft by 2ft</p>	<p>Nil</p> <p>20.00 One-time Burn</p> <p>\$50.00 Per Season</p>
<p>Fire report (e.g. insurance requests)</p>	<p>\$60.00</p>
<p>Hourly labour rate for services covered by contract</p>	<p>\$30.00</p>
<p>Usage or rental of fire vehicle (not including labour):</p> <p>a) for the first hour or any part thereof;</p> <p>b) for each additional one-half hour or any part thereof</p>	<p>\$200.00</p> <p>\$100.00</p>

For responding to approved and unapproved fires:	
a) no "permission to light fire" form signed by the Fire Chief, District Chief or designate;	\$750.00
b) failure to adhere to the requirements of Section 4 of by-law 72-2001 or loss of control of an approved fire that requires the attendance of the Fire Department.	\$750.00