

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE
BY-LAW NO. 24-02

Being a By-law to establish Fire and Emergency Services
fees and charges.

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 Malahide has established a Fire Department to deliver firefighting and related emergency services together with fire protection services;

AND WHEREAS Section 291 of the Municipal Act, 2001, S.O. 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;

NOW THEREFORE the Council of the Corporation of the Township of Malahide
HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,

"agency" includes any law enforcement agency, public utility, provincial or federal ministry together with any of its agencies, boards and commissions, the Electrical Safety Authority, and the Technical Standards and Safety Authority together with any other entity that has statutory regulatory or oversight authority.

"Corporation" means the Corporation of the Township of Malahide.

"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 & Emergency Services" means a Division of 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 & Emergency Services Division.

"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.

"Government body" includes,

- (a) Any Ontario municipality together with its agencies, boards and commissions;
- (b) The Governments of Canada and Ontario together with their ministries and agencies;
- (c) A board as defined in the *Education Act* R.S.O. 1990 c. E2, as amended, and any school operated by a board and located within the boundaries of the Township of Malahide; an Ontario university, college or applies arts and technology or other post-secondary institution; and
- (d) An institution approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c.P.40 as amended; and a Conservation Authority established under the *Conservation Authorities Act*, R.S.O. 1990, c.C.27, as amended.

"malicious act" means a wrongful act done intentionally by any person without just cause or excuse.

"motor vehicle" has the same meaning as prescribed in the *Highway Traffic Act* R.S.O. 1990 c.H8 as amended.

"non-resident" means a person who is neither a property owner nor a tenant of property within the Township of Malahide.

"person" includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative.

"nuisance false alarm" means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper installation of the system or failure to maintain the system as prescribed the Fire Code being Ontario Regulation 213/07, 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 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.

"technical rescue team" means a team of specifically trained firefighters with specialized equipment and knowledge used to save individuals from danger.

2. Council hereby establishes the fees and charges as set out in Schedule "A" to this By- law.
3. The fees and charges as listed in Schedule "A" to this by-law are subject to the Harmonized Sales Tax (H.S.T.) where applicable.
4. No discounts apply for early payment of any fee set out in Schedule "A" and to this By- law.
5. Payment of all fees and charges listed in Schedule "A" is due within 30 days of receipt of an invoice issued by the Corporation unless otherwise stated in Schedule "A". Payments may be made by cash, cheque payable to the Corporation, or interact Debit banking card where available.
6. This by-law shall be known as the "Fire & Emergency Services Cost Recovery By-law".

FIRE ALARMS AND BURN PERMITS

7. If Fire Services attends at a property in response to a fire alarm and after conducting an investigation a member of Fire Services determines that the alarm is a nuisance false alarm, the property owner may be charged the fee as stipulated in Schedule "A" attached to this by-law.
8. If a property owner fails to notify the Fire Services Communication 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 may be charged the fee as stipulated in Schedule "A" attached to this by-law.
9. No person shall light, ignite or start, or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without first obtaining a burn permit from the Township of Malahide staff other than exempt fires in Section 3 of By-law 12-96 Open Air Burning.
10. Any person who lights, ignites or starts or allows or causes to be lighted, ignited or started, a fire of any kind whatsoever in the open air and by his or her action causes the summons of the fire department without the required permit, shall be responsible for expenses incurred for responding Fire Department Services as stipulated in Schedule "A" attached to this by-law.
11. Any person who lights, ignites or starts or allows or causes to be lighted, ignited or started, a fire of any kind whatsoever in the open air and by his or her action causes the summons of the fire department, having failed to comply with a valid permit, shall be responsible for expenses incurred for responding Fire Department Services as stipulated in schedule "A" attached to this by-law.

MOTOR VEHICLE ACCIDENTS

12. If Fire Services attends at the scene of a motor vehicle collision on any property within the Township of Malahide and provides firefighting or other emergency services, the Corporation may charge the fee stipulated in Schedule "A". In the event that there are multiple vehicles involved in the collision, this fee will be apportioned to the at fault driver. Residents of Malahide and Non-residents of Malahide, or their insurance company, will be issued the said invoice for payment.

UTILITY SERVICES

13. If Fire Services attend an incident on any road or property within the Township

of Malahide, where such an incident involves a service utility provider, the Corporation may charge the fee stipulated in Schedule "A".

TECHNICAL RESCUE SERVICES

14. If Fire & Emergency Services are requested to respond to an incident in another municipality to perform Technical Rescue Services (ie. Water rescue, Rope Rescue) which are not part of Mutual Aid Agreements, the Corporation may charge the fee stipulated in Schedule "A" to the requesting Municipality.

NATURAL GAS INCIDENT RESPONSE

15. If Fire & Emergency Services attends at a property in response to a natural gas leak, the property owner may be charged the fee as stipulated in Schedule "A attached to this By- law.

EXTRAORDINARY EXPENSES AND ADDITIONAL FEES

16. If Fire & Emergency Services responds to a fire or other emergency at a property and determines, or the Fire Chief or designate determines, that it is necessary to retain the services of a private contractor, or rent special equipment or use consumable materials other than water and medical supplies, in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, all costs and expenses incurred by Fire & Emergency Services for retaining the services of a private contractor, renting special equipment and/or for all consumable materials used other than water, as applicable, may be charged to the property owner and recovered as a fee under this By-Law.

17. If Fire Services responds to a request for assistance:

- a. From another agency,
- b. From a property owner, or
- c. To a property that is being used for the manufacture, cultivation, trade and/or distribution of a controlled substance,

All of the costs and expenses incurred as a result of the attendance, which include, but are not limited to the costs and expenses of vehicles, labour, equipment, materials and administration, may be charged to the property owner, and all such costs shall be recovered as a fee under this by-law.

FIRE INSPECTIONS

18. For the provision of requested fire-related inspection services, the requester may be charged the fee as stipulated in Schedule "A" attached to this By-Law.

FIRE REPORTS AND FILE SEARCHES

19. For all fire related file searches, environmental searches and fire report requests, the requester may be charged the fee as stipulated in Schedule "A" attached to this By-Law.

FIRE EXTINGUISHER TRAINING

20. If Fire & Emergency Services provides fire extinguisher training sessions to a requester, the requester may be charged the fee as stipulated in Schedule "A" attached to this By-law.

ADMINISTRATION AND ENFORCEMENT

21. The Corporation may deliver an invoice either personally, or by registered mail, by email, 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 or email,
- b) Three days after mailing by registered mail if delivered to an address within the Township,
- c) Five days after mailing by registered mail if delivered to an address outside of the Township,
- d) Five days after mailing by ordinary mail if delivered to an address within the Township,
- e) Seven days after mailing by ordinary mail if delivered to an address outside of the Township.

22. A fee or charge 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.

23. For fees or charges imposed pursuant to section 7 or 8, consideration will be given by the Chief Fire Official to waiving or reducing fee or charges where the property owner has demonstrated that significant measures have been undertaken to refurbish the fire protection system to prevent future occurrences. This will be subject to the approval of the Fire Chief of his designate.

24. If a person who is charged a fee or charge under this by-law fails to pay the fee within thirty days of the date upon which payment is due, the person shall be charged interest commencing on the thirty first day that the fee remains unpaid at the rate of 2.0% per month applied to the compounded amount every 30 days (for an effective rate of 24.0% per annum). Unless precluded by by-law or legislation. Government bodies are exempt from interest.
25. If a property owner who is charged a fee or charge under this by-law fails to pay the fee or charge within 90 days of receipt of an invoice, the Corporation may add the fee or charge, including interest, to the tax roll for any real property in the Township of Malahide registered in the name of the owner and collect the fee or charge, including interest, in like manner as municipal taxes.

GENERAL

26. Schedule "A" shall be deemed to be an integral part of this By-Law.
27. 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 the 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.
28. That By-law 23-10 be repealed in its entirety and replaced with By-law 24-02.
29. This By-law shall come into force and take effect upon the final passing thereof.

READ a FIRST and SECOND time this 18th day of January, 2024.

READ a THIRD time and **FINALLY PASSED** this 18th day of January, 2024.

Original Signed By:

Mayor, D. Giguère

Original Signed By:

Clerk, A. Adams

Schedule "A" Malahide Fire & Emergency Services – Fees and Charges – Effective February 1, 2024

INSPECTIONS – All fees include an administrative fee and a maximum hours to inspect. Additional time will be billed at the hourly rates and rounded up to the full hour	FEE	HST	TOTAL FEE
LCBO License Review and documentation (1 hour)			
On site inspection Residential, single dwelling(1 hour)	150.00	19.50	169.50
On site inspection Residential, duplex(2 hours)	200.00	26.00	226.00
Onsite inspection Residential 3 or more units(4 hours) base fee plus 35.00 per unit.	200.00 +35.00 p/u	30.55	265.55
On site inspection Commercial (4 hours) base fee plus hourly after time	200.00	26.00	226.00
On site inspection Commercial and Industrial(5 hours) base fee plus hourly after time	300.00	39.00	339.00
Inspection of Trade Shows, Special Functions(3 hours)	200.00	26.00	226.00
On site inspection Bed and Breakfast, short term rentals and Compliance letter(2 hour)	200.00	26.00	226.00
On site inspection of Multi Unit Hotels and Motels(4 hours) base plus hourly after time	250.00 +hr	32.50	282.50
Private Home Day Care Inspections (2 hours)	200.00	26.00	226.00
Day Care Centres and compliance letter (3 hours)	250.00	32.50	282.50
Vulnerable Occupancy, Care Occupancy up to 10 residents, Inspection and Compliance Report	425.00	55.25	480.25
Vulnerable Occupancy, Care Occupancy up to 11+ residents, Inspection and Compliance Report	480.00	62.40	542.40
Vulnerable Occupancy, Registered Retirement Home, Inspection and Compliance Report	800.00	104.00	904.00
Vulnerable Occupancy, Care and Treatment Facility, Inspection and Compliance Report	750.00	97.50	847.50
Fire Safety Plan initial review (1 hour) subsequent reviews hourly	125.00	16.25	141.25
Refreshment Vehicle administrative on-site inspection (No Suppression System)(1 hour)	150.00	19.50	169.50
Refreshment Vehicle Inspection on-site inspection (Suppression System)(2 hours)	200.00	26.00	226.00
Marijuana Grow Operation and Compliance Inspection per address	550.00	71.50	621.50
Re-inspection of any Type after Order or Deficiencies	100.00	13.00	113.00
Property Inspections not Listed will be done flat fee + hourly basis	150.00 +hr	19.50	169.50
EXTRAORDINARY EXPENSES AND ADDITIONAL FEES			
Occupant Load Calculation	120.00	15.60	135.60
Property File Search Letter	120.00	15.60	135.60
Fire Report	120.00	15.60	135.60
Administrative Services-Per Hour	50.00	6.50	56.50
Firefighter Hourly Rate	50.00	6.50	56.50
Fire Prevention Officer Hourly Rate	60.00	7.80	67.80
Director of Fire and Emergency Services Hourly Rate	75.00	9.75	84.75
Extra Costs: Cost recovery plus 15% administrative overhead for any extraordinary costs incurred relating to MVC's firefighting, overhaul, investigation, or securing a property. Including the costs of specialists, consumables, equipment, machinery, damages to public infrastructure.			
Standby Duty: The greater of Costs plus 15% administration overhead, or \$485.40 per hour (as established by MTO) or portion thereof in ½ hour increments for each staffed fire department vehicle.			
FEES FOR SERVICE			
Response to Motor Vehicle Collisions, approved MTO rate per vehicle, minimum 3 vehicles	559.86	N/A	559.86
Response to natural gas leak from damage, approved MTO rate per vehicle, minimum 3 vehicles	559.86	N/A	559.86
Inspection and Fire Investigation after hours services(4 hour min) plus hourly past four hours	300.00	39.00	339.00
First False Alarm in 12 month period	N/C	N/C	N/C

Second False Alarm (other than mischief) in a 12 month period	250.00	32.50	282.50
Third and subsequent False Alarm (other than mischief) in a 12 month period for each attending Fire Dept. Vehicle as assigned by Dispatch (MTO rates), minimum three vehicles	559.86	N/A	559.86
Single station Smoke Alarm & Installation or check, privately owned residence	N/C	N/C	N/C
Single station Carbon Monoxide Alarm & Installation or check, privately owned residence	N/C	N/C	N/C
Single station Combination Smoke and Carbon Monoxide Alarm & Installation	N/C	N/C	N/C
Fire Extinguisher Training on site at Fire Department per date up to 25 persons between 9am and 4pm Monday to Friday	550.00	71.50	621.50
Fire Extinguisher Training on site at Fire Department per date up to 25 persons evenings or weekends	825.00	107.25	932.25
Failure to Acquire Burn Permit and Fire Service called to respond (first offence)	200.00	26.00	226.00
Failure to Acquire Burn Permit and Fire Service called to respond (subsequent offence) MTO Rate, minimum three vehicles	559.86	N/A	559.86
Failure to Comply with Burn Permit Regulations (first offence)	200.00	26.00	226.00
Failure to Comply with Burn Permit Regulations (subsequent offence) MTO Rate, minimum three vehicles	559.86	N/A	559.86
MTO rates are charged for the first hour or any part thereof and then for each additional half hour or part thereof plus extra costs.			
PERMITS			
Burning Permit	N/C	N/C	N/C