

THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON

BY-LAW NO. 921-12

*(A By-Law to Establish a Tariff of Fees for Certain Services
Provided by the Stirling – Rawdon Fire Department)*

WHEREAS Fire Protection and Prevention Act, 1997, authorize a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency services program;

AND WHEREAS the Corporation of the Township of Stirling - Rawdon has established a Fire Department being the Stirling – Rawdon Fire Department to deliver firefighting and related emergency services; under By-Law 601-07

AND WHEREAS Section 391.1 of the Municipal Act, R.S.O. 2001, 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;

NOW THEREFORE the Corporation of the Township of Stirling – Rawdon enacts as follows:

DEFINITIONS

1. In this by-law,

- a) "Corporation" means the Corporation of the Township of Stirling - Rawdon;
- b) "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;
- c) "fees" means a payment for the services of the Stirling – Rawdon Fire Department;
- d) "Fire Department" means the Stirling – Rawdon Fire Department for the Corporation of the Township of Stirling-Rawdon, and is deemed to include any member of the Stirling – Rawdon Fire Department;
- e) "firefighting and emergency services" includes all services related or incidental to the prevention, control, suppression and investigation of fires and the protection of lives and property, and includes the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma
- f) "first alarm response" means the complement of vehicles and members normally sent to an emergency;
- g) "malicious act" means a wrongful act done intentionally by any person without just cause or excuse;
- h) "member" means a volunteer firefighter and officers of the Fire Department and includes the Fire Chief and Deputy Fire Chiefs.
- i) "property" means any public or private real property within the Township of Stirling – Rawdon , 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;)
- J)"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 attend at a property in response to a fire alarm and upon conducting an investigation the Fire Chief/ Deputy Fire Chief or his/her designate determines that the alarm is a false alarm occurring as a result of a malfunction or the property owner having failed to maintain the fire alarm system or emergency system as prescribed by the Ontario Fire Code (O.Reg.388/97), the property owner shall be:

- a) ordered by the Chief or Deputy Chief to correct the system pursuant to the regulations set out in Schedule "B" attached hereto and forming part of this by-law; and
- b) charged a fee as stipulated in Schedule "A" attached hereto and forming part of this by-law.
- c). If a property owner fails to notify the Stirling – Rawdon Fire Department Dispatch 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 a fee as stipulated in Schedule "A" attached to this by-law if the Fire Department responds to the false alarm.
- d). If the Fire Department respond to a fire alarm and upon conducting an investigation the Fire Chief or his designate determines that the alarm is a false alarm occurring as a result of a malicious act, the occurrence shall be reported to the police and a criminal investigation may be initiated.

EXTRAORDINARY EXPENSES

3. If the Fire Department respond to a fire or other emergency at a property and the Fire Chief/ Deputy Fire Chief or his/her designate determine that it is necessary to retain a private contractor, rent special equipment, or use more materials than are carried on a first alarm response in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control eliminate and investigate an emergency, the property owner shall be charged those expenses incurred by the Fire Department where a private contractor is retained, special equipment is rented or more consumable products than are normally carried on a first alarm response are used. Scene security costs can be included in these expenses as well

ADMINISTRATION AND ENFORCEMENT

- 4. The Fire Chief or his designate will assess each situation and will make the final decision as to the level and type of charges that will be levied under this bylaw.
- 5. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under this by-law and the person shall pay the fee within thirty days of receipt of the invoice.
- 6. The Corporation may deliver an invoice either personally, or by prepaid 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 prepaid registered mail if delivered to an address within the Township of Stirling-Rawdon;
 - c) five days after mailing by prepaid registered mail if delivered to an address outside of the Township of Stirling - Rawdon;

d) five days after mailing by ordinary mail if delivered to an address within the Township of Stirling – Rawdon seven days after mailing by ordinary mail if delivered to an address outside of the Township of Stirling-Rawdon.

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

8. A person may pay any fees and charges imposed under this by-law by cash, Interact, certified cheque or banker's draft payable to the Corporation.

9. 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 penalty and interest, to the tax roll for any real property in the Township of Stirling – Rawdon registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

10. Schedule "A" and Schedule "B" Schedule "C" and Schedule "D" constitute part of this by-law.

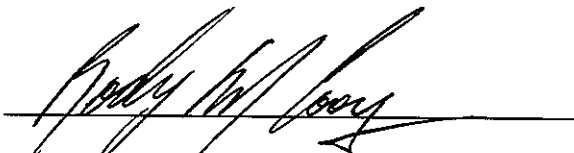
11. Any person billed for services as a result of violation of the provisions of this By-Law may appeal to Council for a hearing.

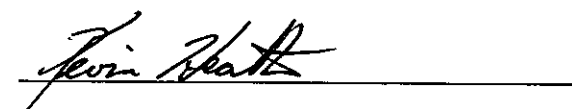
12. Burning permits : shall be charged to the applicant at the rate stipulated in Schedule A as attached to this bylaw . This fee will be collected annually upon renewal of the "Burning Permit"

13. Schedule "C" and Schedule "D" attached to this bylaw are the applicable fines that can be levied as result of a burning permit complaints and infractions

14. This by-law shall come into force and effect on date of passing.

READ A FIRST, SECOND and THIRD TIME and PASSED THIS 16th DAY OF July 2012


Rodney Cooney (Mayor)


Kevin Heath (Clerk)