

Corporation of the Township of Howick

By-law No. 45-2015

A by-law to provide for the Establishing Tariff of Fees for 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 emergency fire services program and;

Whereas, the Corporation of the Township of Howick has established a Fire Department being the Township of Howick Fire Department to deliver firefighting and related emergency services and;

Whereas, Sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes a municipality to pass by-laws necessary or desirable for municipal purposes and;

Whereas, Section 391 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 Howick enacts as follows:

1. Definitions:

In this by-law,

"Corporation" means the Corporation of the Township of Howick;

"Fire & Emergency Services" means the Township of Howick Fire Department 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 Howick 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;

"member" means a full-time firefighter, volunteer firefighter and officer of Howick Fire Department;

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

"non-resident" shall mean any person who does not reside in the Township of Howick or who is not the owner or tenant of land in the Township of Howick or who is not the spouse of an owner or tenant of land in the Township of Howick;

"resident" shall mean any person who does reside in the Township of Howick or who is the owner or tenant of land in the Township of Howick or who is the spouse of the owner or tenant of land in the Township of Howick;

"false alarm" shall mean the activation of a fire alarm system or emergency system through mechanical failure, equipment malfunction, improper 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;

"owner" shall include a mortgagee, lessee, tenant, occupant, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian;

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

2. Vehicle Accident Response Fees

- 2.1 On every occasion where the vehicles, equipment and personnel of the Township of Howick Fire Department respond to a call or incident on a roadway in the Township of Howick under the jurisdiction of the Province of Ontario, and such call or incident involves a motor vehicle owned by a resident or non-resident, a fee shall be charged to the Province of Ontario, Ministry of Transportation in accordance with Schedule "A" which is attached hereto and forms part of this by-law.
- 2.2 On every occasion where the vehicles, equipment and personnel of the Township of Howick Fire Department respond to a call or incident on a roadway in the Township of Howick under the jurisdiction of Huron County, and such call or incident involves a motor vehicle owned by a resident or non-resident, a fee shall be charged to Huron County in accordance with Schedule "A" which is attached hereto and forms part of this by-law.
- 2.3 On every occasion where the vehicles, equipment and personnel of the Township of Howick Fire Department respond to a call or incident on any roadway under the jurisdiction of the Township of Howick, the Province of Ontario or the County of Huron where such call or incident involves Enbridge Gas, Hydro One or Wightman Technologies or Bell Canada, a fee shall be charged to the utility operator in accordance with Schedule "A" which is attached hereto and forms part of this by-law.
- 2.4 On every occasion where the vehicles, equipment and personnel of the Township of Howick Fire Department respond to a call or incident on a roadway in the Township of Howick under the jurisdiction of Township of Howick, and fees have not been collected under Sections 2.1 to 2.3, such resident or non-resident motor vehicle owner will be charged a fee in accordance with Schedule "A" which is attached hereto and forms part of this by-law.
- 2.5 Fees charged under Sections 2.1 to 2.4 shall be charged by the Treasurer of the Township of Howick. Fees collected shall be deposited by the Treasurer in the General Account of the Township of Howick.

3. False Alarm Fees

- 3.1 No person shall undertake any work on any fire alarm systems, without notifying the Township of Howick Fire Department.
- 3.2 When the vehicles, equipment and personnel of the Township of Howick Fire Department respond to false alarms, described in items 1 and 2 of Column 1 of Schedule "B" attached hereto, the owner of the property at which the false alarm has occurred will be charged. These incidents will be charged at the response fees as set out in Items 1 and 2 Column 2 of Schedule "B" attached hereto and forms part of this by-law.
- 3.3 The Treasurer of the Township of Howick shall mail or cause to be mailed no less than 60 days prior to the due date identified therein in an invoice for the applicable false alarm response fee to the property owner of a property at which the false alarm occurred. These fees will be payable on or before the due date indicated.

- 3.4 A false alarm response fee imposed upon an owner under Sections 3.1 and 3.2 of this by-law is a lien and charge upon the property of the owner at which the false alarm occurred and if the fee or any part thereof remains unpaid after the due date, the amount outstanding may be collected in the same manner as municipal taxes are collected.
- 3.5 The Treasurer shall add to the amount of any false alarm response fee due and unpaid, interest at the rate of 1.25% per month from the month in which the payment of the false alarm response fee was due and payable until the said fee is paid.

4. Inspection and Miscellaneous Fees

- 4.1 Fees shall be charged for inspections and written responses to written requests relating to outstanding orders under the fire code or any act, regulation or fire services by-law.
- 4.2 Fees for services provided under Section 4.1 shall be in accordance with Schedule "B" which is attached hereto and forms part of this by-law.

5. Failure to Obtain Burning Permission

- 5.1 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 having obtained permission to do so from a member and/or officer of the Township of Howick Fire Department.
- 5.2 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 who by his action causes the summons of a fire vehicle, equipment and/or personnel from the Township of Howick Fire Department, without valid permission, shall be responsible to the Township of Howick for expenses thereby incurred.
- 5.3 The Treasurer of the Township of Howick shall mail or cause to be mailed an invoice for the applicable charges to the owner of the property at which the call occurred.
- 5.4 All charges incurred as a result of a call under Sections 5.2 of this by-law is a lien and charge upon the property of the owner at which call occurred and if the fee or any part thereof remains unpaid after the due date, the amount outstanding may be collected in the same manner as municipal taxes are collected.
- 5.5 The Treasurer shall add to the amount of any false alarm response fee due and unpaid, interest at the rate of 1.25% per month from the month in which the payment of the false alarm response fee was due and payable until the said fee is paid.

6. Enactment

- 6.1 This by-law shall come into force and takes effect on January 1st, 2016.

Read a first and second time this 20 day of October, 2015.

Read a third time and finally passed this 20 day of October, 2015.

Reeve Art Versteeg

Clerk Carol Watson

Schedule "A"
to By-law 45-2015

Vehicle Accident Fees
For Responses on Township of Howick Roadways
and County of Huron Roadways

Response Duration	Fee
For the first hour	\$650.00/truck
For every additional ½ hour or part thereof	\$325.00/truck
For responding to a call where services are not required	\$650.00/truck

Note: Responses on Provincial Roadways will be billed at current MTO Rates.

Note: Please add applicable sales tax to all figures above.

**Schedule "B"
to By-law 45-2015**

False Alarm Fees

Description	Fee
First False Alarm	No Charge
Second False Alarm	\$250.00
Third False Alarm per occurrence per device or at the discretion of the Fire Chief and/or designate	\$450.00
Fourth and subsequent False Alarm per occurrence per device or at the discretion of the Fire Chief and/or designate	\$450.00

Note: False alarm calls will be tracked and fees charged within a twelve month period from the date of the first response.

Inspection and Miscellaneous Fees

Description	Fee
Residential Inspections	\$100.00 each
Commercial Inspections	\$125.00 each
Industrial Inspections	\$125.00 each
Apartments and/or Condominiums	\$125.00 per bldg plus \$25.00 per unit
Requests for Fire Reports, File Search, Letters and Inspection Reports	\$100.00 each
Open Air Burning Inspections *	50.00 each
Illegal Open Air Burns	\$450.00
Fire Watch	\$450.00
Securing of Premises (after a fire)	\$85.00/hr per firefighter
Miscellaneous Requests (written response to fire safety plan/attendance at fire drill)	\$50.00 each
Fire Extinguisher Training	Cost to refill extinguisher & any rental costs involved
Smoke Alarms, Carbon Monoxide Detectors and Fire Extinguisher purchases	Cost of unit
Fire Suppression Agents	Replacement Cost plus \$25.00 Admin Fee
Class Room Rental	\$50.00 per day
Fire Safety Presentations	No Charge
Clean Up of Hazardous Materials and/or Equipment Cleaning or Replacement due to contamination	Actual Cost plus \$25.00 Admin Fee
Technical Rescue (high angle rope/confined space) Non Resident Only	\$650.00 per hour per vehicle
Fire Response Fees Indemnification Technology	\$650.00 per hour per vehicle
Retention of Private Contractor and/or Rental of special equipment to determine origin/cause, suppress or extinguish fire, preserve property, prevent fire spread and make area safe	Actual cost plus \$25.00 admin fee

Note: For inspections - resident requests are excluded - only pertains to insurance company, lawyer and real estate requests.

* For special circumstance burns defined as burns "not in compliance" with existing burn by-law.

Note: Please add applicable sales tax to all figures above.