

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL
BY-LAW NO. 2021-**

**"BEING A BY-LAW TO IMPOSE FEES AND CHARGES FOR
SERVICES AND ACTIVITIES PROVIDED OR DONE BY THE
FIRE DEPARTMENT OF THE TOWNSHIP OF
EDWARDSBURGH CARDINAL"**

WHEREAS the Municipal Act, 2001, Sections 8 and 9(1)(a) provides authority to enable a municipality to govern their affairs as they consider appropriate; and

WHEREAS the Municipal Act, 2001, as amended, authorizes a municipality to enact by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, among other things, subject to the terms, conditions and limitations set out in the section; and

WHEREAS Section 446 of the Municipal Act, 2001, permits a municipality to enact a bylaw to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expenses and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to impose fees or charges for services or activities provided or done by its Fire Department;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. DEFINITIONS

In this By-law, unless the context requires otherwise;

- a) "Corporation" means the Corporation of the Township of Edwardsburgh Cardinal;
- b) "Enforcement Officer" means members of the Edwardsburgh Cardinal Fire Department, Fire Chief, Deputy Fire Chief, Ontario Provincial Police/Royal Canadian Mounted Police, or members of the Ontario Fire Marshal's office to enforce this bylaw.
- c) "False Alarm" means a fire alarm signal from a detection system that is not caused by a fire and initiates a response from the Fire Department;
- d) "Fire Alarm System" means an automatic or manual device(s) connected to a fire alarm control unit designed to alert the occupants within a building to the presence of fire. The alarm system may also alert a monitoring company (if monitored) or actuate devices connected to the alarm system, such as smoke control devices, strobe lights, magnetic devices, fire dampers or other life safety devices;
- e) "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation;
- f) "Fire Department" means the Corporation of the Township of Edwardsburgh Cardinal Fire & Emergency Services;
- g) "Non-Resident" means a person who is neither a property owner or a tenant of property within the Township of Edwardsburgh Cardinal;

- h) "MTO Rate" means the current, accepted and published Ministry of Transportation rate for fire response service on provincial highways; and
- i) "Owner" means a person, firm or corporation who owns or has control over any portion of a property in respect of which services and activities were provided or done by the Fire Department.
- j) "Response" means the Fire Department was dispatched to an incident and the dispatch report indicates that fire department apparatus initiated a response.

2. FEE FOR SERVICE

- 2.1 If the Fire Department responds to a fire alarm and, upon conducting an investigation, the Fire Chief or his designate determines that the alarm is a false alarm, the property owner shall be charged the fee as stipulated in Schedule A to this by-law.

The cost to repair the fire alarm system may be deducted from the fee if an invoice for completed repairs from a certified alarm company is submitted to the Fire Department within 7 days to the satisfaction of the Fire Chief or designate.

- 2.2 If the Fire Department attends at the scene of a motor vehicle accident or motor vehicle fire on any property within the Township 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 to this by-law.
- 2.3 If the Fire Department attends at a hazardous materials incident on any property within the Township and provides firefighting or other emergency services the property owner shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.4 If the Fire Department attends at a property in response to unapproved open burning or out-of-control open air burn, the property owner shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.5 If the Fire Department attends at a property and provides fire suppression or other emergency services the property owner or shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.6 If the Fire Department attends at a property and in the opinion of an Inspector, it is necessary for the immediate protection of persons and property that the lands or premises be closed immediately, cause the land or premises to be closed immediately and persons on the premises to be removed and direct that the lands or premises remain closed and that the premises be vacated until such time as corrective actions have been completed, the property owner shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.7 For the provision of emergency response and file search and compliance reports the requestor shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.8 For the provision of; burn permits, RSMP reviews, alternative solution and fire safety plan reviews the requestor shall be charged the fee as stipulated in Schedule A to this by-law.

- 2.9 If the Fire Department attends at a property in response to a request for a fire inspection the requestor shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.10 If the Fire Department attends at a property and provides stand-by fire protection the property owner shall be charged the fee as stipulated in Schedule A to this by-law.
- 2.11 If it is necessary to retain private contractor, rent special equipment not normally carried on a fire apparatus in order to determine origin and cause, suppress or extinguish a fire, preserve property, prevent fire spread, make safe or otherwise eliminate an emergency the property owner shall be charged the fee as stipulated in Schedule A to this by-law
- 2.12 The owner of property to which services set out in Schedule A to this bylaw were provided for or done by the Fire Department, regardless of whether requested by the owner or an agent of the owner or not, and invoiced to the owner by the Corporation shall pay the fee imposed for such service within sixty (60) days of the mailing of an invoice.
- 2.13 If a property owner who is charged a fee under this by-law fails to pay the fee within the prescribed time, the Corporation may add the fee, including interest to the tax roll of any real property registered in the name of the owner and collect the fee, including interest, in a like manner as municipal property taxes.
- 2.14 Where there is more than one owner, their liability for payment shall be joint and several.
- 2.15 The fees as listed in Schedule A of this by-law will be subject to applicable taxes.

3. PENALTIES & ENFORCEMENT

- 3.1 Every person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, C.P.33, as amended.
- 3.2 A person who is convicted of an offence under this bylaw is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, 2001, as amended.
- 3.3 Upon registering a conviction for a contravention of any provision of thus bylaw, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, 2001, as amended.
- 3.4 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this bylaw, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expenses of the person and such expenses may be recovered by the Township in a like manner as taxes in accordance with the provisions of Section 326 of the Municipal Act, 2001, as amended.

- 3.5 Every person who contravenes this bylaw, including a notice to remedy, notice of violation, or order to comply under this bylaw is guilty of an offence.
- 3.6 No person shall obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this bylaw.

GENERAL

4. It is the declared intention of the Council of the Corporation of the Township of Edwardsburgh Cardinal that any section or part of this bylaw which may subsequently be held to be illegal shall be severable from the remainder of the bylaw and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the bylaw.
5. That Schedule "A" shall constitute and form part of this bylaw.
6. That bylaw 2016-05 and all other bylaw previously passed that are inconsistent with the provisions of this bylaw are hereby repealed.
7. That this bylaw shall come into force and take effect on the date of passage.

Read a first and second time in open Council this 28th day June, 2021.

Read a third and final time, passed, signed and sealed in open Council this 28th day of June, 2021.

Mayor

Clerk