

Corporation of the Municipality of Hastings Highlands

BY-LAW # 2015-097

A By-Law to Establish Fees for Services for the Municipality of Hastings Highlands

WHEREAS Subsections 210(31) and (32) of the Municipal Act, R.S.O. 1990, c. M.45 as amended, and the 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 Municipality of Hastings Highlands has established a Fire Department being the Hastings Highlands Fire Department to deliver firefighting and related emergency services;

AND WHEREAS Section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45 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 Municipality of Hastings Highlands enacts as follows:

DEFINITIONS

1. In this by-law,
 - a) “Corporation” means the Corporation of the Municipality of Hastings Highlands;
 - 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 Hastings Highlands Fire Department;
 - d) “Fire Department” means the Hastings Highlands Fire Department for the Corporation and being a fire department within the meaning of the Municipal Act, R.S.O. 1990, c. M.45 as amended, and the Fire Departments Act, R.S.O. 1990, c. F.16 as amended, and are deemed to include any member of the Hastings Highlands Fire Department;
 - e) “Firefighting and emergency services” includes all services related or incidental to the Prevention, control and suppression of fires, cause and origin and investigation, 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;
 - 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 officer of the Municipality of Hastings Highlands Fire Department, but excludes the Fire Chief and Deputy Fire Chief.
 - i) “Property” means any public or private real property within the Municipality of Hastings Highlands, 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 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:
 - 1) 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
 - 2) Charged a fee as stipulated in Schedule “A” attached hereto and forming part Of this by-law.
3. If a property owner fails to notify the Municipality of Hastings Highlands 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.
4. If the Fire Department respond to a fire alarm and upon conducting an investigation the Fire Chief or his/her 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

5. If the Fire Department respond to a fire or other emergency at a property and the 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 and eliminate an emergency, determine cause and origin in Fire Investigation by any authority, 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 materials than are carried on a first alarm response are used.

ADMINISTRATION AND ENFORCEMENT

6. 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.
7. 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 Municipality of Hastings Highlands;
 - c) Five days after mailing by prepaid registered mail if delivered to an address outside Of the Municipality of Hastings Highlands;
 - d) Five days after mailing by ordinary mail if delivered to an address within the Municipality of Hastings Highlands, or
 - e) Seven days after mailing by ordinary mail if delivered to an address outside of the Municipality of Hastings Highlands.
8. 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.
9. A person may pay any fees and charges imposed under this by by-law by cash, cheque, Certified cheque or banker’s draft payable to the Corporation.

10. 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 a rate as stipulated in Schedule "A" attached to this by-law.
11. 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 Municipality of Hastings Highlands registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.
12. Schedule "A" and Schedule "B" constitute part of this by-law.
13. Any person billed for services as a result of violation of the provisions of this By-Law may Appeal to the Council for a hearing.
14. That by-law Number 2015-051 is hereby repealed.
15. This by-law shall come into force and effect on date of passing.

READ A FIRST AND SECOND TIME THIS 18th , day of November, 2015

READ A THIRD TIME AND FINALLY PASSED THIS 18th , day of November, 2014.

Vivian Bloom
Mayor

Robyn Rogers
Clerk

THE CORPORATION OF THE MUNICIPALITY OF
HASTINGS HIGHLANDS
SCHEDULE 'A' TO BY-LAW# 2015-097

CATEGORY	DESCRIPTION	AMOUNT OF FEE
Activation / Response	Motor vehicle accidents on provincial, county, municipal or private roads.	\$450.00 for first hour or part thereof per vehicle and \$225.00 for every additional ½ hour or part thereof per vehicle after 1 st hour.
	Vehicle Fires, Danger of Fire, Scene Safety and / or Extrication on Provincial, Municipal or Private Roads / Lanes	\$450.00 for first hour or part thereof per vehicle and \$225.00 for every additional ½ hour or part thereof per vehicle after 1 st hour.
	False alarms occurring as a result of a malfunction or failure to maintain a fire alarm system or emergency system	
	a) First false alarm in any twelve month period b) Second false alarm in any twelve month period c) Each subsequent false alarm in any consecutive twelve month period	Nil Nil \$300.00 as per current False Alarm By-Law #26-06
	Each false alarm occurring as a result of work being performed on a fire alarm system or emergency system. Failure to perform work on fire alarm system or emergency system when ordered by the Fire Chief. False alarm resulting from malicious or mischievous acts	\$600.00 \$600.00 \$600.00
	Fire Watch	\$100.00 for first hour or part thereof per man/vehicle and \$30.00 for every additional ½ hour or part thereof per man/vehicle after 1 st hour.
	Hazardous / Environmental Spills or other Emergency Situation requiring response.	\$450.00 for first hour or part thereof per vehicle and \$225.00 for every additional ½ hour or part thereof per vehicle after 1 st hour.
	Hazardous materials spills and clean up	Total replacement costs of any contaminated or damaged equipment or materials used in the cleanup of hazardous or environmental materials and the approved disposal of equipment or materials in accordance with Federal and Provincial Acts.
	Fire Response Fees – Indemnification Technology	Current MTO rates plus additional costs to Municipality of Hastings Highlands.
Administration	Fire Code Compliance Letters	\$100.00 for file research / supply of written copy.
	Compliance Letter – when legal opinion required	\$500.00
	Fire Reports	\$100.00 for file research and supply of written copy.
	Photocopies	\$0.25 per copy
	Inquires (made by Appraisers or Real Estate Agents who attend Office)	\$25.00
	NSF Cheque	\$35.00
	Affidavits (full preparation)	\$25.00
	Closed Meeting Investigation Application Fee	\$125.00 (Non Refundable)
	Request for Information under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)	Charges will apply in accordance with the MFIPPA
Inspections	Licensing – Liquor	\$75.00 for inspection and compliance letter
	Special Occasion Permits / Events	\$75.00 for inspection and compliance letter
	General Inspections <600 meters sq. - upon request	\$75.00 for inspection and compliance letter
	General Inspections 600 + meters sq. - upon request	\$100.00 for inspection and compliance letter
	Private Daycare – upon request	\$50.00 for inspection and compliance letter
	Private home for developmentally handicapped and group homes – upon request	\$50.00 for inspection and compliance letter

**THE CORPORATION OF THE MUNICIPALITY OF
HASTINGS HIGHLANDS
Schedule "B"
TO BY-LAW # 2015-097**

ORDER FOR RECERTIFICATION OF A FIRE ALARM SYSTEM

For responding to false alarms occurring as a result of a malfunction or failure to maintain a fire alarm system or emergency system:

Each Offence-

The property owner shall be ordered in writing to Correct the system and shall provide, upon request by the Fire Chief or Deputy Fire Chief, a certificate of recertification within 30 days that the fire alarm system complies with the Fire Code and Building Code.

Municipality of Hastings Highlands Fire Services

Order for Recertification Of a Fire Alarm System

Hastings Highlands Fire Department
P.O. Box 130
Maynooth, Ontario
K0L 2S0

On _____ 20____ Incident Number: _____
At approximately _____ Hrs.
Hastings Highlands Fire Department responded to an alarm at the following location.

Call Address: _____

Building Owner (name): _____ Phone Number: _____

Owner Address: _____ Postal Code: _____

Owner's Representative (name): _____ Phone Number: _____

It was necessary to take action on the following Life Safety System(s).

(Note: Issuing Officer to describe location and problem identified with Life Safety System.)

Fire Alarm & Detection _____

Voice Communication _____

Sprinkler System _____

Emergency Lighting/Power _____

Egress (Exit and Access to exits) _____

Other: _____

As a result of our action(s), the alarm was brought under control. As recipient of this notice, you are required to: _____

The owner is responsible to maintain all life safety systems and have all repairs conducted immediately by qualified contractors/personnel.

The action taken by the Hastings Highlands Fire Department was an act of necessity and is temporary in nature. The Municipality of Hastings Highlands shall not be liable whether in contract, tort (including negligence) or otherwise for any loss or damage arising out of, connected with, or from such action.

Owner/Representative (signature)

Issuing Officer (signature)

YY MM DD

Owner/Representative (print)

Issuing Officer (print)