

BY-LAW NO. 2007-062

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO ESTABLISH FEES RELATING TO SERVICES AND ACTIVITIES CARRIED OUT BY THE OWEN SOUND FIRE AND EMERGENCY SERVICES DEPARTMENT AND TO REPEAL BY-LAW NO. 2003-063, BY-LAW NO. 2005-051 AND BY-LAW NO. 2006-050

WHEREAS the *Municipal Act*, provides the Council of a Municipality to enact a by-law to impose fees or charges for the provision of services.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. **Interpretation**

1.1 In this By-law:

1.1.1 **City** means the City of Owen Sound.

1.1.2 **False Alarm** means an alarm condition in a building to which Fire Department is dispatched and in respect of which no fire or carbon monoxide is found as well as recurring alarms as a result of mischief or a fire alarm system lacking proper maintenance or repair.

1.1.3 **Fire Department** means the Owen Sound Fire & Emergency Services.

1.1.4 **Fire Prevention Service** means a fire prevention service to which to which this by-law applies.

1.1.5 **Owner** means the person having effective control over or apparent possession of property or the relevant portion thereof, or where that person cannot be determined, the registered owner of that property, and for purposes of this by-law, a mortgage-in-possession of a property, or a receiver and manager, personal representative or trustee in bankruptcy who has taken possession of that property shall be deemed to have effective control.

1.1.6 **Property** means any public or private land, building, structure or other real property within the City, but does not include real property or any leasehold interest therein owned by the Crown either Federally or Provincially.

1.2 For the purposes of this By-law, the Fire Department shall be deemed:

1.2.1 To have responded to a call for assistance, emergency services or a fire or emergency service related incident where any or more vehicles, equipment or personnel of the Fire Department are dispatched or otherwise respond to that call or incident.

1.2.2 In determining whether it has responded for a second or subsequent time, regard shall be had only to responses of the Fire Department within the immediately preceding twelve month period.

1.3 In this By-law:

1.3.1 A word importing the masculine, feminine or neither gender only includes members of the other genders.

- 1.3.2 A word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa.
- 1.3.3 A reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution thereof or amendment thereof.
- 1.3.4 The headings to each section are inserted for convenience of reference only and do not form part of the By-law.
- 1.3.5 Words and abbreviations which have been well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings.
- 1.3.6 Where an officer of the City is named, or a reference is made to an officer of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

2. Fees for Fire Prevention Services

- 2.1 Unless waived by the Fire Chief or Fire Prevention Officer a person who requests any one or more of the Fire Prevention Services to which this By-law applies shall pay the appropriate fee specified in this By-law.

3. Notice of Work or Testing

- 3.1 No person shall undertake any work or testing on any life safety system or device that sends an alarm directly to an alarm monitoring company without prior notice to that alarm monitoring company.
- 3.2 No person shall undertake any work or testing on any life safety system or device that does not send a signal to an alarm monitoring company without prior notice to the Fire Department.

4. Fees for False Alarm Responses

- 4.1 Where the Fire Department responds to a false alarm that is the result of a failure to notify either the alarm monitoring company as described in Section 3.1, or is the failure to notify the Fire Department as described in 3.2, the owner of the property in respect of which such a false alarm has occurred shall pay a fee as identified in the fee schedule By-law which may be amended from time to time.
- 4.2 Where the Fire department responds to four or more false alarms in the same building, the property owner (or, in lieu thereof, the person responsible for those alarms, where the person can be determined) shall pay a fee for the fourth and any subsequent alarm as identified in the fee schedule By-law which may be amended from time to time.

5.0 Other Suppression Response

- 5.1 Where the Fire Department responds to a call or incident within the City of Owen Sound involving dangerous goods, other than an emergency, the motor vehicle owner on which those goods are being carried, or (where those goods are not carried being carried on a motor vehicle), the owner of the property on which those goods are situate, shall be liable for and pay the cost of any materials consumed in providing the response.
- 5.2 Where a request is made to have the Fire Department apparatus or personnel attend for non-emergency stand-by, the decision to provide or not provide this service shall be for the Fire Chief, acting in his or her reasonable discretion based upon staffing, resource allocations, staff safety and any other considerations deemed appropriate by the Fire Chief, but where the requester shall pay a fee as identified in the fee schedule By-law which may be amended from time to time.
- 5.3 Where a request is made for the provision of a Fire Prevention services as described in the Owen Sound Fire & Emergency Services User Fee Bylaw, the property owner shall pay the corresponding fee set out in the fee schedule By-law which may be amended from time to time.

6.0 Computation of Fees

- 6.1 The computation of time for purposes of determining the appropriate fee for a service shall commence at the time of dispatch or leaving from the Fire Department premises and shall end at the time of return to those premises.
- 6.2 Where the provision of service requires attendance on more than one occasion, a separate fee shall be paid for each attendance.
- 6.3 Fire Department staff shall maintain records of the time spent responding to requests for services to which the By-law applies, and in the absence of manifest error, those records shall be conclusive evidence of the facts stated therein.
- 6.4 Any amount as being payable as a fee under this By-law shall be deemed to include all applicable Goods and Services tax.

7. Disputes With Respect to Fines

- 7.1 Where a person who is invoiced in respect of a fee under this By-law disputes his or her liability to that fee or to the amount of fee calculated as owing, that person may provide a statement in writing setting out in detail the basis of his or her objection to the Fire Chief.
- 7.2 Upon receipt of a written objection under section 9.1, the Fire Chief shall review the matter as soon as practical and shall determine whether the fee was correctly imposed or calculated, as the case may be.
- 7.3 The Fire Chief shall respond to the person who provided the statement, in writing, providing reasons for his or her decision.
- 7.4 The decision of the Fire Chief in this regard shall be final.

8. Collection of Outstanding Fees

- 8.1 A fee imposed under this By-law is due and payable upon the issuance of an invoice therefore by the City to the person liable to pay that fee, and where such a fee is not paid in full by that person within 30 days of the date on which such an invoice was issued, that person shall pay interest on the amount outstanding, at the rate fixed by the City, calculated on a daily basis from the date of the invoice until the date of payment in full.
- 8.2 A fee imposed under this By-law constitutes a debt owed to the City.
- 8.3 Without limiting any collection remedy otherwise available to the City, the City may add any fee payable with respect to services provided to any property within the City to the tax roll for that property, and the amount may be collected in like manner as municipal taxes.
9. This By-law No. 2003-063 and By-law No. 2005-051 and By-law No. 2006-050 are hereby repealed.
10. This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 16th day of April, 2007.

Mayor

Clerk

SCHEDULE "A"

#	DESCRIPTION	CURRENT FEE
1	WORK ORDERS – Standard request	\$30.00 + GST
2	INSPECTION FOR LLBO – Liquor Licence Board of Ontario	\$60.00 + GST
3	INSPECTION OF SINGLE FAMILY HOME	\$75.00 + GST
4	INSPECTION OF DUPLEX WITH REPORT	\$100.00 + GST
5	INSPECTION OF 3-4 UNIT APARTMENT BLDG	\$160.00 +GST
6	REQUESTED FIRE DEPARTMENT INSPECTION-4+ UNIT APARTMENT BLDG	\$150.00 plus \$20.00 per UNIT +GST
7	COMMERCIAL/INDUSTRIAL INSPECTION REQUESTED	\$150.00 + \$20.00 for each 5,000 Sq. Feet over 10,000 Sq. Feet + GST
8	FIREWORKS INSPECTION & APPROVAL	\$50.00 FOR EACH + GST
9	FIRE PERMITS PER DAY	\$5.00 + GST
10	COPIES OF FIRE REPORTS	\$30.00 + GST
11	FIRE & EMERGENCY SERVICES STANDBY	\$175.00 + GST
12	AVOIDABLE FALSE ALARM	\$350.00 + GST
13	SECURITY/ FIRE WATCH plus MATERIAL	\$55.00 PER HOUR+MATERIAL + GST
14	HAZARDOUS MATERIALS RESPONSE	COST RECOVERY
15	FIRE DEPARTMENT ASSISTANCE BEYOND NORMAL REQUIREMENTS	\$50.00 PER FIREFIGHTER/ HOUR + GST
16	VEHICLE EMERGENCY ON KING'S HIGHWAY	\$350.00 1 ST HOUR; \$175.00 EACH SUBSEQUENT HOUR+GST
17	PRIVATE HOMECARE & DAYCARE CENTERS - INITIAL ACCREDITATION	\$60.00 + GST
18	AIR REFILLS (Depends on cylinder size)	SCBA – 2.2 \$6.00 + GST SCBA – 2.4 \$12.00 + GST SCBA – 4.5 \$7.00 + GST SCUBA – 3.0 \$6.00 + GST Large Cylinders \$30.00 + GST
19	HOSE RENTALS & REPAIRS	\$0.40/PER FOOT & \$25.00 PER COUPLING/\$5.00 LENGTH + GST
20	BUNKER GEAR CLEANING	\$16.00 + GST
21	IF NECESSARY TO RETAIN A PRIVATE CONTRACTOR , RENT SPECIAL EQUIPMENT NOT NORMALLY CARRIED ON A FIRE APPARATUS IN ORDER TO SUPPRESS OR EXTINGUISH A FIRE, PRESERVE PROPERTY, PREVENT FIRE SPREAD, OR OTHERWISE ELIMINATE AN EMERGENCY.	ACTUAL COSTS + GST