

CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2016-0024 (FI-4)

BEING A BY-LAW TO ESTABLISH FIRE AND
EMERGENCY SERVICES FEES IN THE TOWN OF
GEORGINA, IN THE REGIONAL MUNICIPALITY OF
YORK

WHEREAS the Municipal Act 2001, c.25, and the Fire Protection and Prevention Act, 1997, as amended, authorizes a municipality to establish a Fire Department to provide fire fighting and fire protection services and for participating in an emergency services program;

AND WHEREAS the Council of the Corporation of the Town of Georgina has established a Fire Department being the Georgina Fire Department of the Emergency Services Department to deliver fire fighting and related emergency services;

AND WHEREAS Section 391 of The Municipal Act 2001, c.25, as amended, authorizes a municipality 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 Council of the Town of Georgina, in the Regional Municipality of York, hereby enacts as follows:

1. DEFINITIONS:

- 1.1 "Council" shall mean the elected Council of the Corporation of the town of Georgina;
- 1.2 "Town" shall mean the Corporation of the Town of Georgina;
- 1.3 "Fire Protection 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;
- 1.4 "Georgina Fire Department" shall mean the Department of Emergency Services for the Town and being a fire department within the meaning of the Municipal Act 2001, c.25 as amended, and the Fire Protection and Prevention Act 1997 as amended and is deemed to

include any member of the Department of Emergency Services and includes all services related or incidental to the prevention, control and suppression of fires and the protection of lives and property;

- 1.5 “Fee” shall mean the amount charged to a person for services or activities provided or done by or on behalf of the Georgina Fire Department or the Town and “Charge” shall have a corresponding meaning;
- 1.6 “Firefighting and/or emergency services” shall mean and include all services related or incidental to the prevention, control and suppression of fires and the protection of lives, property and the environment;
- 1.7 “Malicious Act” means a wrongful act done intentionally by any person without just cause or excuse;
- 1.8 “Motor Vehicle” has the same meaning as prescribed in the Highway Traffic Act R.S.O. 1990 c. H.8, as amended;
- 1.9 “Motor Vehicle Incident” shall mean when the Georgina Fire Department attends the scene of a motor vehicle accident, fire or spill on any property in the Town of Georgina or on Lake Simcoe;
- 1.10 “Water/Ice Rescue” shall mean when the Georgina Fire Department attends the scene of a rescue on Lake Simcoe;
- 1.11 “Law enforcement” shall mean York Regional Police or the Ontario Provincial Police;
- 1.12 “Owner” shall mean any individual human being, a corporation, their heirs, executors, assigns, administrators or other legal representatives of a person with or without share capital, tenant, any association, firm, incorporated company, partnership or private club of a person to whom context can apply according to the law;
- 1.13 “Non-resident” shall mean an individual who resides outside the geographical boundaries of the Town of Georgina person who is neither a property owner nor a tenant of property within the Town of Georgina;
- 1.14 “Resident(s)” shall mean any person residing as a tenant or an owner of an assessed property in the Town of Georgina;
- 1.15 “Property” shall mean any public or private real property within the Town of Georgina, 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;
- 1.16 “Property Owner” shall mean 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;

- 1.17 "Driver" shall mean any person or persons operating any motorized vehicle as prescribed in the Highway Traffic Act R.S.O. 1990 c. H.8, as amended.

2. FIRE ALARMS

- 2.1 Should the Georgina Fire Department attend a property in response to a fire alarm and upon conducting an investigation the Georgina Fire Department determines that the alarm is a false alarm occurring as a result of the property owner having failed to maintain the fire alarm system or fire protection system as prescribed by the Fire Code being Regulation 388/97, as amended, the property owner shall be charged a fee as stipulated in Schedule "A" attached to this by-law.
- 2.2 Should a property owner fail to notify its monitoring company in advance of any work being conducted on a fire alarm system or fire protection system at a property, and as a result of the work being done on the fire alarm system or fire protection 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 Georgina Fire Department responds to the false alarm.
- 2.3 Should the Georgina Fire Department respond to a fire alarm and upon conducting an investigation, the Georgina Fire Department determines that the alarm is a false alarm occurring as a result of a malicious act, the property owner shall be charged a fee as stipulated in Schedule "A" attached to this by-law.

3. MOTOR VEHICLE INCIDENTS

- 3.1 Should the Georgina Fire Department attend the scene of a motor vehicle accident, fire or spill on any property within the Town of Georgina and provides firefighting and/or other emergency services, and the Georgina Fire Department is advised by law enforcement that the motor vehicle incident occurred as a result of the fault or negligence of a non-resident, the non-resident shall be charged a fee as stipulated in Schedule "A" attached to this by-law.
- 3.2 Should the Georgina Fire Department attend the scene of a water/ice rescue on Lake Simcoe during periods that warnings have been issued by law enforcement, the Lake Simcoe Region Conservation Authority or other federal or provincial agencies that ice conditions are unsafe, or where weather conditions have made for unsafe conditions, or where it would be reasonably known that ice conditions are unsafe, a fee shall be charged to person(s) rescued as stipulated in Schedule "A" attached to by-law.

3.3 Should the Georgina Fire Department attend the scene of a reported motor vehicle incident on Lake Simcoe involving a snowmobile, automobile, ATV or any other motorized vehicle, the driver shall be charged a fee as stipulated in Schedule "A" attached to this by-law.

4. FEES

4.1 Should the Georgina Fire Department be requested to complete inspections or produce reports for the various services outlined in Schedule "A" attached to this by-law, the property owner or resident shall be charged the appropriate fee stipulated in such Schedule "A".

4.2 Should the Georgina Fire Department respond to a fire and/or other emergency services at a property, and determines that it is necessary to retain a private contractor, rent special equipment, or use additional materials in order to extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, the property owner shall be charged those expenses incurred by the Georgina Fire.

5. GENERAL PROVISIONS

5.1 All prescribed fees shall be payable to the Town, under the provisions of this by-law.

5.2 The following methods of payment will be accepted for the payment of fees imposed by this by-law:

(a) Cash;

(b) Cheques payable to the Corporation of the Town of Georgina;

(c) Money Order payable to the Corporation of the Town of Georgina;

(d) Credit Card;

(e) Debit Card.

5.3 The Georgina Fire Department and/or Town 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 or receipt of the invoice. Delivery of said invoice will be made by way of 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 known address as recorded on the Corporation's assessment roll.

5.4 Receipt of an invoice shall be deemed to have occurred:

(a) three (3) days after mailing by prepaid registered mail if delivered to an address within the Town of Georgina;

- (b) five (5) days after mailing by prepaid registered mail if delivered to an address outside of the Town of Georgina;
- (c) five (5) days after mailing by ordinary mail if delivered to an address within the Town of Georgina;
- (d) seven (7) days after mailing by ordinary mail if delivered to an address outside the Town of Georgina.

5.5 Any fees that are owing to the Town and that are unpaid are a debt to the Town and together with all interest and penalties accrued thereupon, may be collected by the Town in the same manner as municipal taxes.

5.6 The fees and charges set out in Schedule "A" will be subject to Provincial and Federal Taxes where applicable.

6. CONFLICTING LEGISLATION

6.1 Where there is any conflict between the provisions of this by-law and the provisions of the Municipal Act, 2001 and the Fire Protection and Prevention Act, 1997, as amended, or any other applicable provincial legislation, the provisions of the applicable legislation shall prevail to the extent of the conflict.

7.1 VALIDITY AND SEVERABILITY

7.1 Notwithstanding that any section, subsection, clause, paragraph or provision this by-law or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council, to enact, such section, subsection, clause, paragraph or parts thereof shall be deemed to be severable and all other sections, subsections, clauses, paragraphs or parts of this by-law are separate and independent therefrom and enacted as such as a whole. Such declaration shall not affect the validity or enforceability of any other provisions of this by-law.

7.2 Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

8. ENFORCEMENT

8.1 The provisions of this by-law shall be administered and enforced by the Georgina Fire Department and/or the Finance Department of the Town.

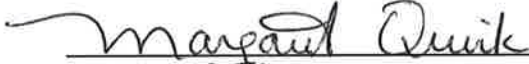
9. REPEAL AND RESCIND

9.1 That By-law No. 97-047 (FI-3), By-law No. 2002-0185 (FI-4), By-law No. 2004-0131 (FI-4) and By-law No. 2013-0037 (FI-4) are hereby repealed.

10. FORCE AND EFFECT

10.1 This by-law shall come into force and effect on July 1, 2016.

READ and enacted this 20th day of April, 2016.



Margaret Quirk, Mayor



Rebecca Mathewson, Acting Deputy Clerk

BY-LAW 2016-0024 (FI-4) SCHEDULE "A" - FEES AND CHARGES – PAGE 1 OF 3 ANY ADDITIONAL EXPENSES INCURRED SUCH AS THE COST OF PEER REVIEWS WILL BE CHARGED TO APPLICANTS		
GENERAL ADMINISTRATIVE FIRE SERVICES	PROPOSED FEE	COMMENTS
Request for Fire Report	\$77.00	Fee recover costs of staff, administration and overhead
Request for Information - file search, clearance letter, change of ownership	\$77.00	Fee recover costs of staff, administration and overhead
Special Occasion Letter	No Charge	Fee recover costs of staff, administration and overhead
FIRE INSPECTION FEE		
Plans Examination as related to Fire Protection Equipment	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead
Inspection of High rise and Low rise residential buildings as related under Part 9 Retrofit, Section 9.5, 9.6 of Fire Code, Ont. Reg. 454	\$122.00 After initial & 2nd Inspection	Fee recover costs of staff, administration and overhead
Inspections required for Liquor Licensing Board of Ontario per Application	\$122.00	Fee recover costs of staff, administration and overhead
Inspection of Commercial, Industrial Buildings with occupancy - requested by owner, insurance, etc.	\$122.00 After initial & 2nd Inspection	Fee recover costs of staff, administration and overhead
Inspections of daycare, nursery schools, rooming houses, facilities, etc.	\$122.00	Fee recover costs of staff, administration and overhead
Inspections of Apartments in houses - basement apartments as regulated under Part 9 Retrofit, Section 9.8 of Fire Code, Ont. Reg. 385/94	\$122.00 After initial & 2nd Inspection	Fee recover costs of staff, administration and overhead
Inspections for trade shows and special functions - site visit required	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead
Fire Inspections	\$122.00 After initial & 2nd Inspection	Fee recover costs of staff, administration and overhead
Professional Services (filming inspections, etc.)	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead
Fire Route Review	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead

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SCHEDULE "A" - FEES AND CHARGES – PAGE 2 OF 3
ANY ADDITIONAL EXPENSES INCURRED SUCH AS THE COST OF PEER REVIEWS
WILL BE CHARGED TO APPLICANTS

PROPANE STORAGE AND HANDLING FACILITIES		
Review of plans, site inspections, recommendations and letter of approval	\$122.00	Fee recover costs of staff, administration and overhead
PERMITS (IN ACCORDANCE WITH OPEN AIR BURNING BY-LAW)		
*Burning Permit – annual	\$35.00	Fee recover costs of staff, administration and overhead
Agricultural Burning Permit (Annual)	No Charge	Fee recover costs of staff, administration and overhead
Family Fireworks	No Charge	Fee recover costs of staff, administration and overhead
Display Fireworks and Pyrotechnic Inspections	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead
Burning By-law Charges	Current MTO Rates Apply	Fee recover costs of staff, administration and overhead
MARIJUANA GROW OPERATION ENFORCEMENT (FEE PER PROPERTY)		
Inspection Service	\$350.00	Fee recover costs of staff, administration and overhead
Court/Tribunal Attendance Fee	\$61.00 per hour (minimum 1 hour charge)	Fee recover costs of staff, administration and overhead
OTHER FIRE SERVICE FEES		
Non-resident Vehicle Fires/Accidents	MTO RATES	Fee recover costs of staff, administration and overhead
Non-resident Ice/Water Rescues	MTO RATES	Fee recover costs of staff, administration and overhead
Chronic False Alarms - after 2nd call in calendar year	MTO RATES	Fee recover costs of staff, administration and overhead

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SCHEDULE "A" - FEES AND CHARGES – PAGE 3 OF 3

ANY ADDITIONAL EXPENSES INCURRED SUCH AS THE COST OF PEER REVIEWS WILL BE CHARGED TO APPLICANTS

***Open Air Burning Permits may be obtained:**

- (i) At the Town of Georgina Civic Centre Offices during regular business hours Monday to Friday, with the exception of statutory holidays. Payment can be made by way of cash, cheque, money order, credit card and/or debit card;
- (ii) At the Keswick Fire Hall during regular business hours (Mon-Thurs 8:30am to 4:30pm; Fridays 8:00am to 4:00pm) with the exception of statutory holidays. Payment can be made by way of cash or cheque ONLY;
- (iii) At the Pefferlaw Library during regular business hours Tuesday to Sunday with the exception of statutory holidays. Payment can be made by way of cash ONLY.