

## The Corporation of the City of Pembroke

### By-law Number 2016-18

#### A By-law to impose user fees for services provided by the Pembroke Fire Department

**Whereas** pursuant to Part VIII, Recovery of Costs for the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, a fire chief may issue an order to pay the costs incurred by a municipality, in doing any thing done in accordance with an authorization, given under section 33, to any person required by an order made under section 21 (1) or (2) or section 25 or 26 to do the thing, or in entering land or premises and doing any thing under section 15, to the owner or the person having control of the land or premises 1997, c4 s.35(1);

**And Whereas** pursuant to section 291 (1) of the *Municipal Act*, c.25 S.O. 2001, as amended, a municipality is authorized to impose fees or charges on persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board, and for the use of its property under its control;

**And Whereas** pursuant to section 391(3) of the *Municipal Act*, c.25, S.O. 2001, as amended, a Municipality is authorized to impose fees or charges on persons for costs incurred by the municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

**Now therefore** the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

#### 1. Definitions:

For the purpose of this By-law:

**Chief Fire Official** shall mean the Fire Chief of the Corporation of the City of Pembroke or designate.

**Alarm Services Provider** shall mean any person who installs, maintains or monitors either Fire Alarm systems or Security Alarm systems.

**Building** shall mean any structure used or intended for supporting or sheltering any use of occupancy.

**Property** means the property defined by the municipal address.

**Property Owner** means the person, firm or corporation having control over or title for a parcel of land or any portion of the building or property under consideration and includes the person in the building or property.

**Person** means any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors or other legal representative of a person.

**Business** means any structure or shelter used for commercial purposes.

**Business Owner** means a person in whose name a structure or shelter used for commercial purposes is registered.

**Security Alarm** means an alarm system intended to detect an unauthorized entry to a premises or to alert people to the commission of an unlawful act, or both.

**Alarm Signal** means an audible signal transmitted throughout a zone or zones throughout a building to advise occupants that a fire emergency exists.

**False Alarm** means an alarm signal where a fire department response, in the opinion of the Chief Fire Official, is not required.

**Service Room** means a room in a building used to contain equipment associated with building services.

**Fire Watch** means patrol and documenting of patrols of a building with compromised fire safety systems.

**Stand By** means when the Fire Department is required to remain at a building or property while awaiting arrival of an owner, key holder, landlord or responsible person for the building or property.

**Fire Scene** means the building, property or location that an emergency incident has occurred and the Fire Department has responded.

**Private Contractor** is a person or company that provides a service requested by the fire department.

**Water Rescue** means the actions taken by the Fire Department to mitigate an emergency while on or near the water or ice and includes the towing of vessels to safety.

**Inspection** means the Fire Safety Inspections carried out by the members of the Pembroke Fire Department.

**Retrofit Inspection** means the inspections required from the Fire Department by properties to conform to Ontario Fire Code Section 9.

**Motor Vehicle Accidents** means the motor vehicle accident responses by the Fire Department.

**Record** means any form, file or report kept by the Fire Department.

**Day Care** means any place that care is provided for children for a fee.

**2. Fees for Inspections:**

1. The Fire Department may charge fees for conducting inspections at buildings and businesses.
2. The fees provided for by this section may be charged to the Property Owner, the Business Owner, or the Person requesting the inspection.
3. The fees provided by this section shall be as set in Schedule "A" of this by-law.

**3. Fees for Motor Vehicle Accidents (M.V.A.'s):**

1. The Fire Department may charge fees for response to motor vehicle accidents.
2. The fees provided for by this section may be charged to the registered owner or insurance company of the registered owner or any person who benefits from the service.
3. The fees provided by this section shall be as set in Schedule "A" of this by-law.

**4. Fees for Water Rescue and/or Water Vessel Tow or Assistance:**

1. The Pembroke Fire Department may charge fees providing water rescue services or towing water vessels to safety during or following a water rescue incident.
2. The fees provided for by this section may be charged to the registered owner or insurance company of the registered owner or any person who benefits from the service.
3. The fees provided by this section shall be as set in Schedule "A" of this by-law.

**5. Fees for Self Contained Breathing Apparatus (S.C.B.A.) Refills:**

1. The Pembroke Fire Department may charge fees for refilling S.C.B.A. bottles.

2. The fees provided for by this section may be charged to a business owner, Municipality or Fire Department requesting the service, or the person who benefits from the service.
  3. The fees provided by this section shall be as set in Schedule "A" of this by-law.
- 6. Fees for Search of Records:**
1. The Pembroke Fire Department may charge fees for search of records or files and for providing such information as requested.
  2. The fees for these services will be charged to the person or business making the request.
  3. the fees provided by this section shall be as set in Schedule "A" of this by-law.
- 7. Fees for fire Watch or Standby at a Fire Scene:**
1. The Pembroke Fire Department may charge fees for the wait period experienced while at a fire scene at which the Fire Department has responded. The Pembroke Fire Department may also charge fees for providing a fire watch at a property, when the service is deemed necessary at the sole discretion of the Fire Chief.
  2. The fees provided for by this section may be charged to a property owner, a business owner, a landlord, the person requesting the service, or the person who benefits from the service.
  3. The fees provided by this section shall be as set in Schedule "A" of this by-law.
- 8. Fire Scene Cause Determination:**
1. The Pembroke Fire Department may charge fees for any fire incident in which the Fire Cause Determination Task Force is required to investigate and compile a report regarding the cause of a fire. The Fire Cause Determination Task Force is deployed to investigate a fire scene at the Fire Chief's discretion.
  2. The fees provided for by this section may be charged to a property owner, a business owner, a landlord, the person requesting the service, or the person who benefits from the service.
  3. The fees provided by this section shall be as set in Schedule "A" of this by-law.
- 9. Extraordinary Costs:**
1. Where the actual cost of providing the services set out in the Schedules to this By-law exceed the amount set out in the Schedules because providing the service, took an unusually long time or required specialized equipment, apparatus or materials, or for any other reason outside of the Fire Department's control, the Pembroke Fire Department may charge a fee in addition to that set out in the Schedules.
  2. The additional fee provided for in this section must reflect the additional cost of providing the service and a reasonable administrative fee.
  3. The fees provided for by this section may be charged to a registered owner, a property owner, a business owner, property manager, alarm company, the person requesting the service, or the person who benefits from the service.
- 10. Unusual Circumstances:**
1. Where the Pembroke Fire Department performs any emergency or non-emergency service that requires equipment, apparatus, materials or labour including but not limited to the use of contractors and or contractors' equipment, the Pembroke Fire Department may charge a fee reflecting the additional costs to perform the service and a reasonable administrative fee.
  2. The fees provided for by this section may be charged to a registered owner, property owner, business owner, property manager, the person requesting the service or the person who benefits from the service.

**11. Repeal:**

That By-law 2012-44 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

**12. Short Title:**

That this By-law shall be cited as “the Fire Fees By-law”

**13. Force and Effect:**

That this by-law shall come into force and take effect upon the date of final passing thereof.

**Read a first and second time this 17th Day of May 2016**

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Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**Read a Third Time and Passed this 17th Day of May 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**Schedule “A” to By-law 2016-18 – the Fire Fees By-law**

<b>Number</b>	<b>Description</b>	<b>Fee</b>
1	Retrofit Inspections (first and second)	No Charge
2	Retrofit Inspections (third and subsequent)	\$60.00 per hour or part Minimum \$60.00 plus HST
3	LLBO Inspection	\$60.00 plus HST
4	Private Day Care License	\$60.00 plus HST
5	Business Compliance Request	\$60.00 plus HST
6	Vehicle Accidents (MTO Rates) Involved when unrecoverable through MTO	\$500.00 per hour plus HST
7	Water Rescue – Ottawa River (MTO Rates) Towing fees for non-residents_	\$500.00 per hour plus HST
8	Fire Watch or Standby (deemed necessary and approved by Fire Chief)	\$60.00 per hour plus HST
9	Fire Scene Cause Determination	\$200 per hour or part Minimum of \$200 plus HST
10	Vehicle Gasoline Leak Clean-up	\$200 per hour plus HST
11	Private Contractor Charges	Actual costs plus Administration fees plus HST
12	S.C.B.A. Refills	\$10.00 each plus HST
13	File Search	\$60.00 plus HST
14	Copies of Inspections	\$60.00 plus HST
15	Copies of Incident Reports	\$60.00 plus HST
16	Fire Permits	\$25.00 plus HST