

THE CORPORATION OF THE TOWN OF ERIN

By-Law#16-25

Being a By-Law to establish and require payment of fees for various Fire and Emergency Services provided within the Town of Erin, and to repeal By-laws 99-51, 01-02, 04-48, 05-31, 05-54 and 07-28

Whereas, The Municipal Act, 2001, c.25 section 11(1) as amended, authorizes a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And Whereas, the Fire Protection and Prevention Act, 1997, c.4, 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 Council of the Town of Erin has established a Fire Department being the Fire and Emergency Services to deliver firefighting and related emergency services;

And Whereas Section 391, Part XII of the Municipal Act, 2001 authorizes a municipality to impose fees or charges on persons;

Now therefore, the Corporation of the Town of Erin hereby enacts as follows:

Definitions

1. In this by-law,

- a) "Corporation" means the Corporation of the Town of Erin;
- b) "emergency system" includes a sprinkler system, standpipe system, fire extinguishing system, smoke detection system, emergency power system, fire pump system, voice communication system or any other device monitored through a fire alarm system;
- c) "Fire & Emergency Services" means a Department for the Corporation of the Town of Erin, and being a fire department within the meaning of the Fire Protection and Prevention Act, 1997, as amended, and is deemed to include any member of the Fire Emergency Service.
- d) "firefighting and emergency services" include all services related or incidental to the prevention, control and suppression of fires 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;
- e) "first alarm response" means the compliment of vehicles and members normally sent to an emergency consisting of a combination of pumpers, tankers and/or rescue squads;
- f) "malicious act" means a wrongful act done intentionally by any person without just cause or excuse;
- g) "motor vehicle" has the same meaning as prescribed in the Highway Traffic Act R.S.O. 1990 c.H.8, as amended;
- h) "non-resident" means a person who is neither a property owner nor a tenant of a property within the Town of Erin;
- i) "property" means any public or private real property within the Town of Erin 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;

k) "Town" means the Corporation of the Town of Erin in the County of Wellington.

Fire Alarms

2. If Fire & Emergency Services attend at a property in response to a fire alarm and upon conducting an investigation a member of the Fire & Emergency Services determines that the alarm is a nuisance false alarm, the property owner shall be charged the fee as prescribed in the Fees and Charges By-Law.
3. If Fire & Emergency Services respond to a fire alarm and upon conducting an investigation a member of the Fire & Emergency Services 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 prescribed in the Fees and Charges By-Law.

Motor Vehicle Accidents

4. If Fire & Emergency Services attend at the scene of a motor vehicle accident on any roadway or property within the Town of Erin and provides firefighting or other emergency services, and upon receipt of a police report pertaining to such accident Fire & Emergency Services are advised that the motor vehicle accident occurred as a result of the fault or negligence of a non-resident, the non-resident owner shall be charged a fee as prescribed in the Fees and Charges By-Law.
5. If Fire & Emergency Services attends at the scene of a motor vehicle accident on any property within the Town of Erin and provides firefighting or other emergency services, to a non-resident driver, the non-resident driver shall be charged the fee as prescribed in the Fees and Charges By-Law.

Extraordinary Expenses

6. If Fire & Emergency Services respond to a fire or other emergency at a property and determine, or the Fire Chief or Deputy Fire Chief determine, that it is necessary to retain a private contractor, rent special equipment, or use more specialized 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, the property owner shall be charged those expenses incurred by Fire & Emergency Services where a private contractor is retained, special equipment is rented or more specialized materials than are carried on a first alarm response are used.

Administration and Enforcement

7. 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.
8. The Corporation may deliver an invoice either electronically, 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, or directly to the owner's insurance company. Receipt of an invoice shall be deemed to have occurred:
 - a) on the date sent electronically
 - b) on the date of delivery in the case of personal delivery
 - c) three days after mailing by prepaid registered mail if delivered to an address within the Town of Erin;
 - d) five days after mailing by prepaid registered mail if delivered to an address outside of the Town of Erin;

- e) five days after mailing by ordinary mail if delivered to an address outside of the Town of Erin.
9. 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.
 10. If a person who is charged a fee under this by-law fails to pay the fee within thirty days of receipt of the invoice, the person shall be charged interest commencing on the thirty-first day that the fee remains unpaid at a rate as prescribed in the Fees and Charges 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 Town of Erin registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

Inspections and Permits

13. Council hereby establishes fees and charges as prescribed in the Fees and Charges By-Law.
14. No request by any person for any inspection or permit described in Schedule B of the Fees and Charges By-Law will be processed or provided by the Town unless and until the person requesting the inspection or permit has paid the applicable fee in the prescribed amount as prescribed in the Fees and Charges By-Law.


Validity and Severability

15. Should any part of this By-law, including any part of the schedule attached hereto be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law including the remainder of the schedule attached hereto, as applicable, shall continue to operate and to be in force and effect.


Repeal of By-laws

16. This By-Law repeals and replaces By-law 99-51, 01-02, 04-48, 05-31, 05-54 and 07-28.
17. This By-Law becomes in effect upon its passing.

Passed in Open Council on May 3rd, 2016.



Mayor



Clerk