



BY-LAW NO. 2020-11

DATE: March 18, 2020

MOVED BY: [Signature]
 SECONDED BY: [Signature]
 THAT By-law No. 2020-11

Being a By-law to authorize cost recovery (fees) with respect to Fire Department specific response.

be introduced and read a **FIRST** and **SECOND** time.

Carried [Signature]
 Signature
Defeated _____
 Signature
 MOVED BY: [Signature]
 SECONDED BY: [Signature]

THAT By-law No. 2020-11 be read a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 18th day of March, 2020.

Carried [Signature]
 Signature
Defeated _____
 Signature

<u>DIVISION LIST</u>	<u>FOR</u>	<u>AGAINST</u>
First and Second Reading		
Councillor Constable	_____	_____
Councillor Dixon	_____	_____
Councillor Gregory	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____
Third Reading		
Councillor Constable	_____	_____
Councillor Dixon	_____	_____
Councillor Gregory	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW No. 2020-11

**BEING A BY-LAW TO AUTHORIZE
COST RECOVERY (FEES) WITH RESPECT TO
FIRE DEPARTMENT SPECIFIC RESPONSE**

WHEREAS pursuant to section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time (the "Municipal Act"), the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considered appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 391 of the Municipal Act, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS pursuant to section 398 of the Municipal Act, fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS Council of the Municipality of McDougall deems it expedient to pass a by-law to impose fees on persons to recover the costs of fire department responses;

NOW THEREFORE the Council of the Municipality of McDougall hereby enacts as follows:

1. In this By-Law:
 - a. "Council" means Council of the Municipality of McDougall;
 - b. "Fire Department" means a fire department established by the Municipality in accordance with the provisions of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended from time to time;
 - c. "Fire Department Specific Response Fees" means cost recovery fees for Fire Department attendance at a Property for which the Owner has Fire Department insurance coverage;
 - d. "Indemnification Technology®" means Fire Department incident reporting, data collection and property insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils;
 - e. "Municipality" means the Corporation of the Municipality of McDougall ;
 - f. "Owner" means the registered owner of property or any person, firm, corporation, partnership or society and their heirs, executors, administrators or other legal representatives, including a property manager, tenant, occupant, mortgagee in possession, receiver,


manager, trustee or trustee in bankruptcy, having control over or possession of the property or any portion

- g. "Property" means any real property located within the geographical boundaries of the Municipality, to which the Fire Department is under a service agreement to provide Fire Department response services, Automatic Aid or Mutual Aid. Property includes buildings, contents and structures of any nature and kind in or upon such lands to which service is provided;
2. The Municipality hereby authorizes the imposition of fees from time to time in accordance with the provisions of this By-Law.
3. The Owner of Property shall be responsible for the payment of Fire Department Specific Response Fees imposed by this By-Law in accordance with the Schedule of Fees, attached hereto and forming part of this By-Law.
4. The Municipality may use Indemnification Technology® to assess applicable insurance coverage for Fire Department Specific Response Fees.
5. Where the Municipality believes and/or Indemnification Technology® indicates Fire Department Specific Response Fees are applicable but the Owner does not have, in part or in full, insurance coverage for fire department charges for the Property, the Municipality may adjust the Fire Department Specific Response Fees to the extent of insurance coverage upon provision by the Owner of evidence, to the satisfaction of the Municipality, that no such insurance coverage exists or to demonstrate the limits of such coverage.
6. The Owner's insurer may remit payment of the Fire Department Specific Response Fees directly or indirectly to the Municipality on the Owner's behalf. Where Fire Department Specific Response Fees are payable under this By-Law but not remitted to the Municipality, the amount may be added to the tax roll of the Property to which the Fire Department Specific Response Fees relate.
7. In this By-Law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural where the context requires.
8. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of the Council that each term and provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

9. Where any by-law passed prior to this by-law conflicts with this bylaw, the terms of this by-law shall prevail.

10. That this by-law comes into force and effect upon third and final reading of Council.

READ a **FIRST** and **SECOND** time this 18th day of March, 2020.




Mayor

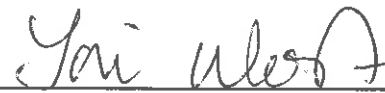


Clerk

READ a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 18th day of March 2020.



Mayor



Clerk

**THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL
BY-LAW No. 2020-11
Schedule "A"**

SCHEDULE OF FEES

1. Fire Department Specific Response Fees

The Fire Department Specific Response Fees shall be the total of:

- a. *Current MTO rate per unit per hour or portion thereof for each unit

- b. rate per person per hour or portion thereof for each firefighter

- c. other costs including but not limited to; Foam, Metered Water, Air Tank Re-filling, Cleaning Equipment, DSPA or similar type units, cost to replace damaged or destroyed equipment, specialized response costs such as Water Bomber Drops

*The MTO rate per unit per hour is set by the Ministry of Transportation in given year. This rate is adjusted periodically in accordance with the consumer price index.

Such fees shall be charged and calculated on the basis of each Fire Department vehicle attending, each firefighter attending and resources consumed in attendance to the property incident. The time shall be measured from the time of departure of each unit from the Fire Department's facilities to the time the unit is cleared for the next call out.