

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5199A-20**

A BY-LAW TO AMEND BY-LAW 5199-19 BEING A BY-LAW TO ESTABLISH FEES AND CHARGES TO BE COLLECTED BY THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE (Fire and Emergency Services Appendix B)

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, authorize a municipality to pass by-laws necessary or desirable for establishing and requiring the payment of fees and charges for information, services, activities and use of Town property;

AND WHEREAS Section 391 *Municipal Act 2001*, S.O. 2001, c. 25, as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and 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 local board; and for the use of its property including property under its control;

AND WHEREAS the Council of The Corporation of the Town of Niagara on the Lake approved Report FES-20-008 to establish and regulate a fire department to provide fire, rescue and emergency services, including “Schedule C” Fire and Emergency User Fees & Services Charges.”

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE HEREBY ENACTS as follows:

1. THAT By-law 5199-19 –“Appendix B - b) Fire and Emergency Services” be deleted and replaced with “Fire and Emergency User Fees & Service Charges” attached as Appendix B; and
2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this By-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 22ND DAY OF JUNE 2020.

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD

APPENDIX B

FIRE AND EMERGENCY USER FEES & SERVICE CHARGES

USER FEE DESCRIPTION	2020
Fire Safety Inspections (upon request for real estate or legal transactions):	
Residential Dwelling	\$85.00
1 to 4 apartment units	\$140.00
Per unit over 4 units	\$35.00
Commercial & Industrial Buildings-First 10,000 Square Feet	\$330.00
Commercial & Industrial Buildings-Additional 5,000 Square Feet	\$140.00
Multi-Unit Hotels & Motels 1 to 10 units	\$300.00
Multi-Unit Hotels & Motels Per unit over 10	\$37.00
Fire Safety Inspections (upon request for accreditation or licensing):	
Day Care Centres	\$170.00
Private Home Day Care	\$85.00
Licensed marijuana grow operations inspection	\$70.00/hour
Repeat on-site inspections at the request of the owner (Note: i.e. short-term rental properties, bed & breakfast, cottage rentals, country inns and vacation apartment)	\$85.00
Follow-up fire safety inspection to verify compliance with an inspection order issued as a result of fire code violations (Note: these fees shall be charged for any subsequent inspections beyond the initial follow up inspection)	\$70.00/hour
Fire Safety Plan Review (Note: This fee shall be charged for any subsequent reviews required beyond the initial review, at the inspector's discretion)	\$85.00 per review after the first review
Automatic Aid Agreement Response Fees (Note: These fees shall be charges to any municipality that has entered into an automatic aid agreement with Niagara-on-the-Lake)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)
Fire Safety Training (Note: Providing fire safety training to a group of up to 20 people)	\$80.00/hour
Fire Extinguisher Training (Note: Providing fire extinguisher training to a group of up to 20 people)	\$80.00/hour
Smoke Alarm Recovery Cost (Note: Recovery of the cost of a Smoke Alarm when one or more is left to bring a building into compliance with the Ontario Fire Code)	\$15.00/each
Carbon Monoxide Alarm Recovery Cost (Note: Recovery of the cost of a Carbon Monoxide Alarm when one or more is left to bring a building into compliance with the Ontario Fire Code)	\$30.00/each

<p>Preventable False Alarm Responses (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for every third and subsequent occurrence in a 12 month period, where fire department vehicles are dispatched, and it is determined by the fire department that the response was due to an a Preventable False Alarm. Charges for a Preventable False Alarm may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Malicious Act Responses (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for any Malicious Act where fire department vehicles are dispatched, and it is determined by the fire department that the response was due to an a Malicious Act. Charges for a Malicious Act may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Response due to failure to notify (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for each occurrence where fire department vehicles are dispatched to an activated fire alarm where it is determined by the fire department that the alarm was caused by either a test or repairs to the alarm system where the owner failed to notify their alarm system and/or the fire department. Charges for a response due to failure to notify may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Standby Charges (Note: This fee is charged when fire department vehicles and crews are requested to provide standby. The standby requests may include, but are not limited to, standing by at special events, providing standby for businesses or standing by at events that require rescue teams to be present)</p>	<p>\$300.00/hour/vehicle</p>
<p>MTO billing for vehicle accidents and fires on provincial highways (Note: This fee is chargeable to the Ministry of Transportation for all vehicle-accident or fire related fire department services that occur on provincial highways)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) *Maximum of 3 vehicles *rate is set by the MTO</p>
<p>Fire Department response to a natural gas incident (Note: This fee is chargeable where the fire department determines that a natural gas incident has been caused directly by a person or company, who has failed to take reasonable precautions including getting a locate and following proper guidelines regarding digging around locates. Charges for a response due to natural gas incidents may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Fire Department Response to Open Air Burns (Note: For each staffed fire department vehicle in attendance at an unauthorized open-air burn or an open-air burn that is being conducted in contravention of the guidelines. Charges for a response due to open air burn may or may not be applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Copy of fire inspection report/compliance letter/insurance company report (Note: Copies of inspection reports and/or fire code compliance letters that are provided to property owners or insurance companies upon request)</p>	<p>\$120.00</p>
<p>Copy of fire response incident report/insurance company report (Note: Copies of fire department response reports that are provided to property owners or insurance companies upon request)</p>	<p>\$120.00</p>

Property file search (Note: Search of property files for information such as previous fire code violations, outstanding work orders and retrofit requirement compliance)	\$120.00
Liquor license letter (Note: Agency letter for liquor license application)	\$120.00
Special Occasion Permit Letters (Note: Agency letter for special occasion permit application)	\$37.00
Review of Level 1 (Basic) propane storage risk safety management plan	\$120.00
Review of Level 2 (complex) propane storage risk safety management plan (Note: This fee shall apply where the Fire Department is requested to review and/or approve a level 1 or 2 "Risk Safety Management Plan" as part of an application to the TSSA for a license to store propane)	\$70.00/hour
Hazardous Materials Spills (Note: Niagara-on-the-Lake Fire & Emergency Services will recover actual costs for consumable materials, in addition to the hourly cost of fire department response for any response involving the containment or clean-up of a hazardous materials spill. The cost will be billed to the owner of the pollutant or the person having control of the pollutant)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) Plus actual cost of consumable materials
Illicit Drug Labs and/or Marijuana Grow Operations (Note: Niagara-on-the-Lake Fire & Emergency Services will recover actual costs for consumable materials, in addition to the hourly cost of fire department response (\$477.00/hour per truck for the first hour with a one hour minimum and \$238.50/truck every half-hour thereafter) for any response involving the response to an illicit drug lab and/or marijuana grow operation)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) Plus actual cost of consumable materials
Additional Fire Department Expenses (Note: The owner of a property shall be responsible for the actual costs required to retain a private contractor or rent special equipment in order to preserve property or evidence or eliminate an emergency or risk. Examples include, but are not limited to, renting heavy machinery such as excavators, contracting security services to protect property or contracting the clean-up of hazardous materials or dangerous goods. Additional expenses that may be required to bring a fire under control that may be recovered as part of this by-law include the use of firefighting foam and dry chemical extinguishing devices)	Actual Costs