

The Corporation of the Township of Georgian Bluffs

By-law Number 2024-058

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Being a By-law to authorize cost recovery (fees) with respect to the fire department specific response.

Whereas, Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that 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, Section 391 of the *Municipal Act, 2001*, provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas, Section 398 of the *Municipal Act, 2001*, provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and

Whereas, Council of the Township of Georgian Bluffs deems it expedient to pass a by-law to impose fees on persons to recover the costs of fire department responses;

Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:

1. In this By-law:
 - a. "Council" means the Council of the Township of Georgian Bluffs;
 - b. "Fire Department" means the Inter Township Fire Department, or any other body established by the Township in accordance with the provisions of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;
 - 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 of fire department attendance with respect to insured perils;
 - e. "Municipality" means the Corporation of the Township of Georgian Bluffs;
 - 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 thereof;
 - g. "Property" means any real property located within the geographical boundaries of the Municipality, and any real property to which the Fire Department is under a service agreement to provide Fire Department Response services, Automatic Aid or Mutual Aid. Real 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. Fees imposed pursuant to this by-law constitute a debt of the Owner to the Municipality and may be added to the tax roll of the Property to which the Fire Department Specific Response Fees relate.
6. 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.
7. Should any provision, or any part of a provision of this by-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this by-law, and every other provision of the by-law shall be applied and enforced in accordance with its terms to the extent possible according to law.
8. That this by-law shall come into force and effect upon being passed by Council.

Read a first and second time this 20th day of November 2024.

Read a third time and finally passed this 20th day of November 2024.

Mayor – Sue Carleton

Clerk – Carly Craig

Schedule A – Schedule of Fees

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. 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, 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.

Report Approval Details

Document Title:	By-law 2024-063 - Fire Department Cost Recovery.docx
Attachments:	
Final Approval Date:	Nov 7, 2024

This report and all of its attachments were approved and signed as outlined below:

Niall Loble, Chief Administrative Officer