

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 147-99

A By-Law to charge fees for services provided by the Vaughan Fire and Rescue Service for response to Emergency and Non-Emergency Incidents.

WHEREAS The Corporation of the City of Vaughan has established a fire department being the Vaughan Fire and Rescue Service to deliver fire protection services;

AND WHEREAS Section 220.1 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, authorizes a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality.

NOW THEREFORE Council for The Corporation of the City of Vaughan enacts as follows:

DEFINITIONS:

1. In this by-law,

- a) “Corporation” means The Corporation of the City of Vaughan;
- b) “Vaughan Fire and Rescue Service” means a fire department within the meaning of the *Municipal Act*, and the *Fire Protection and Prevention Act*, and is deemed to include any member of the Vaughan Fire and Rescue Service;
- c) “fire protection services” includes all services related or incidental to fire suppression, fire prevention, rescue and emergency services and the protection of lives and property;
- d) “motor vehicle” as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- e) “motor vehicle incident” means Vaughan Fire and Rescue Service attending the scene of a motor vehicle accident, fire or spill on any property in the City of Vaughan;
- f) “spill” as defined in the *Environmental Protection Act*, Part IX, as amended;
- g) “property” means any public or private real property within the City of Vaughan, including buildings, structures of any nature and kind in or on such lands, but excludes real property owned by the Crown either federally or provincially;
- h) “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 mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy, or other legal representatives of an owner to whom the context can apply according to law;
- i) “vehicle owner” means the registered owner of vehicle, or any person, firm or corporation having control over or possession of the vehicle or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy, or other legal representatives of a vehicle owner to whom the context can apply according to law;

MOTOR VEHICLE INCIDENTS

2. (a) If Vaughan Fire and Rescue Service attends the scene of any motor vehicle incident, other than on a King's Highway, and the Vaughan Fire and Rescue Service provides firefighting and/or emergency services, a fee will be charged, plus applicable taxes, in accordance with Schedule A of this by-law, except as exempted as per clause 2 (b), regardless of established fault.
- (b) Fees charged for extinguishing a fire that originates in a motor vehicle, but not as a result of an intentional act, collision or upset and which vehicle owner is a resident of the City of Vaughan, shall be waived.

EXTRAORDINARY EXPENSES

- (c) If Vaughan Fire and Rescue Service responds to a motor vehicle incident, or other emergency at any property in the City of Vaughan, and determines that it is necessary to:
 - i) call-out additional or special resources; and/or
 - ii) retain a private contractor; and/or
 - iii) rent special equipment not normally carried on a fire apparatus; and/or
 - iv) consume materials or supplies in order to suppress or extinguish a fire, preserve property or prevent a fire from spreading or otherwise control and eliminate an emergency; and/or
 - v) operations at the incident have damaged apparatus or equipment owned by or under the control of the Vaughan Fire and Rescue Service,

the motor vehicle owner(s) or property owner(s), individually or jointly, shall be charged those expenses or costs for damages incurred, in accordance with Schedule A of this by-law.

ADMINISTRATION AND ENFORCEMENT:

- (d) The Corporation shall mail an invoice to each vehicle owner's insurer or owner's insurer or vehicle owner or owner where there is no insurer or there appears to be no insurer or the insurer is unknown or not reasonably accessible, upon whom a fee is imposed under this by-law, requiring that payment be made within thirty (30) days of the date of mailing of the invoice.
- (e) The Corporation will administer collections procedures in accordance with the Policies and Procedures, as amended, of the Finance Department, including recovery by Court Action or in a like manner as taxes, to the vehicle owner, owner or insurer who is charged a fee under this by-law and who fails to pay the fee within thirty (30) days of the date of mailing of the invoice.
- (f) If any Court of competent jurisdiction finds that any of the provisions of this By-Law are ultra vires of the jurisdiction of the Corporation to pass or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-Law.
- (g) Schedule A attached hereto, hereby forms part of this By-law.

READ a FIRST, SECOND and THIRD time and finally passed this 10th day of May ,1999.

L. D. Jackson, Mayor

J. D. Leach, City Clerk

SCHEDULE A
SCHEDULE OF FEES

For attending at the scene of a motor vehicle incident and providing firefighting and/or emergency services:

Fee charged, for up to three Vaughan Fire and Rescue Service apparatus initially dispatched to an incident:

\$600 for initial hour of on-scene operations
\$400 for each additional ½ hour.

If the duration of service provided during the initial hour is less than 10 minutes, fee will be waived.

If the duration of service provided during any additional ½ hour is less than 10 minutes, the respective additional fee will be waived.

Plus applicable taxes.

Materials or supplies consumed at an incident, or equipment/apparatus damages, will be charged-for at applicable replacement/repair rates, plus any other associated expenses and applicable taxes.

Additional or special resources will be charged-for at the following rates, plus associated expenses and applicable taxes:

Fire fighting apparatus	\$300 per hour or part thereof.
Hazardous Materials Response Unit	\$150 per hour or part thereof.
Water Tanker	\$150 per hour or part thereof.
Rehab, Mechanical or Investigation Support Units	\$75 per hour or part thereof.
Additional Firefighters/Support Staff	As per current staff hourly pay rate, including overtime premium as necessary.