

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## BY-LAW NUMBER 72-2005

**A By-law to amend By-law Number 147-99 as amended by By-law 149-99 and By-law 395-2002 related to charging fees for services provided by the Vaughan Fire and Rescue Service for response to Emergency and Non-Emergency incidents.**

WHEREAS section 220.1 of the *Municipal Act*, R.S.O. 1990, c.M.45, as amended, or substituted from time to time, permitted a municipality to pass by-laws imposing fees and charges for services and activities provided and performed by it, for costs payable by it and for the use of its properties or properties under its control;

AND WHEREAS section 391 of the *Municipal Act*, 2001, S.O.2001, c.25, as amended or substituted from time to time, similarly permits a municipality to pass by-laws imposing fees and charges;

AND WHEREAS the Council of The Corporation of the City of Vaughan desires to implement fees for responses to certain types of false alarms by the Vaughan Fire and Rescue Service in addition to existing fees for response to Emergency and Non-Emergency Incidents;

NOW THEREFORE the Council of the Corporation of the City of Vaughan enacts as follows;

1. By-law 147-99 as amended, is hereby further amended by adding to Section 1, Definitions, the following definitions:
  - j) "emergency system" includes a sprinkler system, standpipe system, fire extinguishing system, smoke control system, emergency power system, fire pump system, voice communication system or any other device monitored through a fire alarm system;
  - k) "malicious act" means a wrongful act done intentionally by any person without just cause or excuse;
  - l) "nuisance false alarm" means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper installation of the system or failure to maintain the system as prescribed by the Fire Code being O.Reg. 388/97, as amended, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system;
2. By-law 147-99 as amended is hereby further amended by adding to Section 2 the following subsections:

FIRE ALARMS

  - (d) (i) If the Vaughan Fire and Rescue Service attends at a property in response to a fire alarm and upon conducting an investigation a member of Vaughan Fire

and Rescue Service determines that the fire alarm is a nuisance false alarm and it is the third or subsequent nuisance false alarm within the calendar year, the property owner shall be charged the fee as stipulated in By-law Number 396-2002, as amended from time to time.

(ii) If a property owner fails to notify the Vaughan Fire and Rescue Service Communications Centre, or any successor communications unit, in advance of any work being conducted on a fire alarm system or emergency system at a property, and as a result of the work being done on a fire alarm system or emergency system a false alarm is triggered, the false alarm shall be considered a nuisance false alarm and the property owner shall be charged the fee as stipulated in By-law 396-2002, as amended from time to time, if it is the third or subsequent nuisance false alarm within the calendar year.

(iii) If the Vaughan Fire and Rescue Service responds to a fire alarm and upon conducting an investigation a member of the Vaughan Fire and Rescue Service determines that the fire alarm is a false alarm occurring as a result of a malicious act, the false alarm shall be considered a nuisance false alarm and the property owner shall be charged the fee as stipulated in By-law 396-2002, as amended from time to time, if it is the third or subsequent nuisance false alarm within the calendar year.

3. This By-law comes into full force and effect on the 1<sup>st</sup> day of May, 2005.

READ a FIRST, SECOND and THIRD time and finally passed this 21<sup>st</sup> day of March, 2005.

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Michael Di Biase, Mayor

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J. D. Leach, City Clerk