

TOWN OF MARKHAM

ONTARIO



BY-LAW 111-98

A BY-LAW TO CHARGE FEES FOR SERVICES PROVIDED BY FIRE AND EMERGENCY AND NON-EMERGENCY INCIDENTS

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to February 15, 2008)

AS AMENDED BY:

By-law 2002-181 - September 3, 2002
By-law 2002-278 - December 10, 2002
By-law 2008-15 – February 12, 2008
By-law 2009-9 – February 10, 2009

111-98

A By-Law to Charge Fees for Services Provided by Fire and Emergency Services for Emergency and Non-Emergency Incidents

WHEREAS subsections 210(31) and (32) of the *Municipal Act* R.S.O. 1990, c. M.45, as amended, authorize a municipality to enact by-laws imposing fees and charges for services provided directly by the municipality to a user of services and to vary such fees and charges as the municipality considers appropriate;

AND WHEREAS The Corporation of the Town of Markham has established a Fire Department being the Fire and Emergency Services Division of the Community Services Commission to deliver firefighting and related emergency 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;

AND WHEREAS the *Municipal Act, 2001* provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;
(Amended by By-law 2002-278)

AND WHEREAS the Town of Markham has enacted a Fee By-law 2002-276 to set fees or charges for services or activities provided by or done on behalf of it.
(Amended by By-law 2002-278)

NOW THEREFORE Council for The Corporation of the Town of Markham enacts as follows:

DEFINITIONS:

1. In this by-law,

- a) “Corporation” means The Corporation of the Town of Markham;
- b) “Fire and Emergency Services” means a fire department for the Corporation of the Town of Markham within the meaning of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, and is deemed to include any member of the Fire and Emergency Services Division;
(Amended by By-law 2009-9)
- c) “firefighting and/or emergency services” includes all services related or incidental to the prevention, control, and suppression of fires 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 Fire and Emergency Services attending the scene of a motor vehicle accident, fire or spill on any property in the Town of Markham;
- f) “spill” as defined in *the Environmental Protection Act*, Part IX, as amended;
- g) “property” means any public or private real property within the Town of Markham, including buildings, structures of any nature and kind in or upon 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;
- 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;
- j) “Fire Chief” means the person who is ultimately responsible to Council for the delivery of fire protection services;
- k) “Deputy Fire Chief” means the person who has been appointed by Council to act in the place of the chief of the fire department in his absence or in the case of a vacancy in the office;
- l) “at fault” means the motor vehicle deemed to be at fault in a motor vehicle incident by the Police or by the Fire and Emergency Services attending at the motor vehicle incident;
(Amended by By-law 2009-9)

MOTOR VEHICLE INCIDENTS

- 2 a) When Fire and Emergency Services attend at the scene of a motor vehicle incident on a King’s Highway, Regional or Municipal Road, or a Private Road and provide firefighting and/or emergency services, the vehicle owner of the motor vehicle deemed to be at fault in the motor vehicle incident shall pay to the Corporation the Fees outlined in Town of Markham By-law 2002-278, as amended. In the event that it is determined by Fire and Emergency Services that a vehicle owner deemed to be at fault is not at fault, then the Fire and Emergency Services reserves the right to deem another motor vehicle involved in the motor vehicle incident to be at fault and as such that vehicle owner shall pay to the Corporation the Fees outlined here.
(Amended by By-law 2002-181 & 2002-278 & 2009-9)

EXTRAORDINARY EXPENSES

3. If Fire and Emergency Services respond to a motor vehicle incident, or other emergency at any property in the Town of Markham, and determine, or the Fire Chief or Deputy Fire Chief determine, that it is necessary to retain a private contractor, rent special equipment not normally carried on a fire apparatus, use more materials than are carried on a fire apparatus in order to suppress or extinguish a fire, preserve property or prevent a fire from spreading or otherwise control and eliminate an emergency or damage equipment owned by the Corporation of the Town of Markham, the owner shall be charged those expenses incurred, plus applicable taxes.

ADMINISTRATION AND ENFORCEMENT:

4. When a fee is imposed pursuant to this by-law the Corporation shall send out, by ordinary mail to the last known address of the owner or the at fault vehicle owner, an invoice setting out the amount of the Fees owed to the Corporation.
(Amended by By-law 2002-278 & 2009-9)
5. (Deleted by By-law 2009-9)
6. The fees imposed by this By-law may be waived or reduced where circumstances warrant with the approval of the Town of Markham Fire Chief and in accordance with criteria as approved by Council.
(Amended by By-law No. 2008-15)

BY-LAW # 38-96 IS HEREBY REPEALED.

SCHEDULE A TO BY-LAW 111-98

SCHEDULE OF FEES

DELETED BY BY-LAW 2002-278

(See By-law 2002-276)