

## **FINANCIAL**

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## FINANCIAL

Chapter 453  
USER FEES - FIRE

## CHAPTER INDEX

Article 1  
INTERPRETATION**453.1.1 Apparatus - definition**

“**apparatus**” includes any fire department vehicle in use by the fire department and suitably equipped for emergency response.

**453.1.2 City - definition**

“**City**” means the Corporation of the City of Orillia.

**453.1.3 Emergency – Definition**

“**emergency**” means a situation or impending situation that constitutes a danger that could result in serious harm to persons or substantial damage to property and that is caused by forces of nature, an accident or an act whether intentional or otherwise.

**453.1.4 Emergency system - definition**

“**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.

**453.1.5 False fire alarm - definition**

“**false fire alarm**” means the activation of a fire alarm 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 Ontario Regulation 213/07, 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.

**453.1.6 Fire alarm system - definition**

“**fire alarm system**” means a combination of devices designed to warn the building occupants of an emergency condition, and consisting minimally of a control unit, a manual pull station and an audible signal forming an emergency system.

**453.1.7 Fire fighting and emergency services - definition**

“**fire fighting and emergency services**” includes all services related or incidental to the prevention, control and suppression of fires and protection of lives and property, but excludes the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma.

**453.1.8 Motor vehicle - definition**

“**motor vehicle**” has the same meaning as prescribed in the *Highway Traffic Act* R.S.O. 1990 c.H.8, as amended.

**453.1.9 Non-resident - definition**

“**non-resident**” means a person who is neither a property owner nor a tenant of property within the City.

**453.1.10 Person - definition**

“**person**” includes an individual, sole proprietor, partner, corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative.

**453.1.11 Property – definition**

“property” means anything that is owned by a person and includes but is not limited to real property and personal property.

**453.1.12 Property owner - definition**

“property 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 a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

## Article 2 GENERAL PROVISIONS

**453.2.1 Fees - set out - requirement to pay**

Any person(s) who uses services or property of the City described in Schedule “A” shall pay a fee set out opposite the description or name of the particular service or property, as set out in Schedule “A”.

**453.2.2 Fees - payable**

All fees payable in accordance with this Chapter shall be payable in advance of providing the service except:

- a) emergency services, and
- b) actions taken by the City to rectify failures or by-law infractions on part of the resident,

in which case the fee payable will be in arrears and invoiced subsequent to the service or activity provided.

**453.2.3 Fees - estimated**

Costs payable to the City for services or activities done on behalf of the City may be estimated and the estimated cost may be deposited with the City.

**453.2.4 Fees - unpaid - interest**

Fees arising in accordance with this Chapter that remain unpaid after 30 days may bear interest at the rate of 1.25% per month until paid in full.

**453.2.5 Fees - unpaid - taxes**

Fees owing in accordance with this Chapter that are unpaid are a debt to the City and together with all interest and penalties accrued thereupon, may be collected by the City by way of action or may be collected by an authorized agent on behalf of the City or may be collected in the same manner as municipal taxes.

**453.2.6 Extraordinary Expenses**

If the Orillia Fire Department responds to a fire or other emergency at a property and the Fire Chief or his designate determines that it is necessary to retain a private contractor, or rent special equipment, or use consumable materials other than water and medical supplies in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, all costs related but not limited to retaining a private contractor, renting special equipment and/or all consumable materials other than water and medical supplies, shall be charged to the responsible party and/or the property owner and recovered as a fee as set out in Schedule “A”.

**453.2.7 False fire alarms**

If the Orillia Fire Department attends at a property in response to a fire alarm and upon conducting an investigation determines that the alarm is caused by:

- a) an improperly maintained fire alarm system or an improperly used fire alarm system (in accordance with the Ontario Fire Code) or;
- b) a failure to advise of fire alarm testing or;
- c) a fire alarm system malfunction; or

d) where there is no reasonable cause for the fire alarm activation,

the property owner shall be charged the fee as set out in Schedule "A". Fees are charged for each fire apparatus responding based on Ministry of Transportation rates for the first hour, and by each subsequent half-hour.

**453.2.8 False fire alarms - exception**

Where fees are charged for false fire alarms, consideration will be given to waiving or reducing fees or charges where the property owner has demonstrated that significant measures have been undertaken to refurbish the fire protection system to prevent future occurrences. This will be subject to the approval of the Fire Chief or his designate.

**453.2.9 Motor vehicle accidents/collision**

If the Orillia Fire Department attends at a motor vehicle accident/collision on a street or road assumed by the City, non-residents of the City (through their insurer) will be charged a fee as set out in Schedule "A".

If the Orillia Fire Department attends at a motor vehicle accident/collision on a provincially-assumed highway within the City, vehicle owners, both resident and non-resident, may receive an invoice from the Ministry of Transportation.

Fees are charged for each fire apparatus responding based on Ministry of Transportation rates for the first hour, and by each subsequent half-hour.

**453.2.10 Technical & Specialized Services**

If the Orillia Fire Department responds to a request from another municipality to provide specialized or technical services (including but not limited to ice/water rescue, training, extinguishment/suppression of fire or any other use of city apparatus and /or manpower or expertise) all costs at the discretion of the Fire Chief or his designate shall be charged to that municipality. If the Orillia Fire Department is required to call upon the services of another emergency service to effect technical services (including, but not limited to, confined space, high angle or trench rescue), the responsible party and/or the property owner shall be charged the fee as set out in Schedule "A".

**Article 3  
ENACTMENT**

**453.3.1 Effective date**

This Chapter shall come into force and effect on the date of the Passing of the enabling by-law.

**Adopting By-law:** By-law 2002-167, 16 December 2002.

**By-law Amendments:** By-law 2008-118, 30, June 2008.

**Repealed and Replaced:** By-law 2011-30, 28 March 2011.

**Repealed and Replaced:** By-law 2016-2, 18 January 2016.

**Schedule "A"**

**Inspections Residential – including Hotels/Motels**

Flat Rate	\$ 50.00	
Each unit	\$ 25.00	
Private home daycare/foster care	\$ 60.00	
	\$ 70.00	January 1, 2017

**Inspections Commercial & Industrial**

First 20,000 sq. ft. or any part thereof	\$ 200.00
Each additional 5,000 sq. ft.	\$ 60.00
Each individual tenancy	\$ 40.00
Licensed daycare centers/nursery schools	\$ 100.00
Liquor license applications	\$ 110.00

**False Fire Alarms**

**Failure to Advise of Fire Alarm Testing or Improperly Maintained Fire Alarm System**

1 <sup>st</sup> Response in each calendar year:	Current MTO rate per apparatus
Each subsequent response in calendar year:	Current MTO rate per apparatus

**Fire Alarm System Malfunction, Improper Use or No Reasonable Cause for Activation**

1 <sup>st</sup> Response in each calendar year:	Nil
2 <sup>nd</sup> Response in each calendar year:	Nil
3 <sup>rd</sup> Response in each calendar year:	Current MTO rate per apparatus
Each subsequent response in calendar year:	Current MTO rate per apparatus

**Response to Motor Vehicle Accidents and Motor Vehicle Fire – Non Residents**

Current MTO rate per apparatus

**Environmental Spills, Gas Leaks**

Response to gas leak where "service locate" has not been obtained or where "requirements for service locate" have not been followed, the property owner, company or contractor responsible shall be invoiced.

Current MTO rate per apparatus

**Hazardous Material Spill/Clean-Up**

Current MTO rate per apparatus

**Fire Watch**

Where emergency systems serving properties are not functional so as to put the occupants or others at undue risk and where the owner or designate is not available to accept responsibility for the occupancy.

Current MTO rate per apparatus

**Extraordinary Expense**

Full Cost Recovery

**Technical & Specialized Services**

Full Cost Recovery

**General**

Fire Reports (insurance company reports)	\$ 60.00
File Search	\$ 70.00
Accreditation/compliance letters	\$ 70.00
Letters/diagrams/reports (other)	\$ 60.00
Photographs (each)	\$ 5.00
Sale of Air (refilling S.C.B.A. bottles) – each bottle	\$ 5.50
Risk & Safety Management Plans – per hour	\$ 100.00

**Demonstrations/Training/Testing**

**Fire Extinguisher Training Unit**

Device rental half day (up to 4 hours)	\$ 50.00
Device rental full day (up to 8 hours)	\$ 100.00
Per person fee	\$ 12.00

**Fit Testing Unit**

Device rental half day (up to 4 hours)	\$ 50.00
Device rental full day (up to 8 hours)	\$ 100.00
Per person fee	\$ 15.00