



## 2002-181

**A By-law to Amend By-law 111-98  
Being A By-Law to Charge Fees for Services Provided by Fire and  
Emergency Services for Emergency and Non-Emergency Incidents**

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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.

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 within the meaning of the *Municipal Act*, and the *Fire Protection and Prevention Act*, and is deemed to include any member of the Fire and Emergency Services Division;
- 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.

#### MOTOR VEHICLE INCIDENTS

- 2. If Fire and Emergency Services attend the scene of any motor vehicle incident, on a King's Highway, Regional or Municipal Road, a Private Road and the Fire and Emergency Services provides firefighting and/or emergency services, the Fees as outlined in Schedule "A" of this By-law plus applicable taxes, shall be charged to all vehicle owners, regardless of establishing fault.

#### 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. The Corporation shall mail an invoice to each owner's insurer 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.

5. The Corporation will administer collections procedures in accordance with the Policies and Procedures of the Financial Services Revenue Division, as amended, to the owner/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.

BY-LAW # 38-96 IS HEREBY REPEALED.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
3<sup>RD</sup> DAY OF SEPTEMBER, 2002.

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TOWN CLERK

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MAYOR

SCHEDULE A TO BY-LAW 111-98

SCHEDULE OF FEES

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

**Fees charged, per Fire Department apparatus to a maximum of three (3) responding to incident:**

**\$350.00 for initial hour**

**\$175 for each additional 1/2 hour**

If initial hour is less than 10 minutes, fee will be waived.

If additional 1/2 hour is less than 10 minutes, fee will be waived.