

BY-LAW 2008-250F

**A BY-LAW OF THE CITY OF GREATER
SUDBURY TO ESTABLISH
USER FEES FOR SERVICES PROVIDED
BY THE CITY OF GREATER SUDBURY FIRE SERVICES**

WHEREAS Section 391 (1) of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, allows municipalities to pass By-laws imposing fees or charges for services or activities provided and related matters;

AND WHEREAS the Council of the City of Greater Sudbury wishes to pass a By-law respecting fees for services provided by the Greater Sudbury Fire Services of the City of Greater Sudbury in order to recover part of the costs expended by the City of Greater Sudbury in the provision of such services;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

Fees and Charges

1. (1) Except as provided in Subsection 1(2), all applications or requests for services made to the City of Greater Sudbury's Fire Services division of the City of Greater Sudbury's Emergency Services Department for conduct of file searches, provision of reports, conduct of inspections and other services identified in Schedule "A" - "Reports, Inspections, etc. - Fees and Charges" shall be accompanied by the appropriate fee as set

out in Schedule "A", in order to recover part of the costs expended by the City of Greater Sudbury in the processing of such applications or the provision of such services. In appropriate circumstances, bills may have to be sent out following the completion of the work in which case the fee will then be due and payable.

(2) Despite Subsection 1 (1), the fees set out in Schedule "A" shall not apply to inspections performed or other services provided by the Fire Services as part of as a requirement of:

- (a) an application under By-law 2004-350, the Business Licencing By-law, as amended or replaced from time to time;
- (b) an application under By-law 2004-351, the Trailer, Trailer Camp and Trailer Park By-law, as amended or replaced from time to time;
- (c) an application under By-law 2004-352, the Adult Entertainment Parlour By-law, as amended or replaced from time to time;
- (d) an application under By-law 2004-353, the Body-Rub Parlour By-law, as amended or replaced from time to time;
- (e) an application under By-law 2004-354, the Second Hand Goods By-law, as amended or replaced from time to time; or
- (f) an application under By-law 2001-201B, the Building By-law, as amended or replaced from time to time.

2. (1) In order to recover part of the costs expended by the City of Greater Sudbury in the provision of services, fees or charges assessed by the Fire Services division of the City of Greater Sudbury for provision of the services described on Schedule "B" - "Vehicle Response and Foam Use - Fees and Charges" shall be determined in accordance with Schedule "B".

(2) Where fees or charges are payable for the services provided in Schedule "B" - "Vehicle Response and Foam Use - Fees and Charges" on an hourly rate, fees shall be payable at the specified hourly rate for the travel time of the person providing the service.

(3) Fees payable under Schedule "B" will be due and payable upon forwarding of a bill for the services.

3. (1) In order to recover part of the costs expended by the City of Greater Sudbury in responding to false alarms, fees or charges assessed by the Fire Services division of the City of Greater Sudbury for responding to false alarms designated as Type 1 False Alarms- No Reasonable Cause and Type 2 False Alarm - Failure to Advise of Testing shall be determined in accordance with Schedule "C" - "False Alarm Response Fees and Charges".

(2) For the purposes of this By-law:

"Type 1 False Alarms - No Reasonable Cause" are alarms where the Fire Services determines that the alarm was given without reasonable cause, including without limitation, alarms resulting from improperly maintained alarm systems; and

"Type 2 False Alarms - Failure to Advise of Testing" are alarms in situations in which the Fire Service determines the alarm resulted from testing the fire alarm system without prior notification to the Fire Services of the particulars of the timing of the proposed testing and compliance with Fire Service protocols for alarm testing then in effect.

(3) Fees or charges assessed in Accordance with Schedule "C" - "False Alarm Response Fees and Charges" shall be payable by the person or persons registered in the Land Titles or Land Registry Office as owner of the property on which the alarm

system is situate and shall be due and owing upon forwarding of a bill for the fees and charges.

4. (1) Unpaid balances on bills issued by the City under Section 1, Subsection 2(3), or Subsection 3(3) shall bear interest at the rate established by By-law of the City from time to time, and if not paid, such unpaid balances and interest thereon and costs of collection, including legal fees and disbursements are recoverable as a debt due to the City by any remedy or procedure available to the City by law.

(2) If payment of any amount owing under Subsection 3 (3) is not made within thirty days of the date on the bill,, the City may, in the discretion of the General Manager of Infrastructure Services and in addition to any other remedy it may have at law, add the balance outstanding to the tax roll of the property where the false alarm occurred, and recover the outstanding amount in like manner as municipal taxes. The Chief Financial Officer/Treasurer is hereby authorized to take all necessary action to do so.

Waiver of Fees and Charges

5. Notwithstanding Sections 1, 2, and 3 above, the General Manager of Infrastructure Services may reduce the amount of, or waive the requirement for the payment of a fee where he or she is satisfied it would be unreasonable to require payment in accordance with Schedule "A - "Reports, Inspections, etc. - Fees and Charges" or with Schedule "B" - "Vehicle Response and Foam Use Fees and Charges" or with Schedule "C" - "False Alarm Responses Fees and Charges", as the case may be.

P.S.T. and G.S.T.

6. Fees included in all the Schedules attached to this By-law are subject to Goods and Services Tax and Provincial Sales Tax where applicable.

Annual Inflationary Increase

7. (1) Except as otherwise provided, commencing January 1st, 2009, the fees provided for in Schedule "A" - "Reports, Inspections, etc. - Fees and Charges", shall be automatically adjusted for inflation on that day and on January 1st in every year thereafter by the Chief Financial Officer/Treasurer based on the September to September increases (or decreases) in the Consumer Price Index, and rounded up or down as the Chief Financial Officer/Treasurer deems appropriate, and provided further that the Chief Financial Officer/Treasurer may consider previous Index changes, and previous fee adjustments or non-adjustments, and the Chief Financial Officer/Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

Short Title

8. This By-law shall be known as the "Fire Services Fees By-Law".

Schedules

9. The following Schedules are incorporated into and form part of this By-law:

Schedule "A" - "Reports, Inspections, etc. - Fees and Charges"; and

Schedule "B" - "Vehicle Response and Foam Use Fees and Charges"; and

Schedule "C" - "False Alarm Responses Fees and Charges".

Severability

10. If any section, subsection, part or parts of this By-law is declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

Effective

11. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 29th day of

October, 2008.

Rodriguez Mayor

A. Haché Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN

COUNCIL this 29th day of October, 2008.

Rodriguez Mayor

A. Haché Clerk

SCHEDULE "A"

to BY-LAW 2008-250F

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**FIRE SERVICES
REPORTS, INSPECTIONS ETC. FEES AND CHARGES**

	Fee	GST	Total
Inspections/Searches			
Copy of Fire Report	\$ 56.	N/A	\$56.
File Search and Letter - per search Group A, B, C, D, E or F (as defined in the Building Code)	56.	N/A	56.
Inspection - per inspection ** Group A Occupancy (as defined in the Building Code)			
- 1 st hour or part thereof	100.	N/A	100.
- 2 nd hour or part thereof	75.	N/A	75.
- 3 rd and subsequent hours or part thereof	50.	N/A	50.
Inspection - per inspection ** Group B Occupancy (as defined in the Building Code)			
- 1st hour or part thereof	170.	N/A	170.
- 2 nd hour or part thereof	150.	N/A	150.
- 3 rd and subsequent hours or part thereof	125.	N/A	125.
Inspection - per inspection Group C Occupancy (as defined in the Building Code)			
- single family	100.	N/A	100.
- duplex	175.	N/A	175.
- multi-residential - 3-8 units and retrofit 9.5	225.	N/A	225.
- multi-residential - over 8 units and retrofit 9.5	275.	N/A	275.
Inspection - each inspection ** Group D Occupancy - (as defined in the Building Code)			
-charge per hour or part thereof minimum charge - 1 hour	100.	N/A	100.
Inspection - Group E Occupancy; Group F Occupancy (as defined in the Building Code)			
- each inspection ** -charge per hour or part thereof minimum charge - 2 hours	100.	N/A	100.

**** NOTE:** where fees are charged at an hourly rate, the calculation of time spent will include travel time to and from the inspection location

SCHEDULE "A"
TO BY-LAW 2008-250F

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FIRE SERVICES
REPORTS, INSPECTIONS ETC. FEES AND CHARGES

General

LLBO compliance - both inspection and letter required:

-inspection	\$100.	N/A	\$ 100.
-letter	56.	N/A	56.

**SCHEDULE "B"
to By-law 2008-250F**

**FIRE SERVICES
VEHICLE RESPONSE AND FOAM USE FEES AND CHARGES**

Vehicle Response - Motor Vehicle Accident

response by one or more Fire Department vehicles to a motor vehicle accident on a City highway, where services are actually provided:

-1 st hour or part thereof minimum charge per vehicle	\$ 360.	N/A	\$ 360.
-each half hour after the 1 st per vehicle	180.	N/A	180.

response by one or more Fire Department vehicles to a motor vehicle accident on a Provincial highway, where services are actually provided:

-the rate established by the province for such purpose from time to time currently:

-1 st hour or part thereof minimum charge per vehicle	360.	N/A	360.
-each half hour after the 1 st hour per vehicle	180.	N/A	180.

Foam Use

where foam or similar additives are used in responding to a fire -
per gallon or part thereof

25.

**SCHEDULE "C"
to By-law 2008-250F**

**FIRE SERVICES
FALSE ALARM RESPONSE FEES AND CHARGES**

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Fee

Type 1 False Alarm - No Reasonable Cause

-on each response by one or more Fire Service vehicles to any given address, where the Fire Services determines that each such alarm was given without reasonable cause, including without limitation, alarms resulting from improperly operating alarm systems

1st response to an alarm from an address in any 30 day period

\$360 per vehicle responding, per hour or part thereof

the second and each subsequent response to an alarm from any address in any 30 day period

fee which is \$360 higher than the last fee charged

Type 2 False Alarm - Failure to Advise of Testing

-on response by one or more Fire Service vehicles to an alarm where the Fire Service determines the alarm resulted from testing the fire alarm system without prior notification to the Fire Services of the particulars of the timing of the proposed testing and compliance with Fire Service protocols for alarm testing then in effect

1st response to an alarm from an address in any 30 day period

\$360 per vehicle responding, per hour or part thereof

the second and each subsequent response to an alarm from any address in any 30 day period

a fee which is \$360 higher than the last fee charged