



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
BY-LAW NUMBER 3427-2019**

**A BY-LAW TO ESTABLISH AND REGULATE FEES FOR THE FIRE  
DEPARTMENT**

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**WHEREAS** Section 2 of the *Fire Protection and Prevention Act* authorizes a municipality to establish a fire department to provide firefighting and fire protection services and for participating in an emergency fire services program;

**AND WHEREAS** The Corporation of the Township of Augusta has established a Fire Department being Augusta Fire Rescue to deliver firefighting and related emergency services;

**AND WHEREAS** Sections 8, 9, 10 and 11 of the *Municipal Act* authorize a municipality to pass By-Laws necessary or desirable for municipal purposes and in particular paragraph 3 of subsection 11(2) authorizes By-Laws respecting the financial management of the municipality;

**AND WHEREAS** Subsection 391(1) of the *Municipal Act* provides that sections 9, 10, and 11 of that Act authorize a municipality to impose fees or charges on any class of person for service or activities provided or done by or on behalf of the municipality and for the use or the municipality's property, including property under its control;

**AND WHEREAS** Subsection 391(2) of the *Municipal Act* provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time;

**AND WHEREAS** Subsection 391(3) of the *Municipal Act* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

**AND WHEREAS** Subsection 391(4) of the *Municipal Act* provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property;

**AND WHEREAS** Subsection 391(5) of the *Municipal Act* provides that, in the event of a conflict between a fee or charge By-Law and the *Municipal Act* or any other act or regulation made under any other act, the By-Law prevails;

**AND WHEREAS** the Council of the Corporation of the Township of Augusta deems it desirable, necessary and expedient to amend, consolidate, revise and update its By-Law to establish and regulate fees for the fire department for the Township of Augusta;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF AUGUSTA HEREBY ENACTS AS FOLLOWS:**

## 1. DEFINITIONS

- 1.1. In this By-Law, unless the context otherwise requires:
- 1.1.1. "Corporation" means The Corporation of the Township of Augusta.
  - 1.1.2. "Council" means the Council of the Township of Augusta.
  - 1.1.3. "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.
  - 1.1.4. "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and who is ultimately responsible to Council for the delivery of fire protection services as set out in the *Fire Protection and Prevention Act*.
  - 1.1.5. "Fire Code" means Ontario Regulation 213/07, as amended, and any successor regulation.
  - 1.1.6. "Fire Protection and Prevention Act" means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, and any successor legislation.
  - 1.1.7. "Fire Protection Services" includes fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, communications, training of personnel involved in the provision of Fire Protection Services, and the delivery of all those services.
  - 1.1.8. "Member" means any person employed by, appointed to, or volunteering for the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, Full-time, Part-time, Paid-on-call firefighters or Volunteer firefighters, Auxiliary Members, and administrative staff and excludes the Fire Chief.
  - 1.1.9. "Motor Vehicle" has the same meaning as prescribed in the *Highway Traffic Act, R.S.O. 1990 c.H.8*, as amended.
  - 1.1.10. "Municipal Act" means the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, and any successor legislation.
  - 1.1.11. "Non-resident" means a person who is neither a property owner nor a tenant of property within the Township of Augusta.
  - 1.1.12. "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 but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system.
  - 1.1.13. "Person" includes an individual, property owner, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative;
  - 1.1.14. "Property" means any public or private real property within the Township of Augusta, including buildings, structures, erections, and motor vehicle of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown; and
  - 1.1.15. "Property Owner" means the registered owner of property or any person, firm or cooperation 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.

## 2. FIRE ALARMS

- 2.1. If Augusta Fire Rescue responds to a property in response to a fire alarm activation and upon conducting an investigation members determine that the alarm is a nuisance false alarm, or if a property owner fails to notify Augusta Fire Rescue 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 the fire alarm system or emergency system a false alarm is triggered, the property owner shall be charged the fee as stipulated in Schedule "A" as attached to this By-Law.

### **3. MOTOR VEHICLE INCIDENT**

- 3.1. If Augusta Fire Rescue responds to the scene of a motor vehicle accident on any property within the Township and provides any Fire Protection Service, and if the owner of the motor vehicle is a non-resident and/or non-land owner the Corporation shall charge the fee stipulated in Schedule "A" attached to this By-Law to the motor vehicles owners insurance company, in order to recover full payment of the stipulated fee.
- 3.2. If Augusta Fire Rescue responds to the scene of a motor vehicle fire on any property within the Township of Augusta and provides any Fire Protection Service, and if the owner of the motor vehicle is a non-resident and/or non-land owner, the Corporation shall charge the fee stipulated in Schedule "A" attached to this By-Law to the motor vehicles owners insurance company, in order to recover full payment of the stipulated fee.
- 3.3. If Augusta Fire Rescue responds to the scene of a motor vehicle accident, fire or other emergency caused by the travelling public on Highway 401 and provides any Fire Protection Service, the Corporation shall charge the fee stipulated in Schedule "A" attached to this By-Law to the Ontario Ministry of Transportation, in order to recover full payment of the stipulated fee.

### **4. NATURAL GAS INCIDENT RESPONSE**

- 4.1. If Augusta Fire Rescue responds to a property in response to a natural gas leak due to the property owner, property owners contractor or a person known by the property owner to be performing work for the property owner and not calling the Gas Utility for a gas lone locate, the property owner shall be charged the fee as stipulated in Schedule "A" attached to this By-Law.

### **5. OUTDOOR OPEN BURNING**

- 5.1. If Augusta Fire Rescue responds to the scene of any outdoor open burn, brush grass or wildland fire on any property with the Township of Augusta and provides any Fire Protection Service, the Corporation shall charge the fee stipulated in Schedule "A" attached to this By-Law to the owner of the property where it is determined the open burn originated, in order to recover full payment of the stipulated fee regardless of the status of the Open Burning Permit for the property.

### **6. FIRE WATCH**

- 6.1. If Augusta Fire Rescue is required to perform a Fire Watch due to fire safety systems or equipment not being operational, the building is occupied and unable to be evacuated, and the property owner is unable to repair the un-operational fire safety systems or equipment, the property owner shall be charged the fee as stipulated in Schedule "A" attached to this By-Law.

### **7. EXTRAORDINARY EXPENSES**

- 7.1. If Augusta Fire Rescue responds to a fire or other emergency and a member determines, that it is necessary to retain a private contractor, rent/contract 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, investigate or otherwise control and eliminate an emergency, the property owner shall be charged the expenses fee as stipulated in Schedule "A" attached to this By-Law incurred by Augusta Fire Rescue for retaining a private contractor, renting special equipment and/or using consumable materials, as applicable.
- 7.2. If Augusta Fire Rescue responds to a request for Fire Protection Services at a property that is being used for the illegal manufacture, cultivation, trade or distribution of a controlled substance, the property owner shall be charged the fee as stipulated in Schedule "A" attached to this By-Law.

7.3. If Augusta Fire Rescue responds to a fire or other emergency and incurs damage or contamination to any equipment or Personal Protective Equipment that require cleaning, decontamination, and/or replacement thereof, as a result of providing Fire Protection Services, the property owner shall be charged the expenses fee as stipulated in Schedule "A" attached to this By-Law incurred by Augusta Fire Rescue for cleaning, decontamination and/or replacement of equipment as applicable and shall be recovered as a fee under this By-Law.

7.4. If Augusta Fire Rescue is required to perform security at a scene where Fire Protection Services were performed by Augusta Fire Rescue and must be secured for investigative or safety concerns, the property owner shall be charged the fee as stipulated in Schedule "A" attached to this By-Law.

7.5. If Augusta Fire Rescue responds to a fire or other emergency and a member determines, that it is necessary to retain specialized services offered by private contractors or other emergency services in order to provide a Fire Protection Service not offered by Augusta Fire Rescue, the property owner shall be charged the expenses fee as stipulated in Schedule "A" attached to this By-Law incurred by Augusta Fire Rescue for retaining a private contractor, renting special equipment and/or using consumable materials, as applicable.

## **8. FIRE INSPECTIONS**

8.1. For the provision of the following requested fire related inspection services, the requester shall be charged the fee as stipulated in Schedule "B" attached to the By-Law.

8.1.1. Commercial (Group A, D, & E Occupancy)

8.1.2. Industrial (Group F Occupancy)

8.1.3. Residential (Group C)

## **9. PERMITS AND INSPECTIONS**

9.1. For the provision of the following requests the requester shall be charged the fee as stipulated in Schedule "B" attached to this By-Law.

9.1.1. Propane Facility License applications

9.1.2. Liquor Licensing applications

9.1.3. Special Occasion Permit applications

## **10. EVENT STANDBYS**

10.1. For a non-legislated standby for the Fire Protection Services, the Corporation shall charge the fee stipulated in Schedule "B" attached to this By-Law to the owner, in order to recover full payment of the stipulated fee.

## **11. NON-LEGISLATIVE FIRE SAFETY PLAN REVIEW**

11.1. For any non-legislative fire safety plan reviews the requester shall be charged the fee as stipulated in Schedule "B" attached to this By-Law.

## **12. FIRE REPORTS AND FILE SEARCHES**

12.1. For the provisions of the following requests the requester shall be charged the fee as stipulated in Schedule "B" attached to this By-Law:

12.1.1. Fire related agreements

12.1.2. Fire reports and searches

12.1.3. Fire Code compliance letters and searches

12.1.4. Response affidavits and searches

## **13. ADMINISTRATION AND ENFORCEMENT**

13.1. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under Schedule "A" or "B" of this By-Law.

13.2. The fees listed in Schedule "A" and "B" to this By-Law will be subject to the Harmonized Sales Tax ("HST") where applicable.

13.3. No discounts apply for early payment of any fee set out in Schedule "A" or "B" to this By-Law

- 13.4. The Corporation may deliver an invoice either personally, or by registered mail, or by ordinary mail to a person's home address or, in the case of a property owner, to the property owner's address as recorded on the Corporation's assessment roll. Receipt of an invoice shall be deemed to have occurred:
- 13.4.1. On the date of delivery in the case of personal delivery
  - 13.4.2. Three days after mailing by registered mail if delivered to an address within the Township of Augusta
  - 13.4.3. Five days after mailing by registered mail if delivered to an address outside of the Township of Augusta
  - 13.4.4. Five days after mailing by ordinary mail if delivered to an address within the Township of Augusta,
  - 13.4.5. Seven days after mailing by ordinary mail if delivered to an address outside of the Township of Augusta.
- 13.5. A fee imposed upon a person under this By-Law, including any interest changes and costs of collection, constitutes a debt of the person to the Corporation.
- 13.6. For fees imposed pursuant to Sections 3, consideration will be given to waiving or reducing fees 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 Corporation's Fire Chief or designate.
- 13.7. Payment of all fees is due at the time the expense is incurred for those identified in Schedule "B", or within thirty (30) days of receipt of an invoice issued by the Corporation with respect to fees identified in schedule "A" unless otherwise stated and may be made by InteracDebit banking card, cash or certified cheque, where available.
- 13.8. If a person who is charged a fee under Schedule "A" or "B" of this By-Law fails to pay the fee within thirty (30) days of receipt of invoice, the person shall be charged interest commencing on the thirty first day that the fee remains unpaid at the rate as stipulated in Schedule "A" attached to this By-Law, unless precluded by By-Law or legislation.
- 13.9. If a property owner who is charged a fee under Schedule "A" or "B" of this By-Law fails to pay the fee within ninety (90) days of receipt of an invoice, the Corporation may add the fee, including interest, to the tax roll for any real property in the Township of Augusta registered in the name of the owner and collect the fee, including interest, in like manner as municipal taxes.

#### **14. GENERAL**

- 14.1. Schedules "A" and "B" shall form and be an integral part of this By-Law.
- 14.2. Should any part of this By-Law, including any part of Schedule "A" or Schedule "B", be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-Law shall be severable and that the remainder of this By-Law, including the remainder of Schedules "A" and "B", as applicable shall continue to operate and to be in force and effect.
- 14.3. Words importing the singular number shall include the plural, and words importing masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-Law otherwise requires.
- 14.4. Any decision or determination required to be made by the Corporation or any official of the Corporation under this By-Law shall be made in the sole and absolute discretion of the Corporation or the Corporation official.
- 14.5. Council hereby establishes the fees and charges as set out in Schedules "A" and "B" to this By-Law.

14.6. This By-Law shall be known as the "Augusta Fire Rescue Fees and Charges By-Law"

14.7. By-Law 3118-2014 is hereby repealed.

**15. FORCE AND EFFECT**

15.1. This By-Law shall come into force and effect on the day on which it is passed.

**READ** a first time this 15 day of July 2019

**READ** a second time this 15 day of July 2019

**READ** a third time and passed this 15 day of July 2019

  
MAYOR

  
CLERK

**SCHEDULE A**  
**BY-LAW 3427-2019**  
**EMERGENCY RESPONSE FEES**

<b>Emergency Response Fees</b>		
A-2.1	<p>For response to nuisance false alarms:</p> <p>a. For all properties:            i) First false alarm in any calendar year            ii) Second false alarm in any calendar year            iii) Third and subsequent false alarms in any calendar year</p> <p>b. For incorporated not-for-profit and registered charitable organizations:            i) First false alarm in any calendar year            ii) Second false alarm in any calendar year            iii) Third and subsequent false alarm in any calendar year</p> <p>For the purposes of this section all nuisance false alarms within a consecutive 24-hour period will be treated as a single incident</p>	<p>NIL            NIL            \$300.00</p> <p>NIL            NIL            \$100.00</p>
A-3.1	For attending at the scene of a motor vehicle accident and providing fire protection services to a non-resident or non-landowner, per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-3.2	For attending at the scene of a motor vehicle fire and providing fire protection services to a non-resident or non-landowner, per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-3.3	For attending at the scene of a motor vehicle accident, motor vehicle fire or any other emergency caused by the traveling public on Highway 401 and providing fire protection services per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A- 4.1	For attending a property for a natural gas incident response, when a natural gas line locate was not completed, or the locate was not followed per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-5.1	Any Open Burning which in the opinion of the Augusta Fire Rescue member in charge, requires extinguishment due safety concerns, not having a valid Burn Permit or not following set rules on the Burn permit and Augusta Fire Rescue provides Fire Protection Services, per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-6.1	Fire watch Services per Augusta Fire Rescue vehicle cost	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-7.1	Extraordinary Expenses - Fee for retaining a private contractor, rent/contract 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, investigate or otherwise control and eliminate an emergency	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-7.2	Extraordinary Expenses - Fee for responding to a property that is being used for the illegal manufacture, cultivation, trade or distribution of a controlled substance	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-7.3	Extraordinary Expenses - Fee for damage or contamination to any equipment or Personal Protective Equipment that require cleaning, decontamination and / or replacement.	Corporation's Actual Cost
A-7.4	Extraordinary Services - Fee for performing security at a scene where Fire Protection Services were performed and must be secured for investigative or safety concerns.	In accordance with Ministry of Transportation rate for response on Provincial Highways
A-7.5	Extraordinary Services - Fee retain specialized services offered by private contractors or other emergency services in order to provide a Fire Protection Service not offered by Augusta Fire Rescue,	Corporation's Actual Cost

**SCHEDULE B**

**BY-LAW 3427-2019  
FIRE INSPECTIONS AND PERMITS**

<b>FIRE INSPECTION AND PERMITS</b>		
	<b>Commercial (Group A, D, &amp; E Occupancy)</b>	
B-9.1.1	<ul style="list-style-type: none"> <li>• Inspect base building OR, 1 occupancy plus common elements up to 10,000 sq. ft. (929 square meters (m2)).</li> <li>• Inspect each additional 3,000 sq. ft. (279 square meters (m2)).</li> <li>• Inspect each occupancy in addition to base building.</li> <li>• Repeat follow up inspections on a violation.</li> </ul>	<p>\$200.00</p> <p>\$50.00</p> <p>\$50.00</p> <p>\$50.00</p>
	<b>Industrial (Group F Occupancy)</b>	
B-9.1.2	To Inspect, Base Building OR, One Occupant up to 10,000 sq. ft. (929 m2)	\$200.00
	<ul style="list-style-type: none"> <li>• Inspect base building OR, 1 occupant &amp; common elements:</li> <li>• Inspect each tenant/occupant in addition to base building:</li> </ul>	\$50.00
	To Inspect, Base Building OR, One Occupant over 10,000 sq. ft. (929 m2)	\$200.00
	<ul style="list-style-type: none"> <li>• Inspect base building OR, 1 occupant &amp; common elements first 10,000 sq. ft. (929 m2):</li> <li>• Inspect each additional 3,000 sq. ft. (279 m2):</li> <li>• Inspect each tenant/occupant in addition to base building:</li> </ul>	<p>\$50.00</p> <p>\$50.00</p>
	Repeat follow up inspection on a violation:	\$50.00
	<b>RESIDENTIAL (GROUP C)</b>	
B-9.1.3	Daycare, Group Home, 1 to 2 Floors:	\$50.00
	Multi-Tenant Low Rise – 1 to 6 Floors	
	<ul style="list-style-type: none"> <li>• Inspect base building:</li> <li>• Inspect each tenant/occupancy/apartment:</li> <li>• Repeat follow up inspections on a violation:</li> </ul>	<p>\$200.00</p> <p>\$10.00</p> <p>\$50.00</p>
	Multi-Tenant High Rise – Over 6 Floors	
	<ul style="list-style-type: none"> <li>• Inspect base building:</li> <li>• Inspect each tenant/occupancy/apartment:</li> <li>• Repeat follow up inspections on a violation:</li> </ul>	<p>\$400.00</p> <p>\$10.00</p> <p>\$50.00</p>
B-10.1.1	Propane License Application Review – per address	\$200.00
B-10.1.2	Liquor Licensing	\$55.00 per hour, 1 hour minimum
B-10.1.3	Special Occasion Permits	\$55.00 per hour, 1 hour minimum
B-11.1	Non-Legislated event standby for Fire Protection Services	In accordance with Ministry of Transportation rate for response on Provincial Highways
B-12.1	Non-legislative fire safety plan review (reviews that are not required under the Ontario Fire Code)	\$100.00
	<b>Administrative</b>	<b>Fee</b>
B-13.1.1	Fire agreements - per hour	\$55.00
B-13.1.2	Reports and file searches – fire reports	\$55.00
B-13.1.3	Reports and file searches – fire code compliance letters	\$55.00
B-13.1.4	Reports and file searches – response affidavits	\$55.00
	Interest to be imposed on fees and charges overdue by thirty days at a rate of 1.25% per month applied and compounded every 30 days (for an effective rate of 16.08% per annum), unless precluded by By-Law or legislation:	<p>1.25% per month</p> <p>16.08% per annum</p>