

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BYLAW NO. 25-1820

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**Being a by-law to authorize cost recovery (fees) with respect to fire department specific response.**

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### WHEREAS

1. Pursuant to section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considered appropriate and to enhance the municipality's ability to respond to municipal issues; and
2. Under section 391 of the *Municipal Act, 2001*, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it; and
3. According to section 398 of the *Municipal Act, 2001*, fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality, and
4. The Council of the Corporation of the Municipality of Temagami deems it expedient to pass a by-law to impose fees on persons to recover the costs of fire department responses

### NOW THEREFORE

The Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

#### 1. Definitions

- 1.1. "Council" means the Council of the Corporation of the Municipality of Temagami;

1.2. "Fire Department" means a fire department established by the Municipality in accordance with the provisions of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended from time to time;

1.3. "Fire Department Specific Response Fees" means cost recovery fees for Fire Department attendance at a Property for which the Owner has Fire Department insurance coverage;

1.4. "Indemnification Technology®" shall mean Fire Department incident reporting, data collection and property insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils;

1.5. "Municipality" means the Corporation of the Municipality of Temagami;

1.6. "Owner" means the registered owner of property or any person, firm, corporation, partnership or society and their heirs, executors, administrators or other legal representatives, including a property manager, tenant, occupant, mortgagee in possession, receiver, manager, trustee or trustee in bankruptcy having control over or possession of the property or any portion thereof;

1.7. "Property" means any real property located within the geographical boundaries of the Municipality, and any real property to which the Fire Department is under a service agreement to provide Fire Department Response services, Automatic Aid or Mutual Aid. Real property includes buildings, contents and structures of any nature and kind in or upon such lands to which service is provided;

## **2. Imposition of Fees**

2.1. The Municipality hereby authorizes the imposition of fees from time to time in accordance with the provisions of this By-Law.

2.2. The Owner of Property shall be responsible for the payment of Fire Department Specific Response Fees imposed by this By-Law in accordance with the Schedule of Fees, attached hereto as Schedule "A", forming part of this By-Law

2.3. The Municipality may use Indemnification Technology® to assess applicable insurance coverage for Fire Department Specific Response Fees.

2.4. Fees imposed pursuant to this By-Law constitute a debt of the Owner to the Municipality and may be added to the tax roll of the Property to which the Fire Department Specific Response Fees relate and collected in the same manner as municipal taxes, in accordance with section 398(2) of the *Municipal Act, 2001*.

2.5. Where the Municipality believes and/or Indemnification Technology® indicates Fire Department Specific Response Fees are applicable but the Owner does not have, in part or in full, insurance coverage for fire department charges for the Property, the Municipality may adjust the Fire Department Specific Response Fees to the extent of insurance coverage upon provision by the Owner of evidence, to the satisfaction of the Municipality, that no such insurance coverage exists or to demonstrate the limits of such coverage.

### **3. Interpretation and Severability**

3.1. Words in the singular shall include the plural where the context requires.

3.2. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of the Council that each term and provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

### **4. Clerical Amendments**

The Clerk of the Municipality of Temagami is authorized to make minor corrections to this By-law or its schedules after its passage. Such corrections shall be limited to grammatical or typographical errors and shall not alter the intent or substance of the By-law or its schedules.

## 5. Effective Date

This by-law comes into effect on the date of final passing.

## FINAL PASSING

Taken as read a first, second, and third time, and finally passed this 8th day of May, 2025.

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_

## Schedule A - By-Law 1820

### Fire Department Specific Response Fees

- Fire Department Specific Response Fees shall be the total of:
  - The current Ministry of Transportation (MTO) rate \* per unit per hour, or portion thereof, for each responding unit;
    - \* The MTO rate per unit per hour is established by the Ministry of Transportation and is periodically adjusted in accordance with the Consumer Price Index.
  - The rate per person per hour, or portion thereof, for each firefighter;
  - Other response-related costs, including but not limited to:
    - foam,
    - metered water,
    - air tank refilling,
    - equipment cleaning,
    - DSPA or similar units,
    - replacement of damaged or destroyed equipment,
    - and specialized response resources, such as water bomber drops.
- Fees shall be charged and calculated based on:
  - the number of Fire Department vehicles and personnel responding,
  - the materials and equipment consumed, and
  - the duration of the response, measured from the time each unit departs the Fire Department facility to the time it is cleared and available for the next call.