

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW 2025-008

Being a By-Law to Provide Authority to Impose User Fees for Township of Muskoka Lakes Fire Protection Services

WHEREAS section 2 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, 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 Muskoka Lakes has established a Fire Department, being the Muskoka Lakes Fire Department, to deliver firefighting and related emergency services;

AND WHEREAS sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, 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, 2001 provides that sections 9 and 11 of that Act authorize 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 and for the use of the municipality's property, including property under its control;

AND WHEREAS subsection 391(2) of the Municipal Act, 2001 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, 2001 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, 2001 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, 2001 provides that, in the event of a conflict between a fee or charge by-law and the Municipal Act, 2001, 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 Muskoka Lakes has passed a fees and charges by-law to establish fees to defray the costs associated with the performance of certain services by the Muskoka Lakes Fire Department;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES ENACTS AS FOLLOWS:

This By-law shall be known as the **"Fire Department Authorization to Impose User Fees"** by-law.

1.0 DEFINITIONS

In this By-law, the capitalized terms have the following meanings:

"Access" or **"Entrance"** means any driveway, laneway, private road, bridge or other structure or facility constructed or used as a means of access from private Property to a public roadway or municipal right of way. Often the beginning is marked by the Municipal 911 Civic Addressing Sign and the end terminates within 20 meters of a building that is addressed appropriate to the sign.

“Agency” includes any law enforcement agency, public utility, provincial or federal ministry together with any of its agencies, boards and commissions, the Electrical Safety Authority, and the Technical Standards & Safety Authority, together with any other entity that has statutory regulatory or oversight authority;

“Alarm System” means a building system which, independent of human action, will automatically detect a fire or products of fire, signal this condition to a control unit, which in turn will summon response of emergency responders via phone, internet or third-party monitoring agencies.

“Burning By-Law” means the Township of Muskoka Lakes by-law to control outdoor fires in the Township of Muskoka Lakes;

“Care Facility” means a Property being used to provide health care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and also means a Property being used as a long-term care home as defined under the Long-Term Care Homes Act, 2007, S.O. 2007, c.8;

“Corporation” means The Corporation of the Township of Muskoka Lakes;

“Damage” means loss or harm to assets, vehicles and equipment.

“Driver” means a person who drives a vehicle on any surface, including but not limited to a roadway, highway, dirt trail, Property, driveway, private roadway, railway easement or railway.

“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 an Alarm System;

“Fees And Charges By-law” means the Township of Muskoka Lakes by-law to establish and require payment of various fees and charges for information, services, activities and use of Township Property;

“Fire Chief” means the Chief Fire Official for the Township of Muskoka Lakes;

“Fire Department” means a Division of Emergency Services for the Corporation and being a fire department within the meaning of the Fire Protection and Prevention Act 1997, S.O. 1997, c.4, as amended, and is deemed to include any Fire Department Personnel of the Muskoka Lakes Fire Department;

“Fire Department Personnel” means Fire Chief, Assistant Chief, Division Chief, Executive Officer or Member of Fire & Emergency Services;

“Fire Watch” is assigned to a person to actively monitor a building or area for potential fire hazards, typically a fire watch is implemented following a fire or when a required Alarm System or sprinkler system is temporarily out of service; essentially, a person is assigned to visually patrol and immediately report any signs of fire if detected.

“Firefighting And Emergency Services” includes all services related or incidental to the prevention, control and suppression of fires and the protection of lives and Property, including the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma;

“Malicious Act” means a wrongful act done intentionally by any person without just cause or excuse;

“Municipal 911 Civic Addressing By-law” means the Township of Muskoka Lakes by-law enacted by the Council to provide for the municipal 911 civic addressing system.

“Municipal 911 Civic Addressing Sign” means the sign that meets the standards as set forth in the Municipal 911 Civic Addressing By-law.

“Motor Vehicle” has the same meaning as prescribed in the Highway Traffic Act, R.S.O. 1990 c. H.8, as amended;

“Nuisance False Alarm” means the activation of an 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 being O. Reg. 213/07, as amended, but does not include the activation of an Alarm System where the activation occurred as a result of accidental damage to the system;

“Off-Road Vehicle” means any vehicle designed to travel on unpaved surfaces like dirt, sand, rocks, and snow, types include snowmobiles, all-terrain vehicles, utility terrain vehicles, and off-road motorcycles;

“Operator of a Commercial Motor Vehicle” means a person who operates a Motor Vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a roadway;

“Person” includes an individual, 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;

“Poorly Maintained Access Route” means an Access or Entrance not immediately ready for use at all times by Fire Department vehicles, does not take into account connection with the public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, and may be obstructed by vehicles, gates, fences, building materials, vegetation, signs, snow, ice or any other form of obstruction.

“Property” means any public or private real property within the Township of Muskoka Lakes, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown;

“Property Owner” means the registered owner of the 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;

“Registered Owner” means the Person or entity that is on the government records as being the legal owner of certain property; and

“Vessel” means a boat, ship, or craft designed, used, or capable of being used solely or partly for navigation in, on, through, or immediately above water, without regard to the method or lack of propulsion, including vessels under construction.

2.0 FEES AND CHARGES

- 2.1 Fees and charges authorized through this By-law shall be as set out in the respective Schedule attached to and forming part of the Township of Muskoka Lakes Fees and Charges By-law, as amended from time to time.
- 2.2 If a Property Owner who is imposed a fee according to this By-law and fails to pay the fee within thirty (30) 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 Muskoka Lakes registered in the name of the owner and collect the fee, including interest, in like manner as municipal taxes.

3.0 CONTRAVENTION OF THE BURNING BY-LAW

- 3.1 If the Fire Department responds to a fire or other emergency at a Property and performs Firefighting And Emergency Services and determines that there has been or is a contravention to the Burning By-law, the Property Owner shall, at the discretion of the Fire Chief, be imposed the Fire Department apparatus fee and

Fire Department Personnel remuneration as per the Fees And Charges By-law based on the length of attendance incurred by the Fire Department as a result of the contravention. The determination of fee application will be solely based upon the opinion of the Fire Department Personnel that their response was unnecessary and preventable if compliance with the Burning By-law had occurred.

- 3.2 If fees are charged under 3.1, these shall be separate from any decision to apply penalties under the Burning By-law and shall not require a judicial decision to be applied.

4.0 EXTRAORDINARY EMERGENCY OPERATION COSTS

- 4.1 If the Fire Department responds to a fire or other emergency at a Property and determines that it is necessary to retain a private contractor, 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, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges Bylaw.
- 4.2 If the Fire Department responds to a request for assistance from a Property Owner or designate, another Agency, a Care Facility, or at a Property that is found to be used for the manufacture, cultivation, trade or distribution of a controlled substance, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees And Charges By-law.
- 4.3 If the Fire Department responds to a fire or other emergency at a Property and incurs Damage or contamination at no fault of the Fire Department, to equipment such as personal protective equipment, hoses or other non-consumable materials that require cleaning and decontamination or replacement thereof, as a result of the service to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees And Charges By-law.

5.0 EXTRAORDINARY FIRE INVESTIGATION COSTS

- 5.1 If the Fire Department responds to a fire or other emergency at a Property and determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials, to investigate a fire or explosion or assist any Agency in investigating a fire or explosion, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges By-law.
- 5.3 If the Fire Department responds to a fire or other emergency at a property and incurs Damage or contamination to equipment such as personal protective equipment, hoses or other non-consumable materials that require cleaning and decontamination or replacement thereof, as a result of investigating a fire or explosion or to assist any Agency in investigating a fire or explosion, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees And Charges By-law.

6.0 SECURING OF FIRE DAMAGED BUILDINGS

- 6.1 If the Fire Department responds to a fire or other emergency at a property and determines that it is necessary to retain a private contractor, rent special equipment, or use materials, to secure the affected building(s) or structure(s) or assist any Agency in securing the affected building(s) or structure(s), the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees And Charges By-law.

7.0 FIRE WATCH

- 7.1 If the Fire Department determines that it is necessary to post a Fire Watch owing to the risk of fire occurring, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges By-law.

8.0 EMERGENCY SERVICES ON ROADS, WATER, LANDS, RAILWAY

- 8.1 If the Fire Department attends at the scene of a Motor Vehicle, Off-Road Vehicle or Vessel accident on any Property or waterbody within the Township of Muskoka Lakes and provides firefighting or other emergency services, the Corporation shall, at the discretion of the Fire Chief, impose a fee to the Registered Owner, Driver and/or the Operator Of A Commercial Motor Vehicle involved as per the Fees And Charges By-law.
- 8.2 If the Fire Department attends at the scene of an emergency, fire, explosion or hazardous materials incident on any railway within the Township of Muskoka Lakes and provides firefighting or other emergency services, the Corporation shall, at the discretion of the Fire Chief, impose a fee to the Registered Owner, Driver and/or the Operator of A Commercial Motor Vehicle as per the Fees And Charges By-law.
- 8.3 If the Fire Department imposes a fee as per 8.1 or 8.2, and the imposed party can provide proof by police report that the Motor Vehicle, Off-Road Vehicle or Vessel was reported stolen before the incident happened, the fee shall be exempt.

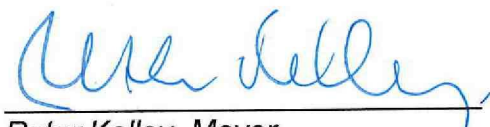
9.0 FALSE ALARM CALLS

- 9.1 If the Fire Department attends to a Property in response to an Alarm System and, upon conducting an investigation, determines that the alarm is a Nuisance False Alarm, the Property Owner shall, at the discretion of the Fire Chief, be imposed the fee as per the Fees and Charges By-law.
- 9.2 If a Property Owner fails to notify the Fire Chief or designate in advance of any work being conducted on an Alarm System at a Property, and as a result of the work being done on an Alarm System a Nuisance False Alarm is triggered, and the Fire Department responds to the Nuisance False Alarm, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees And Charges By-Law.
- 9.3 If the Fire Department attends to a Property in response to an Alarm System and, upon conducting an investigation, determines that the alarm is a false activation occurring as a result of a Malicious Act, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges By-law.
- 9.4 If a Property Owner is imposed a fee due to 9.3 or 9.1, and this is the first occurrence for this Property, and the Property Owner invests into repairing the Alarm System to prevent future false activations, at the discretion of the Fire Chief, money invested into the Alarm System repair may be deducted from the fee imposed.

10.0 DAMAGE TO FIRE VEHICLES DUE TO POORLY MAINTAINED ACCESS & SIGNAGE

- 10.1 If the Fire Department responds to a fire or other emergency at a Property and incurs Damage to their vehicles due to a Poorly Maintained Access Route, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges By-law.
- 10.2 If the Fire Department responds to a fire or other emergency at a Property and incurs Damage to their vehicles due to a contravention of the Municipal 911 Civic Addressing By-law, the Property Owner shall, at the discretion of the Fire Chief, be imposed a fee as per the Fees and Charges By-law.
- 11.0 This by-law shall come into force and effect upon passage.

Read a **first, second and third time and finally passed** this **16th day of April, 2025.**


Peter Kelley, Mayor


Crystal Paroschy, Clerk