

CITY OF HAMILTON

**COMMUNITY SERVICES DEPARTMENT
Emergency Services Division**

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, Acting General Manager
Date: August 29, 2002	Prepared by: Glen Peace (905) 546-3341

**SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and
Suppression Services (CS02081) (City Wide)**

RECOMMENDATION:

- a) That By-law No. 5110-00, passed by The Corporation of the City of Stoney Creek, namely "To Establish Fees to be Charged for Fire Department Services and Rescue Operations", be hereby repealed;
- b) That By-law No. 96-53-F passed by the Town of Flamborough, namely, "A By-law to Establish a Fee Structure for Charging Fees for Emergency Services Response and Action for Fires Intentionally Set within the Town of Flamborough by Persons who do not Obtain an Open Air Burning Permit or Who Are In Violation of the Rules of the said Permit", be hereby repealed;
- c) That By-law No. 97-085, passed by The Corporation of the City of Hamilton, namely, "A By-law to Enact User Fees for The Hamilton Fire Department:, be hereby repealed;
- d) That the City of Hamilton User Fee By-law for Fire Prevention and Suppression Services, attached hereto report CS02081 as **Appendix A**, be passed and enacted to provide Fees for Service and Cost Recovery by the Hamilton Emergency Services – Fire in the City of Hamilton.

William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

At present there are three By-laws in effect within the various districts of the City of Hamilton, which regulate user fees charged for various services provided by Hamilton Emergency Services – Fire. These three By-laws are in the former municipalities of

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 2 of 9

Hamilton, Stoney Creek and Flamborough. The former Town's of Ancaster and Dundas did not have By-laws, however fees to be charged for various services were approved by their respective councils. The former Township of Glanbrook had limited user fees for Fire Department Services. These fees encompass both fire prevention related activities as well as emergency response activities.

The passing of this new By-law will essentially result in the replacement of three By-laws and other approved fee structures with one, having force and effect throughout the "New" City. The benefits include having one standard fee per service which creates less confusion for the public and staff, increased safety with the establishment of new fees designed to ensure proper maintenance of life safety systems, and greater administrative efficiency as the result of having only one set of regulations to enforce.

Enacting the proposed new "User Fee By-law will allow the Hamilton Emergency Services - Fire to charge uniform fees throughout the "New" City and to partially recover costs associated with providing varied services to the public.

BACKGROUND:

The recommendations/information contained in report CS02081 have City Wide implications.

The City of Hamilton Act, 1999, S.O. 1999 Chapter 14, Schedule C Incorporated, as of January 1st, 2001, the municipality "City of Hamilton"; and provides that:

- a) The City of Hamilton is the successor to the former area municipalities of the Corporation of the Town of Ancaster; the Corporation of the Town of Dundas; the Corporation of the Town of Flamborough; the Corporation of the Township of Glanbrook; the Corporation of the City of Hamilton; the Corporation of the City of Stoney Creek; and the Regional Municipality of Hamilton-Wentworth;
- b) The By-laws of the former area municipalities and the regional municipality are to continue in force and effect within the geographic boundaries representing the enacting municipality, until subsequently amended or repealed by the Council of the City of Hamilton.

In January 1996, the Ontario Government passed the Savings and Restructuring Act, 1996 (the Omnibus Bill). In general terms, this Act provided municipalities with more authority and flexibility to arrange their services and to manage their costs and expenditures. Under this Act, municipalities were given specific power to pass By-laws setting fees for service within their municipalities. These proposed user fees are calculated on a cost recovery basis and will assist in the reduction of operational costs of Hamilton Emergency Services – Fire. It is important to understand that these fees for services and cost recovery are intended only to offset some or all of the costs in delivering services and will not in any way compromise access by the public to fire protection services. In addition, these fees will not in any manner, jeopardize public fire safety.

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 3 of 9

Area Fire Departments were all charging for inspection services, some administrative requests and some emergency responses. It is our intention to rationalize the fees charged by all areas into one uniform system that will be administered by the Hamilton Emergency Services – Fire.

An overview of fees to be charged is as follows:

A1. INSPECTIONS – 10% INCREASE TO EXISTING FEES

Fire Prevention Staff conduct routine general inspections of select specialized occupancies (i.e. hospitals, nursing homes, recycling facilities, large industry, hotels, schools, high-rise etc.). Fire conducts inspections of these specialized occupancies on a frequency which ranges from 1 to 4 years based upon a general risk assessment. In the year 2001, there were 2,277 general inspections conducted by fire inspectors and firefighters in the City of Hamilton. There is presently no fee charged for these inspections as they form part of this Department's general mandate to enforce fire safety, nor are we proposing that a fee be charged.

Inspection requests are presently charged a fee designed to recover costs associated with providing the service when it benefits a specific individual and/or organization, rather than our community as a whole (i.e.: property sales transactions, liquor licences, Provincial licencing/accreditation, etc.).

In 2001, fees charged by Hamilton Emergency Services - Fire for various fire prevention related services, resulted in a revenue of \$92,969.34. Hamilton's fees have not changed since 1997. It is proposed that the new City of Hamilton establish inspection fees which allow for an inflationary increase of approximately 10% to the 1997 fees and which are also comparable to fees being charged by other like-sized municipalities in the Province. The proposed increases would result in projected revenue of \$102,266 based on 2001's volume of requests for service.

PROPOSED NEW FEES:

B1. FIREWORKS PERMIT FEE FOR SALES:

The existing Fireworks By-law contains no provisions that deal with approving locations that sell family fireworks. At the present time, any retail outlet within the City of Hamilton that chooses to sell fireworks can do so. Any citizen that resides in the City of Hamilton can rent out a retail space and sell family fireworks from that location. An individual, who does not reside in the City of Hamilton, is required to get a Transient Traders permit from the Licencing Division, at a cost of \$500 in order to sell fireworks. This permit is effective for three months from time of purchase. There is presently no notification to Hamilton Emergency Services - Fire of locations where fireworks are sold. In dealing with these retail outlets over the years, it is apparent that many storeowners/clerks do not understand the hazards associated with the fireworks they are selling. In May of 1989, family fireworks located in a variety store on King Street East in Hamilton were ignited, resulting in the total loss of the store. Had this storage of family fireworks, been in compliance with the existing Fireworks By-law, this total loss may have been averted.

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 4 of 9

It is, therefore, recommended that citizens wanting to sell family fireworks from a retail location or a trailer in the City of Hamilton be required to apply for a family fireworks sales permit. This permit application would initiate an inspection by an Inspector from the Fire Prevention Division to ensure compliance with the Fireworks By-law. This inspection would also involve an educational component to ensure that the retailer understands the inherent hazards associated with the sale of fireworks. The permit would allow the sale of family fireworks during both time frames as described in the Fireworks By-law. It is recommended that a fee of \$150 be applied to the permit application for stores and \$300 be applied to the permit application for trailers. These permit fees would recover costs associated with the inspection by Hamilton Emergency Services - Fire. Public safety will be enhanced by ensuring the storage and sale of family fireworks is done safely and in conformance with the Fireworks By-law. It is estimated that there are approximately 80 stores in the new City of Hamilton that would sell fireworks and approximately 10 trailers that would be involved in the sale of family fireworks. Based upon these numbers, the projected revenue is estimated at \$15,000.

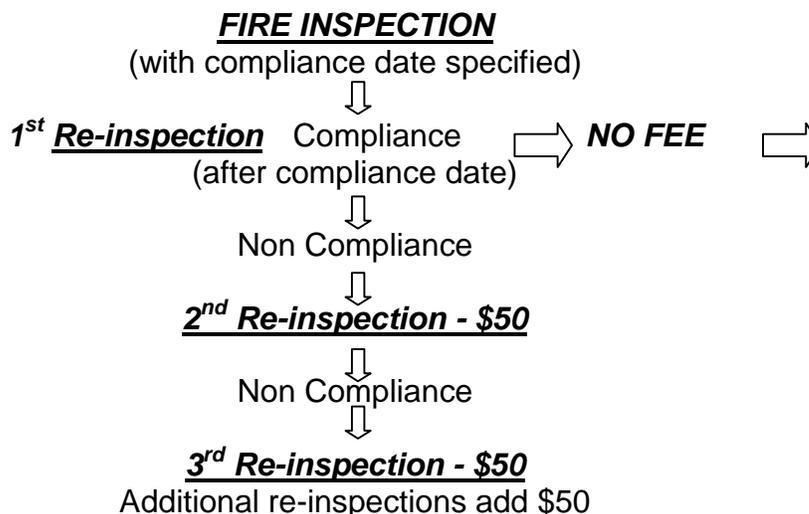
B2. RE-INSPECTION FEE

A new user fee for re-inspections is proposed for Hamilton Emergency Services - Fire in the City of Hamilton. A fee would be charged to building owners when re-inspections are required for outstanding violations which are not initially complied with on the noted compliance date.

This user fee would promote more timely compliance with Fire Service requirements by imposing an automatic fee for re-inspections when in non-compliance with a Fire Code or other municipally legislated Fire Service requirement.

This type of fee was implemented in the former City of Stoney Creek and was a recommendation of the Transition Board's Licensing, Inspections and By-law Enforcement Task Force Committee.

The following chart shows how this fee would be applied:



Note: Ontario Fire Code prosecution is also possible at any re-inspection stage

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 5 of 9

The re-inspection fee would be based on partial cost recovery (based on staff time spent) and would only apply to owners who have not brought their buildings up to standards in appropriate time frames. A fee of \$50 is proposed for the second and each subsequent re-inspection after non-compliance.

Bernie Moyle, the Fire Marshal of Ontario states that any user fee, “should be encouraged if it has the potential to improve public fire/life safety”. This fee has that potential as it provides a financial incentive to comply with Fire Department requirements in a timely fashion. Compliance with Fire Department requirements increases public safety through their conformance with recognized Fire Safety legislation. Quick compliance with Fire Service requirements frees up our resources which would have otherwise been used to follow up on outstanding requirements. These resources can be better used at other buildings to ensure broader compliance with the Fire Code and other related fire safety standards throughout the City and to pursue proactive Public Education initiatives.

Implementation of this fee will allow collections to be done through the Treasury Department and any unpaid fees to be added to the taxes, which is allowed for in the Municipal Act, section 220.1.

This new fee has the potential to generate approximately \$87,000 per year. This figure is based on re-inspection numbers from the City of Hamilton for the year 2001. It is anticipated the revenue would decrease in subsequent years as owners become accustomed to complying with the Fire Code without prompting by Fire Service re-inspections. This reduction in revenue would be offset by greater compliance with the Fire Code and, therefore, a safer community.

B3. FALSE ALARM FEE

A user fee is proposed for emergency responses for non-notified and other false alarms. Many municipalities have established user fees for “false alarms”. The Hamilton Emergency Services - Fire recognizes that there may be reasons both for and against the charging of this fee. Those reasons are as listed below:

Reasons for charging for false alarms:

- 1) Any revenue generated can be utilized to offset costs incurred for needless responses.
- 2) When a building owner is charged a fee for a false alarm they will be motivated to correct the problem or to take proactive actions to correct the false alarm from recurring.
- 3) A building owner will be additionally motivated to properly maintain their life safety system or device to prevent any user fees from being assessed.

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 6 of 9

Reasons against charging for false alarms:

- 1) Fees charged for false alarms are usually charged when an alarm is “preventable”. This determination requires an inspection to take place which takes significant time and often is not an effective use of manpower. In addition most municipalities allow a variable number of false alarms to be had without penalty. The tracking of whether or not the alarm was preventable and the number that a specific address has had can also be a poor use of resources and has the potential to eat up the revenue generated from any User Fee.
- 2) Building owners can be charged fees when false alarms are out of their control. i.e. - technical difficulties or vandalism.
- 3) A charge for false alarms can create costly and potentially life threatening delays or even neglect from an owner to call the Fire Department due to fears of being charged for a false alarm response.

The reasons for charging a fee for false alarms outweigh the reasons against in terms of the service we want to deliver to our customers.

A goal of Hamilton Emergency Services - Fire is to reduce and eliminate false alarms. False alarms are recognized as a safety risk to firefighters and responding emergency personnel, an unnecessary inconvenience to innocent people and a toll on the taxpayers. In the year 2001 Hamilton Emergency Services - Fire responded to approximately 3,426 false alarms. The User Fee By-law will require building owners to notify either their alarm monitoring company or the Communications Division of the Hamilton Emergency Services - Fire prior to undertaking any work on a life safety system. When the vehicles, equipment and personnel of the Hamilton Emergency Services - Fire respond to a false alarm that is the result of a failure to notify as described above, a fee of \$500 will be charged for each occurrence. It is estimated that there are approximately 60 occurrences each year that could be classified as non-notified false alarms. Potential revenue is, therefore, estimated at approximately \$30,000.

A fee will also be charged for continuous false alarms. These are alarms to which the Hamilton Emergency Services - Fire responds which are caused by life safety systems or devices such as fire alarm systems, smoke alarm systems, smoke alarms, carbon monoxide detectors and sprinkler systems. If a building has four or more false alarms in any calendar month, a \$350 fee for the fourth false alarm and any subsequent false alarms that month will be charged. In addition, a fee of \$350 will be charged to a building owner if they have six or more false alarms within a calendar year. It is estimated that Hamilton Emergency Services - Fire respond to 60 multiple false alarms each calendar year. This represents a potential revenue of \$21,000.

B4. NON-RESIDENT MOTOR VEHICLE RESPONSES

It is proposed that Hamilton Emergency Services - Fire charge a fee for responses to incidents on city streets involving motor vehicles ***owned by residents living outside of the City of Hamilton.*** Many other Fire Departments in the Province of Ontario already

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 7 of 9

have this user fee in place. The citizens of the City of Hamilton pay for services provided by Hamilton Emergency Services - Fire through their municipal taxes. Residents who reside outside of the City of Hamilton may presently receive some of those same services at no cost to themselves, but obviously at a cost to the resident taxpayer. Hamilton Emergency Services - Fire responded to approximately 1,088 incidents (Note: this number does not include highway responses) during the year 2001 that involved motor vehicles. It is estimated that approximately 5% of those responses involved vehicles owned by someone living outside of the City of Hamilton. The proposed fee to be charged is based upon the established Ministry of Transportation rates that are presently billed for responses on Provincial highways. The rate would be \$350 per piece of equipment for the first hour or part thereof and \$175 per piece of equipment for each additional half-hour or part thereof. Based on these numbers, it is estimated that revenue of approximately \$19,000 may be generated. With respect to revenues generated by other Fire Departments as the result of this user fee, some figures that have been obtained are as follows:

- City of London: recovered approximately \$25,000 in the year 2001
- City of Oakville: recovered approximately \$45,115 in 2001
- City of Mississauga: recovered approximately \$150,000 in the year 2001
- City of Burlington: recovered approximately \$35,000 in the year 2001

This proposed fee is intended to offset some or all of the costs in delivering a service to a non-resident of the City of Hamilton. The overall costs for providing emergency services to resident taxpayers are minimized by shifting specific cost repayment to those who actually use the service. Non-residents may be able to recover their fees from their insurers.

B5. SECOND RESPONSE FOR OPEN AIR BURNING

Hamilton Emergency Services - Fire proposes to charge a fee for any second emergency response to an address or property where open air burning is being conducted without the required permit or where the guidelines associated with the issuance of the permit are not being adhered to. After an initial response, a warning letter will be sent to the property owner/permit holder. The proposed fee to be charged is based upon the established Ministry of Transportation rates that are presently billed for responses on Provincial highways. The rate would be \$350 per piece of equipment for the first hour or part thereof and \$175 per piece of equipment for each additional half-hour or part thereof. Based upon past occurrences, it is estimated that this service fee may be applicable to approximately 40 responses a year resulting in potential revenue of \$14,000 annually.

Collection of fees charged under the User Fee By-law by Hamilton Emergency Services - Fire would be handled by the City of Hamilton Finance Department on an invoicing system.

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 8 of 9

COMPARISON OF FEE SCHEDULES

The attached schedules are a comparative look at fees charged by the six former Municipalities forming the new City of Hamilton as well as fees charged by municipalities which are comparative in size to the new City of Hamilton.

- **Appendix B** is a comparative list of inspection service fees
- **Appendix C** is a comparative list of emergency response fees
- **Appendix D** is a comparative list of miscellaneous services

In view of the foregoing, it is recommended that the attached User Fee By-law (Appendix A) be approved and enacted.

ANALYSIS OF ALTERNATIVES:

- a) Status quo is not recommended. It is not efficient for staff or consistent to the public for Fire to continue to administer six different user fee schedules.
- b) Elimination of any of the new proposed fees is not recommended.
 - B1 – Fireworks Permit Fees for Sales
 - B2 – Re-inspection Fee
 - B3 – False Alarm Fee
 - B4 – Non-resident Motor Vehicle Responses
 - B5 – Second Response for Open Air Burning

These fees will help to make our community safer, reduce both false alarms and careless/dangerous open air burning incidents and assist in recovery of costs for delivery of services.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial A 10% increase to existing services fees will result in a \$9,000 revenue increase. The new proposed fees (B1-B5 inclusive) are estimated to result in revenue of \$156,000 which will act as cost recovery for the delivery of the various specified services and enforcement costs.

Staffing There are no identified staffing implications

Legal None

POLICIES AFFECTING PROPOSAL:

N/A

SUBJECT: City of Hamilton User Fee By-law for Fire Prevention and Suppression Services (CS02081) (City Wide) - Page 9 of 9

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- Finance and Corporate Services Department (Hamilton)
- Ottawa
- London
- Windsor
- Burlington
- Mississauga
- Oakville

CITY STRATEGIC COMMITMENT:

This report's recommendations are consistent with the strategic commitments of Vision 2020 – A Sustainable City.

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Establish Fees for Fire Prevention and Suppression Services

WHEREAS Section 220.1 of the *Municipal Act*, R.S.O. 1990, c. M.45, provides for the Council of a Municipality to enact a by-law to impose fees or charges for the provision of services.

NOW THEREFORE the Council of the City enacts as follows:

1. Interpretation

1.1 In this By-law

- (a) “City” means the City of Hamilton;
- (b) “false alarm” means an alarm condition in a building to which the Fire Department is dispatched and in respect of which no fire or carbon monoxide problem is found;
- (c) “Fire Department” means the Hamilton Emergency Services-Fire;
- (d) “Fire Prevention Service” means a fire prevention service to which this By-law applies;
- (e) “non-resident” means a person who does not reside in the City and who is not the owner or tenant of a property in the City;
- (f) “owner” means the person having effective control over or apparent possession of property or the relevant portion thereof, or where that person cannot be determined, the registered owner of that property, and for the

purposes of this by-law, a mortgagee-in-possession of property, or a receiver and manager, personal representative or trustee in bankruptcy who has taken possession of that property shall be deemed to have effective control over the property;

- (g) “property” means any public or private land, building, structure or other real property within the City, but does not include real property or any leasehold interest therein owned by the Crown either Federally or Provincially.

1.2 For the purposes of this By-law, the Fire Department shall be deemed,

- (a) to have responded to a call for assistance, emergency services or a fire or emergency service related incident where any one or more vehicles, equipment or personnel of the Fire Department are dispatched or otherwise respond to that call or incident; and
- (b) in determining whether it has responded for a second or subsequent time, regard shall be had only to responses of the Fire Department within the immediately preceding twelve month period.

1.3 In this By-law,

- (a) a word importing the masculine, feminine or neuter gender only includes members of the other genders;
- (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefor or amendment thereof;
- (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;

- (e) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings;
- (f) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

2. Fees for Fire Prevention Services

Unless waived by the Director of Emergency Services or the Chief Fire Prevention Officer a person who requests any one or more of the Fire Prevention Services to which this By-law applies shall pay the appropriate fee specified in this By-law.

3. Notice of Work or Testing

- 3.1 No person shall undertake any work or testing on any life safety system or device that sends an alarm directly to an alarm monitoring company without prior notice to that alarm monitoring company
- 3.2 No person shall undertake any work or testing on any life safety system or device that does not send a signal to an alarm monitoring company without prior notice to the Fire Department Communications Division.

4. Fees for False Alarm Responses

- 4.1 Where the Fire Department responds to a false alarm that is the result of a failure to notify either an alarm monitoring company as described in Section 3.1, or is the result of a failure to notify the Fire Department as described in Section 3.2, the owner of the property in respect of which such a false alarm has occurred shall pay a fee of \$500 in respect of that alarm.
- 4.2 Where the Fire Department responds to four or more false alarms in the same building in any 30 day period, the property owner (or, in lieu thereof, the person responsible for those false alarms, where that person can be determined) shall pay a fee of \$350 for the fourth alarm and for any subsequent false alarm during that 30 day period.
- 4.3 Unless section 4.2 applies, where the Fire Department responds to six or more false alarms in the same building in any calendar year, the property owner (or, in lieu thereof,

the person responsible for those false alarms, where that person can be determined) shall pay a fee of \$350 for the sixth alarm and for any subsequent false alarm during that calendar year.

5 Non-Resident Motor Vehicle Responses

- 5.1 Where the Fire Department responds to a call or incident within the City pertaining to a motor vehicle owned by a non-resident of the City, the owner of that non-resident motor vehicle may be charged and (if charged) shall pay a response fee set of \$350 per Fire Department vehicle for the first hour during which such vehicles are involved in that response (measured from the time of dispatch to the time of their departure from the scene), plus \$175 for each half hour thereafter, as determined in accordance with section 8.
- 5.2 Where the Fire Department responds to a call or incident within the City that pertains to more than one motor vehicle owned by non-residents of the City, the applicable response fee will be equally divided among all non-resident motor vehicle owners.

6 Open Air Burning

- 6.1 Where the Fire Department responds to a second or subsequent call or incident, at a property within the City involving an open air fire for which no open-air burning permit has been obtained by the property owner, the owner of the property at which the open-air burning has occurred shall pay a fee of,
- (a) \$350 per vehicle for the first hour during which Fire Department personnel are in attendance at the scene of that property; and
 - (b) \$175.00 per half-hour per vehicle for each half-hour thereafter.
- 6.2 Where the Fire Department responds to a second or subsequent call or incident, at a property within the City that involves a violation of the Fire Department's Open Air Burning Permit guidelines, as published from time to time, the owner of the property at which the open-air burning has occurred shall pay a fee of,
- (a) \$350 per vehicle for the first hour; and
 - (b) \$175.00 per vehicle for each half-hour thereafter,
- as determined in accordance with section 8.

7 Other Fire Suppression Responses

- 7.1 Where the Fire Department responds to a call or incident within the City of Hamilton involving dangerous goods, other than an emergency, the motor vehicle owner on which those goods are being carried, or (where those goods are not being carried on a motor vehicle), the owner of the property on which those goods are situate, shall be liable for and shall pay the cost of any materials consumed in providing that response.
- 7.2 Where a request is made to have Fire Department apparatus or personnel attend at a community related event for non-emergency stand-by, the decision to provide or not provide this service shall be for the Director of Emergency Services, acting in his or her reasonable discretion based upon staffing, resource allocations, staff safety and any other considerations deemed appropriate by the Director of Emergency Services, but where that service is provided, the organizer of the event shall pay a fee of \$350.00 per vehicle plus appropriate hourly crew costs.
- 7.3 Where a request is made to have Fire Department apparatus or personnel attend at a an event for non-emergency stand-by, and that event is other than a community related event, the decision to provide or not provide this service shall be for the Director of Emergency Services, acting in his or her reasonable discretion based upon staffing, resource allocations, staff safety and any other considerations deemed appropriate by the Director of Emergency Services. If provided, the fee payable shall be \$350.00 per hour per vehicle for the first hour and \$175.00 per half-hour per vehicle thereafter.
- 7.4 Where a request is made for the provision of a Fire Prevention Service described in Column 1 of Schedule A, the property owner shall pay the corresponding fee set out in Column 2 of that Schedule.

8. Computation of Fees

- 8.1 The computation of time for the purposes of determining the appropriate fee for a service shall commence at the time of dispatch or leaving from Fire Department premises and shall end at the time of return to those premises.

- 8.2 Where the provision of service requires attendance on more than one occasion, a separate fee shall be paid for each attendance.
- 8.3 Fire Department staff shall maintain records of the time spent responding to requests for services to which this By-law applies, and in the absence of manifest error, those records shall be conclusive evidence of the facts stated therein.
- 8.4 Any amount provided as being payable as a fee under this By-law shall be deemed to include all applicable Goods and Services Tax.

9 Disputes with Respect to Fees

- 9.1 Where a person who is invoiced in respect of a fee under this By-law disputes his or her liability to that fee, or to the amount of fee calculated as owing, that person may provide a statement in writing setting out in detail the basis of his or her objection to the Director of Emergency Services
- 9.2 Upon receipt of a written objection under subsection 9.1, the Director of Emergency Services shall review the matter as soon as practical and shall determine whether the fee was correctly imposed or calculated, as the case may be.
- 9.3 The Director of Emergency Services shall respond to the person who provided the statement, in writing, providing reasons for his or her decision.
- 9.4 The decision of the Director of Emergency Services in this regard shall be final.

10. Collection of Outstanding Fees

- 10.1 A fee imposed under this By-law is due and payable upon the issue of an invoice therefor by the City to the person liable to pay that fee, and where such a fee is not paid in full by that person within 30 days of the date on which such an invoice was issued, that person shall pay interest on the amount unpaid at a fixed rate of one per cent per month (12.68 per cent per annum) on the amount outstanding, calculated on a daily basis from the date of the invoice until the date of payment in full, and compounded monthly.
- 10.2 A fee imposed under this by-law constitutes a debt owed to the City.

10.3 Without limiting any collection remedy otherwise available to the City, the City may add any fee payable with respect to services provided to any property within the City to the tax roll for that property, and the amount may be collected in like manner as municipal taxes.

11. Application

11.1 This By-law comes into effect on the date on which it is passed and enacted by the Council.

11.2 By-law does not apply with respect to a service provided prior to the date on which this By-law came into effect.

12. Transition

12.1 The following are repealed.

(a) By-law No. 5110-00 of the former Corporation of the City of Stoney Creek, entitled *A By-law To Establish Fees to be Charged for Fire Department Services and Rescue Operations*;

(b) By-law No. 96-53-F of the former Town of Flamborough, entitled *A By-law To Establish a Fee Structure for Charging of Fees for Emergency Services, Responses and Action for Fires Intentionally Set within the Town of Flamborough by Persons who do not Obtain an Open Air Burning Permit or Who are in Violation of the Rules of Said Permit*;

(c) By-law No. 97-085 of the former Corporation of the City of Hamilton, entitled *A By-law to Enact User Fees for the Hamilton Fire Department*.

12.2 Despite section 12.1, the fees payable in section 6 shall not come into effect until January 1, 2003, and until that date, the fees payable with respect to open air burning under the by-laws identified in section 12.1 shall continue in effect.

PASSED and ENACTED this day of , 2002

MAYOR

CLERK

SCHEDULE "A" – INSPECTION SERVICES

ITEM	COLUMN 1	COLUMN 2
1	Inspection of private home day care facilities	\$50.00
2	Inspection of licensed day care facilities	\$120.00
3	Inspection of single family dwellings	\$50.00
4	Inspection of two family dwellings	\$240.00
5	Inspection of residential buildings of 3 stories or less, and having 3 or more apartments	\$420.00
6	Inspection of residential buildings of 4, 5 or 6 stories	\$710.00
7	Inspection of residential buildings of between 7 and 11 stories	\$710.00
8	Inspection of residential buildings of between 12 and 18 stories	\$950.00
9	Inspection of Residential Buildings having more than 18 stories	\$1200.00
10	Inspection of non-residential buildings (mercantile, industrial, businesses etc.) having 4 stories or less and less than 3000 square feet per floor	\$190.00
11	Inspection of non-residential Buildings (mercantile, industrial, businesses etc.) having 4 stories or less and between 3000 and 5000 square feet per floor	\$300.00
12	Inspection of non-residential buildings (mercantile, industrial, businesses etc.) having 4 stories or less and more than 5000 sq. ft. per floor	\$400.00
13	Inspection of non-residential Buildings (mercantile, industrial, businesses etc.) having more than 4 stories and less than 3000 square feet per floor	\$450.00
14	Inspection of non-residential buildings (mercantile, industrial, businesses etc.) having 4 stories or more and between 3000 and 5000 sq. ft. per floor	\$530.00
15	Inspection of non-residential buildings (mercantile, industrial, businesses etc.) having 4 Stories or more and more than 5000 sq. ft. per floor	\$710.00
16	Inspection of foster care homes having a capacity of 4 or less and group homes having a capacity 3 or less	\$50.00

17	Inspection of foster care homes With a capacity of more than 4	\$190.00
18	Inspection of group homes with a capacity of more than 3	\$190.00

19	Inspection of AGCO licence requests - Indoor	\$130.00
20	Inspection of AGCO licence requests – Patio	\$60.00
21	Copy of a fire response report	\$30.00
22	File Searches concerning Outstanding Work Orders	\$50.00
23	Requests for fire route establishment, whether new or a review of an existing	\$180.00
24	Requests for environmental file searches	\$330.00
25	Open Air Burning Permit	\$20.00
26	Open Air Burning Inspection Request	\$120.00
27	Request for Clearance/Status Letter	\$25.00
28	Family Fireworks Sale Permit - Store	\$150.00
29.	Family Fireworks Sale Permit - Trailer	\$300.00
30.	Re-inspection fee (second re-inspection after compliance date and subsequent re-inspections)	\$50.00

**COMPARISON
OF FEES FOR
SERVICES
(YEAR-2000) -
EMERGENCY
RESPONSES**

SERVICE					MUNICIPALITY
	ANCASTER	DUNDAS	FLAMBOROUGH	STONEY CREEK	HAMILTON
MVC (HIGHWAYS) NON-RESIDENT MOTOR VEHICLE FALSE ALARM RESPONSE	\$300/HR/VEH. (1ST HOUR) \$300 - 1/2HR/VEH. (AFTER) \$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	\$350/HR/VEH. (1ST HOUR) \$175/ 1/2HR/VEH. (AFTER)
2ND RESPONSE	\$300 - 2ND RESPONSE	\$300 - 3RD RESPONSE	\$300 - 2ND RESPONSE	\$400 - 4TH RESPONSE \$500 - 5TH RESPONSE	NO FEE CHARGED
OPEN AIR BURNING DANGEROUS	\$200/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED
GOODS RESPONSE	\$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED	NO FEE CHARGED	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED

**ALL FEES
INCLUDE GST
AS APPLICABLE**

**COMPARISON
OF FEES FOR
SERVICES -
INSPECTION
SERVICES**

SERVICE					MUNICIPALITY
	ANCASTER	DUNDAS	FLAMBOROUGH	STONEY CREEK	HAMILTON

AGCO	\$100	\$85	\$100	\$100 - INDOOR	\$117.70 - INDOOR
(LIQUOR LICENCE)	\$75	\$40	\$75	\$50 - PATIO	\$53.50 - PATIO
HOME DAY CARE	\$100	\$85	NO FEE CHARGED	\$100	\$107
DAY CARE - LIC.	NO FEE CHARGED	\$40	\$45	NO FEE CHARGED	\$36.38
SINGLE FAMILY	NO FEE CHARGED	\$80	\$45	\$150	\$214
2 FAMILY					
RESIDENTIAL					
< OR = 3 STORIES	\$100	\$50/HR - 3 HR MIN.	\$67	\$267.50	\$374.50
> OR = 3 APTS.	NO FEE CHARGED	\$50/HR - 3 HR MIN.	\$67	\$321-\$374.50	\$642
RESIDENTIAL					
4, 5, 6 STORIES					
RESIDENTIAL					
6 - 11 STORIES	NO FEE CHARGED	\$50/HR - 4 HR MIN.	\$100 plus \$30/hr	\$374.50	\$642
12 - 18 STORIES	NO FEE CHARGED	\$50/HR - 4 HR MIN.	\$100 plus \$30/hr	\$481.50	\$856
OVER 18 STORIES	NO FEE CHARGED	\$50/HR - 4 HR MIN.	\$100 plus \$30/hr	NO FEE CHARGED	\$1,070
NON-RESIDENTIAL/					
MIXED OCCUPANCY					
"A" See note				\$160.50 - \$267.50	\$171.20
"B" See note					
"C" See note					
"D" See note	\$50	\$50/HR - 4 HR MIN.	\$139.65 plus \$55.85/hr	\$321	\$406.60
"E" See note	\$200	\$50/HR - 4 HR MIN.	\$139.65 plus \$55.85/hr	\$428	\$481.50
"F" See note	\$300	\$50/HR - 4 HR MIN.	\$139.65 plus \$55.85/hr	\$535	\$642
FOSTER CARE	\$100	\$85	\$100	\$32.10	\$171.20
CAP>4					
GROUP HOMES	\$100	\$85	\$100	\$149.80	\$171.20
CAP>3					
FOSTER CARE					
CAP < OR = 4	\$100	\$40	\$100	\$32.10	\$36.38
GROUP HOMES					
CAP < OR = 3					

**COMPARISON
OF FEES FOR
SERVICES -
INSPECTION
SERVICES,
cont'd.**

SERVICE	MUNICIPALITY				
	ANCASTER	DUNDAS	FLAMBOROUGH	STONEY CREEK	HAMILTON
FIRE REPORT	\$50	\$35	\$45	\$32.10	\$19.26
FILE SEARCH	\$50	\$45	\$50	\$42.80	\$40
FIRE ROUTE	\$100	NO FEE CHARGED	NO FEE CHARGED	\$160.50	\$160.50
ENVIRONMENTAL	NO FEE CHARGED	NO FEE CHARGED	NO FEE CHARGED	\$214	\$300
FILE SEARCH					
OPEN - AIR	\$10 - PERMIT	\$50/MONTH	NO FEE CHARGED	\$10 - \$100	\$107
BURNING					
CLEARANCE/ STATUS LETTER	NO FEE CHARGED	NO FEE CHARGED	NO FEE CHARGED	\$21.40	\$20

Note: Non-residential buildings include mercantile, industrial, businesses etc.

:Mixed

Occupancy refers to buildings containing commercial/mercantile occupancies along with residential units

"A" - 4 Storeys or less and less than 3000 sq. ft. per floor

"B" - 4 Storeys or less and between 3000 sq. ft. – 5000 sq. ft. per floor

"C" - 4 Storeys or less and greater than 5000 sq. ft. per floor

"D" - Over 4 Storeys and less than 3000 sq. ft. per floor

"E" - Over 4 Storeys and between 3000 sq. ft. – 5000 sq. ft. per floor

"F" - Over 4 Storeys and greater than 5000 sq. ft. per floor

**PROPOSED
FEES FOR
SERVICES -
MISCELLANEOUS
SERVICES**

SERVICE	MUNICIPALITY				
	ANCASTER	DUNDAS	FLAMBOROUGH	STONEY CREEK	HAMILTON
FIREWORKS	NO FEE CHARGED	NO FEE CHARGED	NO FEE CHARGED	\$32.10 - PUBLIC VENDOR	NO FEE CHARGED
PERMIT				\$200 - NON-RESIDENT	
RE-INSPECTION FEE'S	NO FEE CHARGED	NO FEE CHARGED	\$50	\$32.10 - \$107 (2ND) \$53.50 - \$214 (3RD) \$107 - \$267.50 (4TH)	NO FEE CHARGED
REQUEST FOR APPARATUS AND PERSONNEL AT COMMUNITY EVENT	\$100/HR	NO FEE CHARGED	\$107/HR	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED
REQUEST FOR APPARATUS AND PERSONNEL AT OTHER THAN COMMUNITY EVENT	\$100/HR	NO FEE CHARGED	\$107/HR	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED
NON-RESIDENT MOTOR VEHICLE FALSE ALARM RESPONSE	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED	NO FEE CHARGED	\$300/HR/VEH. (1ST HOUR) \$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED
2ND RESPONSE	\$300 - 3RD RESPONSE	\$600 - 4TH RESPONSE \$900 -5TH RESPONSE	\$300 - 2ND RESPONSE	\$300 - 3RD RESPONSE \$400 - 4TH RESPONSE \$500 -5TH RESPONSE	
OPEN AIR BURNING	\$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED	\$120/ 1/2HR/VEH. (AFTER)	\$120/ 1/2HR/VEH. (AFTER)	NO FEE CHARGED

Note: The decision to provide/not provide this service would be the Fire Chief's and /or his designate, based on staffing, resource allocations, staff safety and any other considerations deemed appropriate by the Fire Chief.

