

By-law 2/97

BEING A BY-LAW OF THE COUNTY OF MOUNTAIN VIEW NO. 17 TO PROVIDE FOR THE LEVYING OF A SERVICE CHARGE FOR FIRE PROTECTION SERVICES

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WHEREAS, pursuant to the provisions contained in Section 553 (1) (g), Municipal Government Act, R.S.A. 1994 Chapter M-26.1, Council may pass a by-law, with respect to extinguishing fires or preserving life or property from injury or destruction by fire within or outside the County, for the charging of any cost incurred, or a minimum fee, to the owner or occupant of the land; and

WHEREAS Council wishes to pass a by-law pursuant to Section 553 (1) (g) of the said Act to provide for the charging and the recovery of the cost incurred or a minimum fee for extinguishing fires or preserving life or property from injury or destruction by fire in certain situations from the owner or occupant of the lands involved;

NOW THEREFORE, the Council of the County of Mountain View in regular meeting duly assembled enacts as follows (Schedule 'A' Regulations attached):

1. Where a fire department within the County has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident in or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the County, including any action taken by the fire department on a false alarm, the County Commissioner may in respect of any costs incurred by the fire department in taking such action, if the County Commissioner feels that proper grounds for doing so exists, charge any costs so incurred to the owner or occupant of the land in respect of which the action was taken.

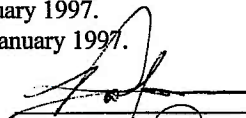

2. The minimum charge to the owner or occupant of the land in respect of which action was taken pursuant to Section 1 of this By-law, shall be the sum of \$100.00 for each hour or fraction thereof for each emergency unit responding to the fire call or incident. For the purpose of this by-law emergency unit shall involve pumpers, tankers or mini-pumpers. Any additional equipment, vehicles or machinery deemed necessary in responding to the fire call or incident shall be charged the actual cost to the fire department for use of the said equipment, vehicles or machinery.

3. In the event that the owner or occupant of any land within or outside the County shall feel aggrieved by any action taken by the County Commissioner pursuant to Section 1 of the By-law, such owner or occupant shall have a period of thirty (30) days from the date of mailing of notice of the action taken by the County Commissioner to appeal the Council of the County of Mountain View against the action taken by the County Commissioner and the decision of the Council of the County of Mountain View on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to any further appeal.



4. In the event that the amount levied by the County Commissioner shall not be paid within sixty (60) days after the mailing of a notice by the County Commissioner pursuant to Section 1, or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the fire was started as taxes due and owing in respect of that land.

Received first reading this 22nd day of January 1997.

Received second reading this 22nd day of January 1997.

  
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Reeve  
  
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Commissioner

Received third reading this 26th day of March 1997.

  
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Reeve  
  
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Commissioner

**SCHEDULE A  
BYLAW #2/97  
MAY 28, 1997**

Regulations to administer Bylaw 2/97 to provide for the levying of a service charge for fire protection services:

1. Fire associations of the County may levy a charge to the residents and ratepayers of the County for structural fires at an amount the lesser of:
  - a. The call out allowance on the resident's/ratepayer's insurance policy, or
  - b. The sum of \$100 for each hour or fraction thereof for each emergency unit responding to the fire call or incident.
2. A charge may be levied by the County Commissioner for:
  - a. Response to fire, rescue, dangerous goods or other incidents on any property in the County.
  - b. Response to fire, rescue, dangerous goods, or other incidents in other municipalities as per signed agreements with respective municipalities.
3. The nature and origin of the incident will determine who bears the cost of additional equipment requested by the County or County fire associations for any fire, rescue, dangerous goods or other incidents.