



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING
COMMITTEE OF THE WHOLE - THURSDAY, JUNE 18, 2020 - 6:30 P.M.**

(For information on how to join the meeting, please go to the Council Meetings page on the Township Website to find the link, meeting code and password)

1. Call to Order
2. Additions/Deletions/Approval of Agenda
3. Adoption of Draft Minutes - February 6, 2020

Motion - that the minutes of the Committee of the Whole Meeting held on February 6, 2020 be approved as circulated.

4. Business Arising from the Minutes
5. Correspondence
6. General Business
 1. Concerns with Fire By-laws and to discuss amendments to the By-laws
 2. Unfinished Business
 1. Heritage Committee - Councillor Mercer to provide update, if any
 3. Other/Addition(s)
7. Delegations
8. Adjournment and Date of Next Meeting

Motion - That we adjourn Committee of the Whole at _____ p.m. to meet again on Thursday August 18, 2020 at 6:30 p.m. or at the call of the Chair.

Denise Holmes

From: David Thwaites
Sent: Friday, March 27, 2020 2:41 PM
To: Denise Holmes
Subject: Fire Bylaws

Denise

Further to our discussions re the Open Fire Bylaw I have determined the following:

- A. Bylaw 12-2012 section 5.2 addresses the liability and responsibility of a person " burning without a permit"
- B. The Open Fire Bylaw addresses the requirement for a permit to burn and imposes the responsibility for fire costs and damages and also creates an offence for burning without a permit.

Potential for confusion, yes.

I would think that our website and information to our residents should at the very least spell out the provisions of both bylaws. Might be better to review bylaws with a view to incorporating into one Bylaw.

Fire Permit Bylaw, as it currently stands, given the comments of Council at our Earlier meeting, needs to be amended by deleting 4.6(l).

In addition, the preamble incorrectly cites the Municipal Act, 1990 s 210 (35) as this legislation was usurped by the Municipal Act, 2001 which does NOT contain a like provision.

Further, para 4.7 as it reads needs change. The words "abide by the following" are redundant and unnecessary as are the initial words of each of sub paragraph a, b and c.

Further, Council needs to consider the provision of 4.7(b). As it reads there is full liability for any/all fire costs, not just costs flowing from non- compliance with the terms of the Fire Permit.

As to Bylaw 12-2012 it needs to be reviewed for content, clarity and scope. On the issue of Fire Cost recovery, this needs to be addressed separate from any issue re Fire Marque. On the issue of the quantum I am pursuing this discussion and seeking the information re the Fire Board, Mulmur Melancthon. On the issue of recovery, the protocol needs to be addressed BUT I know the Mayor has expressed an opinion (which others may or may not agree with) whereas the intention and scope of the Bylaw are different.

Questions, let me know but otherwise feel free to append this memo to the Agenda together with copies of the Bylaws.

David

Sent from my iPad

FIRE

As part of preparing a submission for consideration of the Board of the Mulmur Melancthon Fire I have been left somewhat perplexed and stymied. I therefore seek Council's direction before I proceed further.

The documents I have reviewed to date have included:

- a. Mulmur Melancthon Fire Agreement dated August 11, 2010;
- b. Melancthon Fire Permit Bylaw;
- c. Melancthon bylaws for fees and recovery (Bylaws 12-2012 and 39-2012)
- d. Mulmur Bylaw 18-14 (open fires- no permit required)
- e. Mulmur Bylaw 57-2019 (Fire Marque)
- f. Mulmur Bylaw 62-2019 (Cost Recovery Fire Dept fees)
- g. materials Melancthon received from Fire Marque as part of its presentation to Council

Mulmur's Bylaws are of course not limited to applying to the Mel Mul Fire Department.

I have no information on the Shelburne Bylaws related to either Fire Marque or the establishment of cost/fees.

The first challenge is that the Municipalities have not worked together in coordinating and communicating be it at Council or the Fire Boards.

The second challenge is that the issue of Fire Marque should have been and should be developed together by all municipalities and boards impacted. My limited review has disclosed some questions. For example we were told that FM would not be involved in legal proceedings to collect from insurance companies but according to the Mulmur reps on the Mel Mul Fire Board they were told the converse. A review of the Mulmur FM agreement is in fact inconsistent with what the Mulmur Fire Board reps were advised.

Further there is some question as to the representations made by FM to our Council and in the promo materials left with us. These representations should be followed up forthwith and before any steps by Melancthon to consider or adopt. For example, the FM promo materials attach a sample insurance clause that would preclude any recovery except if "the Insured becomes legally obligated to pay to protect property from imminent hostile fire" (by the way I know of no fire that is other than "hostile"). My own home insurance limits recovery to a fixed amount "if for the Fire Department of the Municipality other than a municipality in which the residence is located." (ie if a Melancthon Fire Dept comes to deal with a fire on my property there is no coverage). There are other questions.

To the extent the other municipalities have asked and should ask questions that is of course up to them but the reality is that any Fire Board of which Melancthon is a member should not have adopted without a fuller understanding of implications related to fire cost recovery.

The Fm agreement signed by Mulmur does provide that the amounts recovered are to go to the Fire department (thus different than what Mulmur or Melancthon has done in past, if at all). It of course makes perfect sense but ...

In addition the Bylaws for the Municipalities prescribe different rates for fire calls. Melancthon's was last addressed in 2012. Mulmur did its Bylaw in late 2019 but without any input or discussion with our Fire Board or adopting any recommendation made by our Fire Chief. I cannot comment on Shelburne.

The foregoing touches on some of the concerns I have come across to date.

I note that the Mel Mul Fire Agreement provides in part "It shall be the responsibility of the Fire Board to prepare draft by-laws and formulate policies and procedures for and relating to the administration of the Department and of the Fire Board". I would have to question whether that has been done and whether either municipality has the ability to impact operations and recovery of cost related to its operations/budget. I would hazard a guess that this also applies to our other Fire Agreements.

I have to consider how I can address a submission to our Fire Board to address Fire Cost recovery in the absence of some overall direction from both Municipalities and in coordination with other Boards/Municipalities.

As a general matter it is my understanding that for purposes of Mulmur Melancthon Fire:

- a. The cost of fire calls related to motor vehicle accidents is recovered and remitted to the Fire Board, although this is apparently addressed via the chief and the municipality staff without input or control of the Board;
- b. That any recovery for any other type of call is dealt with by the respective municipality without even recommendation from the Fire Chief through the Fire Board to the municipality;
- c. That whatever a municipality recovers under paragraph b is kept by the municipality; and
- d. That there is no policy or procedure in place governing the foregoing.

Direction sought.

David Thwaites

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 10-2007

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES AND PREVENT
THE SPREADING OF FIRES, ESTABLISH A FIRE PERMIT SYSTEM

WHEREAS Section 210 (35) of the Municipal Act, R.S.O. 1990 c. M45, as amended, empowers the councils of the local municipalities to pass By-laws prescribing for the whole or any part of the municipality, the times during which fires may be set in open air and the precautions to be observed by persons setting such fires.

AND WHEREAS the Ontario Fire Code, O. Reg 67/87 Clause 2.6.3.4 states "Open air burning shall not be permitted unless approved or unless such burning consists of small, confined fire, supervised at all times and used to cook food on a grill or barbecue".

AND WHEREAS Section 7.1 of the Fire Protection and Prevention Act, S.O. 2002, c.4, as amended, provides the Council of a Municipality may pass By-laws for regulating the prevention of the spreading of fires and the setting of open air fires including times during which they may be set.

AND WHEREAS it is deemed necessary and expedient to pass such a By-law, for the protection of persons and property, within the Township of Melancthon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON HEREBY ENACTS AS FOLLOWS:

1. **INTRODUCTION**

1.1. Title and Scope

- (a) This is a By-law to regulate the setting, prohibiting and controlling of open fires within the Township of Melancthon. This By-law shall be known as "Open Fires By-law" of the Township of Melancthon.

1.2. Repeal of Former By-laws

- (a) By-law No. 7-2003 of The Corporation of the Township of Melancthon is hereby repealed.

1.3. Validity and Severability

- (a) Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-law or the By-law as a whole.

1.4. Interpretation

- (a) Words used in the singular form shall include the plural form, the masculine gender shall include the feminine or neuter gender, and vice versa, as the context requires.
- (b) "May" shall be construed as permissive.
- (c) "Shall" shall be construed as imperative.

1.5. Force and Effect

- (a) This By-law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Melancthon.

2. DEFINITIONS

For the purposes of this By-law, the following words shall have the meaning ascribed herein:

- 2.1. "Council" means the Council of The Corporation of the Township of Melancthon.
- 2.2. "Environmentally Acceptable Waste" means clean wood and brush.
- 2.3. "Fire Ban Period" means a period of time during which the Fire Chief or his designate declares a total ban on open air burning.
- 2.4. "Fire Pit" means an area for an Open Air Fire, not exceeding one metre (3 feet) in diameter which is constructed of and created on non-combustible material containing combustible material not more than .5 metres (1.5 feet) in height, equipped with a grill and is being used for cooking of food.
- 2.5. "Hamlet Residential Property" means all property located within the boundaries of the hamlets of Riverview, Corbetton and Horning's Mills.
- 2.6. "Lot" shall mean a parcel of land to which title is capable of being legally conveyed, subject to the provisions of the Planning Act, as amended, and includes any of its parts, which are subject to a right-of-way or easement.
- 2.7. "Open Air Fire" means a fire that is not totally enclosed and controlled so as to prevent the spread of fire either directly or by sparks or embers originating from the fire.
- 2.8. "Owner" includes an assessed owner, tenant, or occupant or any person having an interest, whether equitable or legal, in the land.
- 2.9. "Permit" means a "Permit for Open Air Burning" issued by the Township.
- 2.10. "Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to the By-law.
- 2.11. "Rural Property" means all property located in the Township of Melancthon that is not included in "Hamlet Residential Property".
- 2.12. "Township" means The Corporation of the Township of Melancthon.

3. APPLICATION FOR PERMITS

- 3.1. A person requiring a permit for an open-air fire shall file an application in writing on the form as approved by the Township as found in Schedule "A" to this By-law;
- 3.2. An applicant shall provide all of the information required to complete the application form including, but not limited to the exact address that the Open-Air Fire is to be located;
- 3.3. Every application filed shall:
 - (a) be accompanied by the payment of the \$10.00 fee;
 - (b) be made by the Owner of the land on which the proposed Open-Air Fire is to be burned or his or her authorized agent and be accompanied by a consent from the Owner or his or her authorized agent of the lands upon which the Open-Air Fire is to be burned.
- 3.4. Permits issued under this By-law shall be valid for the duration of the calendar year of issue with an annual permit fee of \$10.00.

4. FIRE CONTROL

- 4.1. No Owner shall create or permit the creation, presence, maintenance or existence of any Open Air Fire within the Township of Melancthon.
- 4.2. Section 4.1 does not apply to any portable barbecue appliances.
- 4.3. Section 4.1 does not apply to small confined fires for the purpose of burning environmentally acceptable waste or fires used to cook food if they comply with the following conditions:
 - (a) Such fires shall be located no closer than 6 metres (20 feet) from any building, structure, hedge, fence, or overhead wire or obstruction of any kind;
 - (b) Such fires shall not exceed 1 metre (3 feet) in diameter or 1 metre (3 feet) in height;
 - (c) Sections 4.6.(b), 4.6.(f), 4.6.(g) shall not apply to fires burned pursuant to this section, all other subsections of Section 4.6 apply.
- 4.4. Section 4.1 does not apply to any Open-Air Fire for which a permit has been issued by the Township of Melancthon Municipal Office and the conditions as set out in Section 4.6 and Schedule "A" are being complied with.
- 4.5. The Permit described in Section 4.4 shall be produced upon request by the Fire Chief or his/her designate or a Municipal By-law Enforcement Officer for the Township of Melancthon.
- 4.6. No Owner who has been issued a Permit shall create or permit the creation, maintenance or existence of a fire unless all of the following conditions are being followed:
 - (a) The fire is under constant supervision and control from the time of lighting until it is totally extinguished;
 - (b) The fire is located no closer than 15 metres (50 feet) from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
 - (c) There is a space free and clear of combustible material around the perimeter of such fire of at least 4.5 metres (15 feet);
 - (d) An Open Air Fire is not burned when a prohibition has been declared pursuant to Section 5.6 of this By-law;
 - (e) A fire is not burned when the wind velocity exceeds 16 km/hr (10 mph);
 - (f) The dimension of a fire does not exceed 3 metres (10 feet) in diameter or 2 metres (6 feet) in height for rural properties;
 - (g) The dimension of a fire does not exceed 1 metre (3 feet) in diameter or 1 metre (3 feet) in height for Hamlet Residential Properties;
 - (h) Fires will not be burned between the hours of 11:00 p.m. and 6:00 a.m.;
 - (i) The fire does not contain a tire or tires;
 - (j) The fire does not contain materials such as paint, asphalt material, and/or chemical wastes;
 - (k) No Open Air Fire will be burned when the conditions as such may cause any or all of the following:
 - (i) A decrease in visibility on any highway or other roadway;
 - (ii) Fire spread through grass, brush, forested area or other property that was not intended to be burned;

(iii) A contravention of other municipal By-law, provincial or federal legislation;

(l) The respective fire station will be advised of the date and time the fire is to be burned;

4.7. The Owner shall abide by the following:

(a) The Owner shall be completely responsible and liable for any damage resulting from said fire;

(b) The Owner shall be liable for the cost of any fire fighting equipment and personnel necessary and called in to extinguish the said fire;

(c) The Owner shall exercise due care and take the necessary precautions in connection therewith to avoid endangering persons and property in the vicinity thereof, and shall remain in constant attendance at such fire until the same is completely burned or extinguished.

5. ADMINISTRATION, ENFORCEMENT AND INSPECTION

5.1. This By-law shall be administered by the Fire Chief of the Township or such other person or persons as Council may, by By-law, appoint and all such persons shall be considered inspectors under the terms of the By-law.

5.2. The Fire Chief, Deputy Fire Chief, Assistant Deputy Fire Chief or Municipal Law Enforcement Officer(s) or such other person or persons as the Council of the Township of Melancthon may by appoint are hereby authorized to enforce the provisions of this By-law pursuant to the Provincial Offences Act, R.S.O. 1990, as amended and all such persons shall be considered inspectors under the terms of this By-law.

5.3. The Fire Chief or his/her designate may revoke any Permit where:

(a) The holder of the Permit contravenes any conditions of said Permit;

(b) In the opinion of the Fire Chief the smoke formed from a fire or fires authorized by the Permit presents a nuisance to neighbouring inhabitants, or;

(c) For any other good and sufficient reason at the Fire Chief or his/her designate's sole discretion.

5.4. Where a Permit has been revoked under Section 5.3, the Fire Chief or his/her designate may refuse to issue another permit until he/she is satisfied that corrective actions have been or will be taken to prevent recurrence of the problem.

5.5. The Fire Chief or his/her designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in his/her opinion there is danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.

5.6. The Fire Chief or his/her designate may declare a total prohibition against outdoor burning when in his/her opinion atmospheric conditions or local circumstances make such fires hazardous and every person shall comply with such prohibition.

5.7. An inspector under this By-law:

(a) Has the power to enter upon and examine any yards, vacant lots, or grounds at any reasonable time or times; and

(b) May be accompanied by such other person or persons, as they deem necessary to properly carry out their duties under this By-law.

5.8. In the event any owner proposes to start or set a fire which is larger than the maximum size provided in Section 4.6, such person shall contact the Fire Chief, or

his/her designate, to request a site inspection. If the Fire Chief or his/her designate deems it necessary to conduct an onsite inspection a fee as required by the Fire Chief in his/her sole discretion shall apply. The Fire Chief may or may not authorize the fire to be ignited, subject to such conditions as the Fire Chief or his/her designate may impose, issued in writing. The owner requesting permission for this authorization shall comply with all provisions of the permit.

6. OFFENCES

6.1. Every person who:

- (a) hinders, disturbs or obstructs any Inspector in carrying out their duties under this By-law, or;
- (b) contravenes the following provisions of this By-law: Sections 4.1, 4.5, 4.6, 5.5 is guilty of an offence and, upon conviction, is subject to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.

6.2. Each day that a situation as described in Section 6.1.(b) of this By-law is allowed to continue shall constitute a separate offence under this By-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

6.3. Every person and an officer director, employee or agent of a corporation charged with committing an offence under this By-law is a party to the offence who;

- (a) actually commits it;
- (b) does or omits to do anything for the purposes of aiding any person to commit it, or
- (c) abets any person committing it. Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this By-law would be a probable consequence of carrying out the common purpose is a party to the offence.

7. ADDITIONAL REMEDY

7.1. Pursuant to the provisions of the Municipal Act, 2001, s. 446, as amended from time to time, the Township may cause any matter or thing be done upon the failure of the person being directed to do it, and the matter or thing shall be done at the person's expense.

7.2. For the purposes of the previous subsection, the Township may enter upon land at any reasonable time.

7.3. The Township may recover the costs of doing a matter or thing under this section from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

7.4. The Township shall not be liable for any damage caused by its actions under this by-law.

7.5. The Township shall not be liable to restore the property.

BY-LAW read a first and second time this 3rd day of May, 2007.

BY-LAW read a third time and passed this 3rd day of May, 2007.

D. G. Broderick
Mayor

Dennis S. Palmer
Clerk

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

Fire Permit No: _____

EXACT LOCATION (Including Emergency Locator Number):

ISSUED TO (Name):

MAILING ADDRESS:

PHONE NUMBER:

APPLICATION FOR PERMITS

A person requiring a permit for an open-air fire shall file an application in writing on this form.

An applicant shall provide all of the information required to complete the application form including, but not limited to the exact address that the Open-Air Fire is to be located;

Every application filed shall:

- a) be accompanied by the payment of the \$10.00 fee;
- b) be made by the Owner of the land on which the proposed Open-Air Fire is to be burned or his or her authorized agent and be accompanied by a consent from the Owner or his or her authorized agent of the lands upon which the Open-Air Fire is to be burned. Permits issued under this By-law shall be valid for the duration of the calendar year of issue with an annual permit fee of \$10.00.

FIRE CONTROL

No Owner shall create or permit the creation, presence, maintenance or existence of any Open Air Fire within the Township of Melancthon. The following exceptions apply:

- a) The above does not apply to any portable barbecue appliances;
- b) The above does not apply to small confined fires for the purpose of burning environmentally acceptable waste or fires used to cook food if they comply with the following conditions:
 - (i) Such fires shall be located no closer than 6 metres (20 feet) from any building, structure, hedge, fence, or overhead wire or obstruction of any kind;

- (ii) Such fires shall not exceed 1 metre (3 feet) in diameter or 1 metre (3 feet) in height;
- c) The above does not apply to any Open-Air Fire for which a permit has been issued by the Township of Melancthon Municipal Office and the conditions contained in the By-law are complied with.

The above permit shall be produced upon request by the Fire Chief or his/her designate or a Municipal By-law Enforcement Officer for the Township of Melancthon.

No Owner who has been issued a Permit shall create or permit the creation, maintenance or existence of a fire unless all of the following conditions are being followed:

- a) The fire is under constant supervision and control from the time of lighting until it is totally extinguished;
- b) The fire is located no closer than 15 metres (50 feet) from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
- c) There is a space free and clear of combustible material around the perimeter of such fire of at least 4.5 metres (15 feet);
- d) An Open Air Fire is not burned when a prohibition has been declared by the Fire Chief;
- e) A fire is not burned when the wind velocity exceeds 16 km/hr (10 mph);
- f) The dimension of a fire does not exceed 3 metres (10 feet) in diameter or 2 metres (6 feet) in height for rural properties;
- g) The dimension of a fire does not exceed 1 metre (3 feet) in diameter or 1 metre (3 feet) in height for Hamlet Residential Properties;
- h) Fires will not be burned between the hours of 11:00 p.m. and 6:00 a.m.;
- i) The fire does not contain a tire or tires;
- j) The fire does not contain materials such as paint, asphalt material, and/or chemical wastes;
- k) No Open Air Fire will be burned when the conditions as such may cause any or all of the following:
 - i) A decrease in visibility on any highway or other roadway;
 - ii) Fire spread through grass, brush, forested area or other property that was not intended to be burned;
 - iii) A contravention of other municipal By-law, provincial or federal legislation;
- l) The respective fire station will be advised of the date and time the fire is to be burned;

The Owner shall abide by the following:

- a) The Owner shall be completely responsible and liable for any damage resulting from said fire;
- b) The Owner shall be liable for the cost of any fire fighting equipment and personnel necessary and called in to extinguish the said fire;

- c) The Owner shall exercise due care and take the necessary precautions in connection therewith to avoid endangering persons and property in the vicinity thereof, and shall remain in constant attendance at such fire until the same is completely burned or extinguished.

ADMINISTRATION, ENFORCEMENT AND INSPECTION

This By-law shall be administered by the Fire Chief of the Township or such other person or persons as Council may, by By-law, appoint and all such persons shall be considered inspectors under the terms of the By-law.

The Fire Chief, Deputy Fire Chief, Assistant Deputy Fire Chief or Municipal Law Enforcement Officer(s) or such other person or persons as the Council of the Township of Melancthon may by appoint are hereby authorized to enforce the provisions of this By-law pursuant to the Provincial Offences Act, R.S.O. 1990, as amended and all such persons shall be considered inspectors under the terms of this By-law.

The Fire Chief or his/her designate may revoke any Permit where:

- a) The holder of the Permit contravenes any conditions of said Permit;
- b) In the opinion of the Fire Chief the smoke formed from a fire or fires authorized by the Permit presents a nuisance to neighbouring inhabitants, or;
- c) For any other good and sufficient reason at the Fire Chief or his/her designate's sole discretion.

Where a Permit has been revoked, the Fire Chief or his/her designate may refuse to issue another permit until he/she is satisfied that corrective actions have been or will be taken to prevent recurrence of the problem.

The Fire Chief or his/her designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in his/her opinion there is danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.

The Fire Chief or his/her designate may declare a total prohibition against outdoor burning when in his/her opinion atmospheric conditions or local circumstances make such fires hazardous and every person shall comply with such prohibition.

An inspector under this By-law:

- a) Has the power to enter upon and examine any yards, vacant lots, or grounds at any reasonable time or times; and
- b) May be accompanied by such other person or persons, as they deem necessary to properly carry out their duties under this By-law.

In the event any owner proposes to start of set a fire which is larger than the maximum size provided in the by-law, such person shall contact the Fire Chief, or his/her designate, to request a site inspection. If the Fire Chief or his/her designate deems it necessary to conduct an onsite inspection a fee as required by the Fire Chief in his/her sole discretion shall apply. The Fire Chief may or may not authorize the fire to be ignited, subject to such conditions as the Fire Chief or his/her designate may impose, issued in writing. The owner requesting permission for this authorization shall comply with all provisions of the permit.

OFFENCES

Every person who:

- a) hinders, disturbs or obstructs any Inspector in carrying out their duties under this By-law, or;

- b) contravenes the applicable provisions of this by-law is guilty of an offence and, upon conviction, is subject to a penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, as amended.

Each day that a situation as described above is allowed to continue shall constitute a separate offence under this By-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

Every person and an officer director, employee or agent of a corporation charged with committing an offence under this By-law is a party to the offence who;

- a) actually commits it;
- b) does or omits to do anything for the purposes of aiding any person to commit it, or
- c) abets any person committing it. Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this By-law would be a probable consequence of carrying out the common purpose is a party to the offence.

ADDITIONAL REMEDY

Pursuant to the provisions of the Municipal Act, 2001, s. 446, as amended from time to time, the Township may cause any matter or thing be done upon the failure of the person being directed to do it, and the matter or thing shall be done at the person's expense.

For the purposes of the previous subsection, the Township may enter upon land at any reasonable time.

The Township may recover the costs of doing a matter or thing under this section from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

I/We have read all of the above and undertake to comply with the provisions of the by-law

APPLICANT'S SIGNATURE:

A permit is granted in accordance with and subject to the above conditions:

ISSUED BY:

DATE:

PAYMENT RECEIVED:

CLERK'S STAMP:

THIS PERMIT EXPIRES ON DECEMBER 31st OF THE YEAR OF ISSUANCE AND COSTS \$10.00 PER YEAR.

BURNING BANS are published in the local newspapers. Before you burn please call the Township Office at (519) 925-5525, Monday to Friday between 8:30 a.m. and 4:30 p.m. except holidays to verify if there is a burning ban imposed by the Fire Chief.

Administrative Numbers:
Shelburne Fire Department: (519) 925-5111
Mulmur-Melancthon Fire Department; (519) 925-6481
Dundalk Fire Department: (519) 923- 2402

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 12-2012 .

BEING A BY-LAW TO PROVIDE FOR ESTABLISHING TARIFF OF FEES
FOR FIRE DEPARTMENT SERVICES AND REPEAL BY-LAWS
22-2001 & 16-2004 & 9-2009

WHEREAS Section 391.1 of the Municipal Act, S.O. 2001, C.25, provides that the Council may impose fees or charges for services and activities provided or done by or on behalf of the Corporation of the Township of Melancthon.

AND WHEREAS it is expedient to impose fees for certain services provided by Fire Departments Servicing the Township of Melancthon.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Melancthon enacts as follows:

Part 1

DEFINITIONS

1. Definitions

In this By-Law:

1.1 Non-Resident - defined

“Non-Resident” shall mean any person who does not reside in the Township of Melancthon or who is not the owner or tenant of land in the Township of Melancthon or who is not the spouse of an owner or tenant of land in the Township of Melancthon.

1.2 Resident - defined

“Resident” shall mean any person who does reside in the Township of Melancthon or who is the owner or tenant of land in the Township of Melancthon or who is the spouse of an owner or tenant of land in the Township of Melancthon.

1.3 False Alarms - defined

“False Alarms” shall mean a fire alarm when there is no fire.

1.4 Owner - defined

“Owner” shall include a mortgagee, lessee, tenant, occupant, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

1.5 Council - defined

“Council” means the Council of the Corporation of the Township of Melancthon.

1.6 Corporation - defined

“Corporation” means the Corporation of the Township of Melancthon.

1.7 Municipality - defined

“Municipality” means the Corporation of the Township of Melancthon.

Part 2

VEHICLE ACCIDENT RESPONSE FEES

- 2.1 On every occasion where the vehicles, equipment and personnel of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate (Dundalk) Fire Department respond to a call or incident on any roadway in Melancthon Township and where such call or incident involves a motor vehicle owned by a resident or non-resident, such resident or non-resident motor vehicle owner will be charged the fee set forth in Schedule “A” which is attached hereto and forms part of this By-law.
- 2.2 On every occasion where the vehicles, equipment and personnel of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate (Dundalk) Fire Department respond to a call or incident on any roadway in Melancthon Township under the jurisdiction of the Province of Ontario, and such call or incident involves a motor vehicle accident, a fee shall be charged to the Province of Ontario as set forth on Schedule “A” which is attached hereto and forms part of this By-law.
- 2.3 On every occasion where the vehicles, equipment and personnel of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate (Dundalk) Fire Department respond to a call or incident on any roadway in Melancthon Township under the jurisdiction of the County of Dufferin, and such call or incident involves a motor vehicle accident, a fee shall be charged to the County of Dufferin as set forth on Schedule “A” which is attached hereto and forms part of this By-law.
- 2.4 On every occasion where the vehicles, equipment and personnel of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate (Dundalk) Fire Department respond to a call or incident on any roadway in Melancthon Township, the Province of Ontario or the County of Dufferin where such call or incident involves Consumers Gas, Hydro One or Bell Canada, a fee shall be charged to the utility operation as set forth on Schedule “A” which is attached hereto and forms part of this By-law.
- 2.5 Fees charged under Section 2.1 to 2.4 shall be charged by the Secretary Treasurer of the Shelburne and District Fire Department or the Mulmur Melancthon Fire Department or the Treasurer of the Township of Melancthon. Fees collected by the Secretary Treasurer of the Shelburne and District Fire Department or the Mulmur Melancthon Fire Department shall be deposited in respective fire department accounts. Fees collected by the Treasurer of the Township of Melancthon shall be deposited in the General Account of the Township of Melancthon.

Part 3

FALSE ALARMS RESPONSE FEES

3.1 Notification Required - work on alarm system

No person shall undertake any work on any fire alarm system, without first notifying the applicable fire department.

3.2 Fees - False Alarms - Frequent

When the vehicles, equipment and personnel of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department or the Township of Southgate (Dundalk) Fire Department respond to false alarms, described in Items 1 and 2 of Column 1 of Schedule "B" attached hereto, the owner of the property at which the false alarm has occurred will be charged the applicable false alarm response fee set out in Items 1 and 2 of Column 2 of Schedule "B" which is attached hereto and forms part of this By-law.

3.3 Fees - Payable on or before due date

The Secretary Treasurer of the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Treasurer of the Township of Melancthon on behalf of Southgate (Dundalk) Fire Department shall mail or cause to be mailed no less than 60 days prior to the due date identified therein an invoice for the applicable false alarm response fee to the property owner of a property at which a false alarm occurred of the type set out in Schedule "B" which is attached hereto and forms part of this By-law.

3.4 Fees - Non payment - Collected like taxes

A false alarm response fee imposed upon an owner under Sections 3.1 and 3.2 of this By-law is a lien and charge upon the property of the owner at which a false alarm occurred and if the fee or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner, of the Township Clerk upon notice to the owner of the amount due, the person by whom it is due and the property upon which a lien is claimed, shall enter the same upon the collector's roll and the Tax Collector shall proceed to collect it in the same way as municipal taxes are collected.

3.5 Fees - Non payment - Interest Penalty

The Tax Collector shall add to the amount of any false alarm response fee due and unpaid interest at the rate of 1.25 percent per month for each month from the month in which the payment of the false alarm response fee was due and payable until the said fee is paid.

Part 4

INSPECTION AND MISCELLANEOUS FEES

- 4.1 Fees shall be charged for inspections and written responses to written requests relating to outstanding orders under the fire code or any act, regulation or fire services By-law(s).

- 4.2 Fees for services provided under Section 4.1 shall be in accordance with Schedule "B", Column 2, Item 3 which is attached hereto and forms part of this By-law.

Part 5

FAILURE TO ACQUIRE BURNING PERMIT - FIRE RESPONSE CHARGES

5.1 Burning Permits

No person shall light, ignite or start, or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without first having obtained a written permit to do so from the Clerk of the Township of Melancthon or member of staff of the Township of Melancthon.

5.2 Charges - Failure to Obtain a Burning Permit

Any person who lights, ignites or starts or allows or causes to be lighted, ignited or started, a fire of any kind whatsoever in the open air and who by his action causes the summons of a fire truck and fire brigade from the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department or the Township of Southgate (Dundalk) Fire Department without a valid permit, shall be responsible to the Township of Melancthon for expenses thereby incurred.

5.3 Charges - Payable on or before the Due Date

The Treasurer of the Township of Melancthon, shall mail or cause to be mailed an invoice for the applicable charges to the owner of a property at which a call occurred.

5.4 Charges - Non Payment - Collected like Taxes

All charges incurred as a result of a call under Section 5.2 of this By-law is a lien and charge upon the property of the owner at which the call occurred and if the charge or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner, of the Township Clerk upon notice to the owner of the amount due, the person by whom it is due and the property upon which a lien is claimed, shall enter the same upon the collector's roll and the Tax Collector shall proceed to collect it in the same way as municipal taxes are collected.

5.5 Charges - Non Payment - Interest Penalty

The Tax Collector shall add to the amount of any charge due and unpaid interest at the rate of 1.25 percent per month for each month from the month in which the payment of the charge was due and payable until the said charge is paid.

Part 6

ENACTMENT

This By-Law shall take effect and come into force on the passing thereof.
By-laws 22-2001,16-2004 & 9-2009 are here by repealed in entirety.

BY-LAW READ A FIRST AND SECOND TIME THIS 5th day of April, 2012.
BY-LAW READ A THIRD TIME AND PASSED THIS 5th day of April, 2012

Bill Hill

MAYOR

Kendy Atkinson

CLERK

(Acting)

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 12 -2012

SCHEDULE A - VEHICLE RESPONSE FEES

Fire Department

Service Fee

1. Shelburne and District Fire Department

\$665.00 per hour, per vehicle for the first hour
\$332.50 each additional half hour per vehicle
\$665.00 flat fee for calls where services not required.

2. Mulmur Melancthon Fire Department

\$618.00 per hour, per vehicle for the first hour
\$309.00 each additional half hour per vehicle
\$618.00 flat fee for calls where services not required.

3. Southgate Fire Department

\$665.00 per hour, per vehicle for the first hour
\$332.50 each additional half hour per vehicle
\$665.00 flat fee for calls where services not required.

*amended by
39-2012*

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 17-2012

SCHEDULE B - FALSE ALARM RESPONSE FEES

ITEM	COLUMN 1 Frequency of False Alarms	ITEM	COLUMN 2 False Alarm Fee
1.	Two or more false fire alarms to the same building in any thirty day period	1.	\$300.00 flat fee for the second false fire alarm and for any subsequent false alarm in that thirty day period
2.	Four or more false fire alarms to the same building in any twelve month period	2.	\$300.00 flat fee for the fourth false fire alarm and subsequent false fire alarm in that twelve month period

INSPECTION & MISCELLANEOUS FEES

ITEM	COLUMN 1 Description	ITEM	COLUMN 2 Fee
1.	Residential Inspections	1.	\$100.00 each
2.	Commercial Inspections	2.	\$200.00 each
3.	Industrial Inspections	3.	\$200.00 each
4.	Apartments	4.	\$100.00 base price plus \$10/Apt.
5.	Requests for Fire Reports	5.	\$50.00 each
6.	Miscellaneous Requests	6.	\$50.00 each

(For Inspections - Resident Requests are Excluded ~ only pertains to Insurance Companies, Lawyer Offices and Real Estate Transactions)

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 39 2012

A BY-LAW TO AMEND BY-LAW NO. 12-2012 - BEING A BY-LAW TO PROVIDE FOR ESTABLISHING TARIFF OF FEES FOR FIRE DEPARTMENT SERVICES AND REPEAL BY-LAWS 22-2001 & 16-2004 & 9-2009

Being a By-law to amend By-law No. 12-2012 which was passed in open Council on April 5, 2012.

WHEREAS the Council of the Corporation of the Township of Melancthon deems it expedient to amend By-law No. 12-2012.

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Melancthon enacts as follows:

- 1. That Part 6 Enactment shall become Part 7 and a new Part 6 shall read as:

SPECIALTY EQUIPMENT SERVICE FEE

- 1. On every occasion where vehicles, equipment and personnel of the Township of Southgate (Dundalk) Fire Department responds to a call or incident in the Township of Melancthon, the Province of Ontario or the County of Dufferin where such a call or incident involves retaining a private contractor, renting leasing or purchasing special equipment not normally on a fire apparatus, if necessary to suppress or extinguish a fire, preserve property, prevent fire spread or otherwise eliminate an emergency or for the purpose of determining the origin, cause or circumstances of any fire or explosion, a fee shall be charged to the property owner's insurance company for payment of all costs incurred as set forth on Schedule B which is attached hereto and forms part of this By-law.

- 2. That Schedule A be amended as follows:

Vehicle Response Fees

Table with 2 columns: Fire Department (Southgate Fire Department) and Service Fee (\$410.00 per hour, per vehicle for the first hour; \$205.00 each additional half hour per vehicle; \$410.00 flat fee for calls where services not required).

- 3. That Schedule B be added to the By-law and read as follows:

Specialty Equipment Service Fees

Table with 2 columns: Response (Retaining a private contractor, renting, leasing or purchasing specialty equipment) and Service Fee (all costs incurred).

This amendment shall take effect and come into force on the passing thereof.

By-law read a first and second time this 6th day of December, 2012.

By-law read a third time and passed this 6th day of December, 2012.

Signature of Mayor and the word MAYOR

Signature of Clerk and the word CLERK

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 39 -2012

SCHEDULE B

SPECIALTY EQUIPMENT SERVICE FEES

Response

Service Fee

Retaining a private contractor, renting,
leasing or purchasing specialty equipment

all costs incurred