

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2002 - 181

A BY-LAW TO RECOVER EXPENSES FOR EMERGENCY SERVICES RESPONSE TO MOTOR VEHICLE ACCIDENTS

Recitals

1. Section 220.1 of the *Municipal Act* authorizes municipalities to charge fees for its services and for the use of its property.
2. Council considers it expedient to charge non-taxpaying users for the City's expenses incurred through the Emergency Services Department's activities in responding to motor vehicle accidents.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2002-181.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **“At-Fault Driver”** means the operator of a motor vehicle which was the cause of an Incident, provided that neither the operator nor the vehicle owner are taxpayers of the City.
 - (b) **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - (c) **“City”** means The Corporation of the City of Kawartha Lakes.
 - (d) **“Council”** means the elected municipal council for the City.
 - (e) **“Director”** means the Director of the Emergency Services Department of the City.
 - (f) **“Extreme Need”** describes an Incident where, in the opinion of the Fire Chief, it is necessary and reasonable to send more than three Fire Vehicles to respond to the Incident. An example would be a motor vehicle collision involving more than fifteen (15) motor vehicles.
 - (g) **“Fire Fighter”** means a person employed by the City as either a full time fire fighter or a volunteer fire fighter, and includes any person within the City's employ whose duties and responsibilities include the suppression of fires.
 - (h) **“Fire Vehicle”** means any vehicle equipped to be of assistance in the suppression of fires.
 - (i) **“Incident”** means a motor vehicle accident to which the Emergency Services Department responds, whether it occurs on one of the City's highways, on other municipal property, or on private property.
 - (j) **“Kawartha Lakes”** means the geographic area over which the City has jurisdiction.
 - (k) **“Police Service”** means the entity with jurisdiction to provide policing services within Kawartha Lakes. Where there is more than one such entity, the term refers to the entity with jurisdiction over the geographic area particular to the circumstances.
 - (l) **“Prescribed Fee”** means twenty (\$20.00) dollars per hour or part of an hour.
- 1.02 **Interpretation Rules:**
- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
 - (b) References to items in the plural include the singular, as applicable.
 - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Article 2.00: Charges for the City's Emergency Response to Motor Vehicle Accidents
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- 2.01 **Requirement to Pay:** The At-Fault Driver involved in an Incident is responsible to pay to the City the following fees:
- (a) Three hundred and fifty (\$350.00) dollars for the first hour that a Fire Vehicle is in active attendance at an Incident (to a maximum of three (3) Fire Vehicles except in situations of Extreme Need);
 - (b) One hundred and seventy-five (\$175.00) dollars for each additional half hour, or part of a half-hour, that a Fire Vehicle is in active attendance at an Incident (to a maximum of three (3) Fire Vehicles except in situations of Extreme Need);
 - (c) The Prescribed Fee for all Firefighters who attend and take active part in resolution of the Incident for the time that they are in attendance at the Incident;
 - (d) The City's expenses, if any, incurred pursuant to Section 2.06 of this By-law.
- 2.02 **Determination of At-Fault Driver:** At the scene of an Incident, or as soon as reasonable practicable afterward, the Director shall obtain from the Police Service the identity of the At-Fault Driver and the details of that person's insurance policy, if any.
- 2.03 **Invoice:** The Director shall cause an invoice for the fees applicable pursuant to Section 2.01 of this By-law to the At-Fault Driver and/or to his or her insurance company within ten (10) days of the date of the Incident.
- 2.04 **Contents of Invoice:** Any invoice for services sent pursuant to Section 2.03 shall describe the service provided or done by the Emergency Services Department, when and where the service was provided or done, the reason for the service, the fee for the service, the terms of payment of the fee prescribed in this By-law, the due date for the payment, and the consequences of failing to pay the invoice.
- 2.05 **Payment Methods:** The fee for services is payable to the City, by cash, money order, cheque or credit card, no later than thirty days from the date of delivery of the invoice for the service.
- 2.06 **Delivery of the Invoice:** Invoices prepared in accordance with Section 2.03 shall be:
- (a) personally delivered to the At-Fault Driver and/or his or her insurance company; or
 - (b) sent by courier delivery service to the to the address of the At-Fault Driver at the address provided by the Police Service, and/or to his or her insurance company at the address provided by the Police Service;
 - (c) mailed, by regular mail, to the address of the At-Fault Driver at the address provided by the Police Service and/or to his or her insurance company at the address provided by the Police Service;
 - (d) transmitted by telephone facsimile transmission to the At-Fault Driver and/or to his or her insurance company; or
 - (e) transmitted by electronic mail transmission to the At-Fault Driver and/or to his or her insurance company.

2.07 **Deemed Delivery:** Invoices delivered are deemed to have been received by the addressee as follows:

Where the Invoice was:	Delivery is deemed to have occurred:
(a) personally delivered in accordance with Section 2.06(a)...	...immediately upon personal delivery
(b) delivered by courier service in accordance with Section 2.06(b)...	...on the next business day after the day upon which it was delivered
(c) mailed in accordance with Section 2.06(c)...	...on the third business day after the business day upon which it was mailed
(d) transmitted by facsimile in accordance with Section 2.06(d)...	...on the first business day after the business day upon which it was transmitted where proof of successful transmission is available
(e) transmitted by electronic mail delivery in accordance with Section 2.06(e)...	...on the date and at the time that the the recipient responds by electronic mail, acknowledging receipt.

2.08 **Debt to the City:** The amount of the invoice, together with any costs incurred by the City to collect the amount owed, together constitute a debt of the Owner to the City. The City may collect the debt through any method allowable at law.

2.09 **Paramourncy of the Fire Protection & Prevention Act, 1997:** Nothing in this By-law derogates from any powers, rights or duties of the City, the Director or his or her delegates under the *Fire Protection and Prevention Act, 1997*.

Article 3.00: Repeal of Prior Historic By-Laws; Effective Date
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3.01 **Repeals:** The following By-laws are repealed:

- (a) By-law number 1995-5 of The Corporation of the Village of Omemee;
- (b) By-law number 99-15 of The Corporation of the Village of Fenelon Falls;
- (c) By-law number 96-61 of The Corporation of the Township of Bexley;
- (d) By-law numbers 15-92, 2-95 and 28-95 of The Corporation of the Village of Bobcaygeon;
- (e) By-law numbers 26-92 and 16-95 of The Corporation of the Township of Verulam;
- (f) By-law number 60-99 of The Corporation of the Township of Fenelon;
- (g) By-law number 2000-12 of The Corporation of the Village of Sturgeon Point;
- (h) By-law number 97-06 of The Corporation of the Township of Mariposa;
- (i) By-law numbers 98-11 and 98-17 of The Corporation of the Township of Somerville;
- (j) By-law number 11-98 of the Corporation of the United Townships of Laxton, Digby & Longford; and
- (k) By-law number 1999-08 of The Corporation of the Township of Emily.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 26th day of November, 2002.

Mayor

Clerk