

TOWN OF STONEWALL
BY-LAW NO. 06-25

A By-Law of the Town of Stonewall to provide for the assessment and collection of fees and charges for the provision of fire emergency services.

PART I: AUTHORITY

WHEREAS The Municipal Act reads in parts as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property; ...
- (i) preventing and fighting fires; ...
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit; ...
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality; ...

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv),

247(1) Despite sections 243, 245 and 246, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.

247(2) This section applies whether or not the emergency involves a contravention of this or any other Act that the municipality is authorized or required to enforce, or a by-law.

247(3) A person who receives an oral or written order under this section requiring him or her to provide labour, services, equipment or materials must comply with the order.

247(4) A person who provides labour, services, equipment or materials under this section and who did not cause the emergency is entitled to reasonable remuneration from the municipality.

247(5) The costs of actions or measures taken to eliminate an emergency, including the remuneration referred to in subsection (4), are an amount owing

to the municipality by the person who caused the emergency and may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.

250(1) A municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (d) ... enter into agreements with one or more of the following regarding anything the municipality has power to do within the municipality:
 - (i) a person, ...

264 Every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of firefighting equipment and a fire protection force.

265 Fire protection services may be provided by a fire protection force comprised wholly or partly of volunteers.

266 For the purpose of providing fire protection services, a municipality may enter into an agreement with a person, another municipality or an agency or department of the Government of Manitoba or the Government of Canada.

267(1) A municipality or a party to an agreement under section 266 may fix a fee or other charge, or a method for determining a charge, for responses by the fire protection force to false alarms caused by automatic fire detection systems.

267(2) A fee or charge under subsection (1) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.

268 A fire protection force may, with the approval of the council, provide other services, including the prevention and relief of illness and injury and the preservation of life and property. ...

270 A fire protection force may take such action as it considers reasonably necessary, including using any real or personal property, entering a building or upon land and demolishing or removing a building, tree, structure or crop to provide fire protection services and, subject to the council's approval under section 268, to prevent injury and to preserve life and property.

AND WHEREAS Council of the Town of Stonewall deems it expedient and in the public interest to pass a by-law to impose fees and charges on persons to recover the cost of providing fire emergency services.

NOW THEREFORE the Council of the Town of Stonewall enacts as follows:

PART II: DEFINITIONS AND INTERPRETATION

By-Law Name

1(1) This by-law may be referred to as the Fire Services Fees By-Law.

Definitions

1(2) In this By-law, unless the context requires otherwise:

“CAO” means the Chief Administrative Officer of the Town;

“Council” means the Council of the Town;

“Emergency Services” means the provision of services by the Fire Department including those related to preventing, suppressing, extinguishing, and investigating fires;

“Emergency Services Fees” means the fees charged by the Town for Emergency Services provided at a Property;

“Fire Department” means the fire department established by the Town, or another fire department which provides Emergency Services within the Town at the Town’s cost;

“Obligated Party” means the Owner or Occupant of a Property where the Town provides Emergency Services, or the person who caused the emergency, and is responsible to pay Emergency Services Fees pursuant to this by-law;

“Occupant” means any person in actual or constructive possession of Property under a lease, tenancy, license, or other right to occupy;

“Owner” means a person with any right, title, estate or interest in land or property or improvements, including a person shown as the owner on the most current assessment records of the Town;

“Person” includes a corporation;

“Property” means any real property to which the Town has an obligation to provide Emergency Services; and

“Town” means the Town of Stonewall.

Part III: COLLECTION OF FEES

- 3(1) Where the Town provides Emergency Services at a Property, the Owner or Occupant of the Property shall be responsible to pay the Emergency Services Fees as calculated by the Town in accordance with Schedule “A” of this By-law.
- 3(2) Without limiting anything else in this By-law, the Town may recover Emergency Services Fees from the person who caused the emergency.
- 3(3) The CAO may waive all or part of the Emergency Services Fees payable under this By-law, in the CAO’s absolute discretion.
- 3(4) Emergency Services Fees imposed under this By-law are a debt owing to the Town and may be collected in the same manner as a real property tax on:
 - (a) the Property in relation to which the Emergency Services were provided; or
 - (b) any Property owned by the Obligated Party.
- 3(5) Any Emergency Services Fees collected, less administrative or agency costs incurred by the Town, shall be applied to the Fire Department for its capital or operational costs.
- 3(6) The Town may issue an invoice or claim for Emergency Services Fees to the insurer of an Obligated Party.

Part IV: APPEAL OF FEES

- 4(1) Where the Town issues an invoice or claim for Emergency Services Fees directly to an Obligated Party, the Obligated Party may, within 14 days of receiving the invoice or claim, appeal the Emergency Services Fees to Council by providing written notice of the appeal to the CAO.
- 4(2) Within 30 days after receiving a notice of appeal, the CAO shall set a date and time for the hearing of the appeal by Council and shall advise the person appealing the Emergency Services Fees of the date, time, and place of the hearing.
- 4(3) Upon hearing the appeal or within a reasonable period after, Council shall:
 - (a) confirm the Emergency Services Fees;
 - (b) vary the Emergency Services Fees; or
 - (c) cancel the Emergency Services Fees.

Part V: CONTRACTS WITH THIRD PARTIES

- 5(1) The Town may contract with any person to be the Town’s agent for the administration of this By-law, including:
 - (a) assessing an Obligated Party’s insurance coverage for Emergency
 - (b) Services Fees;
 - (c) filing claims with an Obligated Party’s insurance provider;

- (d) incident reporting;
- (e) data collection; or
- (f) charging and collecting fees from an Obligated Party, or their
- (g) insurance provider.

5(2) Council may, by resolution, authorize the Town to enter into a contract contemplated by this Part.

Part VI: GENERAL

6(1) The following Schedule is hereby attached and form part of this By-law and may be amended by resolution of Council:
(a) Schedule “A” – Fees and Charges for Emergency Services.

6(2) The failure to pay a fee required under this By-law is a contravention of this By-law.

6(3) If any provision of this by-law is declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of this by-law independent of the elimination of any such portion as declared invalid.

DONE AND PASSED BY THE COUNCIL OF THE TOWN OF STONEWALL, in Council duly assembled in the Town Hall this day of , A.D., 2025.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 21st day of May , A.D., 2025.

Read a second time this day of , A.D., 2025.

Read a third time this day of , A.D., 2025.

SCHEDULE “A”
Town of Stonewall By-Law No. 06-25

FEES AND CHARGES FOR EMERGENCY SERVICES

FALSE ALARM FIRES	
First false fire alarm	No Charge
Second false fire alarm	\$200
Third and subsequent false fire alarm	\$500
COST RECOVERY FEES	
Demolition	Actual Cost
Securing premises	Actual Cost
Removal of debris	Actual Cost
Standby time for waiting for contact person to arrive over 45 minutes	\$250/hour
FIRE FIGHTING SERVICES	
Initial response per apparatus (1 st hour or any portion thereof)	No Charge
Each additional hour per apparatus (or any portion thereof):	
• E20 Pumper	\$650.00
• T21 Tanker	\$300.00
• F19 Field Unit	\$200.00
• F22 Field Unit	\$200.00
• R23 Response Unit	\$300.00
• E24 Pumper	\$650.00
Mileage per apparatus	As per Resolution
OTHER COSTS	
Other costs or disbursements incurred by the Town in respect of Emergency Services	Actual Cost