

Bill No. 457
2013

By-law No. F-6-13_____

A By-law to amend By-law F-6 entitled, "A by-law to continue and regulate a Fire Department" to provide a mechanism to allow for the recovery of extraordinary costs related to any actions Fire Services is required to undertake, as a result of an incident that has occurred due to the failure of an owner to undertake the necessary steps to prevent a fire from occurring.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may (b) require persons to do things respecting the matter;

AND WHEREAS subsection 10 of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting the following matters: 6. Health, safety and well-being of persons; 7. services and things that the municipality is authorized to provide; 8. Protection of persons and property; 10. Structures;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that, if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may enter upon land at any reasonable time, and that the municipality may recover the costs of doing a matter or thing 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;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 provides in Part V for the rights of entry in fire investigations;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That By-law No. F-6 being "A By-law to continue and regulate a Fire Department: is hereby amended by deleting Section 14 in its entirety and by replacing it with the following new section 14:

"Owner Required to Take Necessary Actions

14 (a) The owner of a property is required to take any necessary actions required by the Fire Chief, or such other officer or Member as may be designated from time to time by the Fire Chief, with respect to Fire Protection Services (including but not limited to: prevention of fires; boarding up or barricading buildings, structures or things; retaining a private contractor; renting special equipment not normally carried on a fire apparatus; preserving property; preventing a fire from spreading; providing specialized rescue services; controlling and eliminating an emergency; preventing damage to equipment owned by or contracted to the City; making safe an incident or property).

(b) Where the owner does not take the necessary actions set out in 14(a), or where the owner cannot be located, the Fire Chief or such other officer or Member as may be designated from time to time by the Fire Chief, may authorize the work to be done at the owner's expense.

(c) The City may recover the costs of doing the work in subsection 14(b) from the owner: (i) by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, in accordance with the *Municipal Act, 2001*; or (ii) as a fee or charge if set out in a fees and charges by-law; or (iii) in the manner provided in the *Fire Protection and Prevention Act, 1997*.”

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on November 19, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – November 19, 2013
Second Reading – November 19, 2013
Third Reading – November 19, 2013