



BY-LAW 2009-

**A By-law to amend By-law No. 111-98, As amended by By-law 2002-181,
Being a By-law to charge fees for services provided by Fire and Emergency
Services for Emergency and No-Emergency Incidents**

WHEREAS paragraph 391 (1) (a) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:**

1. That section 1 (b) of By-law No. 111-98 be hereby deleted and replaced with the following:

(b) “Fire and Emergency Services” means a fire department for the Corporation of the Town of Markham within the meaning of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, and is deemed to include any member of the Fire and Emergency Services Division;
2. That the following be added to section 1 of By-law 111-98:

(l) “at fault” means the motor vehicle deemed to be at fault in a motor vehicle incident by the Police or by the Fire Emergency Services attending at the motor vehicle incident;
3. That section 2 of By-law No. 111-98 be hereby deleted and replaced with the following:

2 (a) When Fire and Emergency Services attend at the scene of a motor vehicle incident on a King’s Highway, Regional or Municipal Road, or a Private Road and provide firefighting and/or emergency services, the vehicle owner of the motor vehicle deemed to be at fault in the motor vehicle incident shall pay to the Corporation the Fees outlined in Town of Markham By-law 2002-272, as amended. In the event that it is determined by Fire Emergency Services that a vehicle owner deemed to be at fault is not at fault, then the Fire and Emergency Services reserves the right to deem another motor vehicle involved in the motor vehicle incident to be at fault and as such that vehicle owner shall pay to the Corporation the Fees outlined here.
4. That section 4 of By-law No. 111-98 be hereby deleted and replaced with the following:

When a fee is imposed pursuant to this by-law the Corporation shall send out, by ordinary mail to the last known address of the owner or the at fault vehicle owner, an invoice setting out the amount of the Fees owed to the Corporation.

5. That section 5 of By-law No. 111-98 be hereby deleted.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF , 2008.

KIMBERLY KITTERINGHAM, TOWN CLERK FRANK SCARPITTI, MAYOR