



**Town of Newmarket Council Extract
Council**

Title: Item 6.1 of the Draft Joint Council Committee Meeting Minutes of September 3, 2019: Motor Vehicle Collision (MVC) Cost Recovery Program

Date: 09/09/2019

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Councillor Bisanz

1. That Council approve the following recommendations of the Joint Council Committee:
 - a. That Fire Services Report 2019-03 (Revised) MVC Cost Recovery Program dated 2019-06-13 be received; and,
 - b. That the Joint Council Committee (JCC) review the options provided in this report and give approval to staff to proceed with option #3; and,
 - c. That JCC authorize a 24 month pilot of the MVC Cost Recovery Program; and,
 - d. That JCC approve the hiring of a regular part-time administrative assistant in October 2019 for a program launch in January 2020.

YES: 8

NO: 0

ABSENT: 1

Carried

YES: 8

Mayor Taylor	Deputy Mayor &	Councillor Simon	Councillor Woodhouse
Councillor Twinney	Regional Councillor	Councillor Broome	Councillor Bisanz
	Vegh		
	Councillor Kwapis		

NO: 0

ABSENT: 1

Councillor Morrison

Corporation of the Town of Newmarket

By-law 2019-60

A By-law to establish and require payment of fees and charges for certain services provided by Central York Fire Services for emergency or non-emergency incidents.

Whereas The Corporation of the Town of Newmarket and The Corporation of the Town of Aurora have established a consolidated fire and emergency services department known as Central York Fire Services through By-law 2001-146 to deliver emergency and non-emergency services; and,

Whereas subsections 210(31) and (32) of the Municipal Act R.S.O. 1990, c. M.45, as amended, authorize a municipality to enact by-laws imposing fees and charges for services provided directly by the municipality to a user of services and to vary such fees and charges as the municipality considers appropriate; and,

Whereas section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality; and,

Whereas the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it; and,

Whereas the Town of Newmarket has enacted a Fees and Charges By-law 2018-64, as amended from time to time, to establish fees or charges for services or activities provided by or done on behalf of it.

Therefore the Municipal Council of the Corporation of the Town of Newmarket enacts as follows:

Definitions

Note: definitions have been bolded for convenience purposes.

1. In this by-law,
 - a) “at fault” means the motor vehicle deemed to be at fault in a motor vehicle incident by the police or by the Central York Fire Services attending at the motor vehicle incident;
 - b) “Central York Fire Services” means the consolidated fire department established for the Corporation of the Town of Newmarket and the Corporation of the Town of Aurora 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 Central York Fire Services;
 - c) “Corporation” means The Corporation of the Town of Newmarket;

- d) “Deputy Fire Chief” means the person who has been appointed by Council to act in the place of the chief of the fire department in their absence or in the case of a vacancy in the office;
- e) “Fire Chief” means the person who is ultimately responsible to Council for the delivery of fire protection services;
- f) “firefighting and/or emergency services” includes all services related or incidental to the prevention, control, and suppression of fires and the protection of lives and property;
- g) “motor vehicle” as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- h) “motor vehicle incident” means Central York Fire Services attending the scene of a motor vehicle collision, fire or spill on any property in the Town of Newmarket or Town of Aurora;
- i) “owner” means the registered owner of property, or any person, firm or corporation having control over or possession of the property or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- j) “police” means the York Regional Police or Ontario Provincial Police;
- k) “vehicle owner” means the registered owner of vehicle, or any person, firm or corporation having control over or possession of the vehicle or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

Motor Vehicle Incidents

- 2. When **Central York Fire 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 **Corporation’s Fees and Charges By-law**, as amended.
- 3. In the event that it is determined by **Central York Fire Services** or the **police** that a **vehicle owner** deemed to be **at fault** is not **at fault**, then **Central York Fire 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 as established by the **Fees and Charges By-law**, as amended.

Administration and Enforcement

- 4. 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. Payment terms shall be net 30 days from the date of the invoice, after which time a finance charge of 1.25% per month (15% per annum) is applied to the outstanding balance monthly.

6. The fees imposed by this By-law may be waived or reduced where circumstances warrant with the approval of the **Central York Fire Services' Fire Chief** or **Deputy Fire Chief**.

Severability

7. Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being served here from and the remainder of the by-law shall continue in full force and effect.

Enacted this 30th day of September, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk