



BY-LAW NO. 296-2010

**A BY-LAW TO IMPOSE FEES AND CHARGES
FOR SERVICES AND MATERIALS RELATING TO
COLLISION RECONSTRUCTION PROVIDED BY THE
NIAGARA REGIONAL POLICE SERVICE**

1 PREAMBLE

- 1.1 WHEREAS the Regional Municipality of Niagara Police Services Board is responsible for the provision of police services and for law enforcement and crime prevention in the Regional Municipality;
- 1.2 AND whereas the Board has determined that it is appropriate to charge user fees in respect of certain service provided to any person;
- 1.3 AND whereas section 391 of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that a local board may pass by-laws imposing fees or charges on any class of persons for, inter alia, services or activities provided or done by or on behalf of it;
- 1.4 AND whereas section 396(1)(c) of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that variable fees are considered appropriate by the Board and may be charged in respect of such services;
- 1.5 AND whereas the Regional Municipality of Niagara must pass a resolution approving the imposition of charges for police services before it comes into force;
- 1.6 AND whereas the Board has determined that it would be appropriate to charge a user fee in respect of the preparation and sale of collision reconstruction reports and parts thereof.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 "*Motor Vehicle Accident Report (MTO)*" means a copy of the standard Ministry of Transportation accident/collision report completed in relation to a motor vehicle collision in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c.H.8.*, as amended, but shall not include witness statements or other personal information protected by the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M.56*, as amended;
- 2.2 "*Act*" means the *Police Services Act, R.S.O. 1990 c.P.15*, as amended;
- 2.3 "*Board*" means the Regional Municipality of Niagara Police Services Board;

- 2.4 “*Chief*” means the Chief of Police of the Niagara Regional Police Service;
- 2.5 “*Complete Collision Reconstruction Report*” includes the following documentation (where available), Ministry of Transportation accident/collision report, a field sketch, officer’s technical collision investigation field notes, field book, photographs, scale diagram, technical calculation notes, technical collision investigation report, vehicle inspection report, vehicle mechanical examination report, CDR system report and CDR supplementary reports and other documentation relating to the reconstruction of a collision but does not include an interview with members of the Niagara Regional Police Service.
- 2.6 “*Computer-Generated Scale Diagram*” means a computer-generated diagram produced to scale from input data obtained from a forensic surveying device to produce the precise aspects of the document;
- 2.7 “*Crash Data Retrieval (CDR) System Report*” means a technical report retrieved from a vehicle’s Event Data Recorder;
- 2.8 “*Field Book*” means a copy of the raw data captured and used for producing forensic scale diagrams;
- 2.9 “*Field Sketch*” means a hand-drawn sketch created by a member of Traffic Services at the scene of a collision;
- 2.10 “*Interview*” means an interview conducted with a member of the Niagara Regional Police Service Collision Reconstruction Unit;
- 2.11 “*Member*” means a member of the Niagara Regional Police Service as defined in the *Act*;
- 2.12 “*Officer’s Technical Collision Investigation Field Notes*” means the handwritten notes generated by a member of the Traffic Services or the Collision Reconstruction Unit while attending the scene of a collision;
- 2.13 “*Photographs*” means photographs taken at the scene and/or during the investigation of a collision by members of the Niagara Regional Police Service;
- 2.14 “*Scale Diagram*” means a hand-drawn diagram generated to scale;
- 2.15 “*Service*” means the Niagara Regional Police Service;
- 2.16 “*Technical Calculation Notes*” means technical calculation and mathematical notes completed by a member of the Niagara Regional Police Service Collision Reconstruction Unit or Traffic Services, and may include computer-generated reports, forms, and/or data used to obtain vehicle specifications;
- 2.17 “*Technical Collision Investigation Report*” means a Niagara Regional Police Service report outlining involved vehicles, a scene overview and may include atmospheric and lighting conditions, scene evidence, and includes a technical and collision analysis by a member of the Collision Reconstruction Unit;
- 2.18 “*Vehicle Inspection Report*” means the visual and technical analysis of damaged vehicles by a member of the Collision Reconstruction Unit;
- 2.19 “*Vehicle Mechanical Examination Report*” means a report generated by a licenced mechanic retained during the course of an investigation by the Niagara Regional Police Service relating to the mechanical fitness of vehicles involved in collisions.

3 CHARGES FOR SERVICE

- 3.1 Any person requesting and receiving any service described in Schedule "A" to this by-law shall pay the fee for such service as set out in the said Schedule "A", plus HST if applicable.
- 3.2 The fees and charges are due and payable prior to preparation and sale of the services listed in Schedule "A".

4 IMPLEMENTATION

- 4.1 By-law No. 189-2000, By-law No. 287-2009, and all other By-laws, and sections of By-laws inconsistent with the provisions of this By-law are hereby repealed.
- 4.2 This By-law shall come into force upon the date of its passage by Regional Council.
- 4.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this day of 2010.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

(Signed Original on File)
Chairperson

(Signed Original on File)
Executive Director

**SCHEDULE "A" TO BY-LAW 296-2010
FEE STRUCTURE FOR THE PREPARATION
AND SALE OF COLLISION RECONSTRUCTION REPORTS**

The following collision reconstruction data will be available from this Police Service.

Complete Collision Reconstruction Report **Fee: \$3,500.00**

This report includes all documentation outlined below, an incident synopsis, the officer's basis for reconstruction, and any conclusions made by a member of the Niagara Regional Police Service Collision Reconstruction Unit or Traffic Services. The volume of documentation will not affect the fee.

Interviews with any member of the Niagara Regional Police Service is an additional cost.

Accident Report (MTO) **Fee: \$35.00**

A copy of the standard Ministry of Transportation Motor Vehicle Accident/Collision Report completed in relation to a collision in accordance with the provisions of the *Highway Traffic Act* (Ontario), but shall not include witness statements or other personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario).

Crash Data Retrieval (CDR) System Report (Per Vehicle) **Fee: \$500.00**

A technical report retrieved from a vehicle's Event Data Recorder (if available).

CDR Supplementary Report (Per Vehicle) **\$150.00**

A technical report based on the analysis of information obtained from a CDR System Report (if available).

Field Book **Fee: \$100.00**

Copy of raw data used captured and used for producing forensic scale diagrams.

Field Sketch **Fee: \$250.00**

A hand-drawn sketch created by a member of Traffic Services and the Collision Reconstruction Unit at the scene of a collision.

Photographs (\$15.00 each) **Minimum Fee: \$150.00**

Photographs taken at the scene of a collision and/or during the investigation. A ten (10) photo minimum of \$150.00 will be charged for photo requests.

Scale Diagram (Size: 3 feet x 4 feet) **Fee: \$800.00**

A computer-generated diagram produced to scale. Input data will be obtained from a forensic surveying device to produce the precise aspects of the document.

Scale Diagram (Size: 8 inches x 11 inches) **Fee: \$400.00**

A computer-generated diagram produced to scale. Input data will be obtained from a forensic surveying device to produce the precise aspects of the document.

Technical Collision Investigation Field Notes (\$13.00/page) **Minimum Fee: \$78.00**

The handwritten notes generated by a member of the Collision Reconstruction Unit or Traffic Services while attending the scene of a collision. There will be a six (6) page minimum applied to requests for these documents.

Technical Collision Investigation Report (TCI Report) (\$13.00/page) **Minimum Fee: \$78.00**

A Police Service report, which the involved vehicles, a scene overview and may include atmospheric and lighting conditions, scene evidence, and includes a technical and collision analysis by a member of the Collision Reconstruction Unit. There will be a 6-page minimum applied to any request for these documents.

Technical Calculation Notes**Fee: \$500.00**

Technical calculation and mathematical notes completed by a member of the Collision Reconstruction Unit or Traffic Services. These calculations are used primarily to determine the speed of vehicles. May include computer-generated reports, forms, and/or data used to obtain vehicle specifications.

Vehicle Inspection Report (Per Vehicle)**Per Vehicle Fee: \$100.00**

Visual and technical analysis of a damaged vehicle (if available).

Vehicle Mechanical Examination Report (Per Vehicle)**Per Vehicle Fee: \$250.00**

A report generated by a licenced mechanic retained during the course of the investigation by the Police Service, relating to an examination for mechanical fitness of each vehicle involved in a collision and the identification of faults, if any (if available).

Interview with a member of the Niagara Regional Police Service**Collision Reconstruction Unit****Minimum Fee \$250.00**

Customers frequently request access to members of the Collision Reconstruction Unit for an interview. Interviews will be approved at a rate of \$250.00 for the first hour of the interview and \$75.00 for every hour thereafter or part thereof. Interviews will pertain to technical aspects of the investigation only.