



**THE CORPORATION OF THE CITY OF MISSISSAUGA
FIRE AND EMERGENCY SERVICES FEES AND CHARGES
BY-LAW 216-16**

WHEREAS section 2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, authorizes a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency fire services program;

AND WHEREAS The Corporation of the City of Mississauga has established a Fire Department being the Fire and Emergency Services Division of the Community Services Department to deliver firefighting and related emergency services;

AND WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the municipality;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that sections 9 and 11 of that Act authorize 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 for the use of the municipality's property, including property under its control;

AND WHEREAS subsection 391(2) of the *Municipal Act, 2001* provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time;

AND WHEREAS subsection 391(3) of the *Municipal Act, 2001* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

AND WHEREAS subsection 391(4) of the *Municipal Act, 2001* provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property;

AND WHEREAS subsection 391(5) of the *Municipal Act, 2001* provides that, in the event of a conflict between a fee or charge by-law and the *Municipal Act, 2001*, or any other act or regulation made under any other act, the by-law prevails;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITIONS

1. In this By-law,

“agency” includes any law enforcement agency, public utility, provincial or federal ministry together with any of its agencies, boards and commissions, the Electrical Safety Authority, the Technical Standards & Safety Authority and Metrolinx together with any other entity that has statutory regulatory or oversight authority;

“care facility” means a property being used to provide health care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and also means a property being used as a long-term care home as defined under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8;

“Corporation” means The Corporation of the City of Mississauga;

“emergency system” includes a sprinkler system, standpipe system, fire extinguishing system, smoke control system, emergency power system, fire pump system, voice communication system or any other device monitored through a fire alarm system;

“Fire & Emergency Services” means a Division of the Department of Community Services for the Corporation and being a fire department within the meaning of the *Fire Protection and Prevention Act 1997, S.O. 1997, c.4*, as amended, and is deemed to include any fire department personnel of the Fire & Emergency Services Division;

“firefighting and emergency services” includes all services related or incidental to the prevention, control and suppression of fires and the protection of lives and property, but excludes the provision of emergency medical and paramedical aid to victims of life-threatening injury or trauma;

“malicious act” means a wrongful act done intentionally by any person without just cause or excuse;

“member” means a full-time firefighter, volunteer firefighter and officer of Fire & Emergency Services;

“fire department personnel” means Fire Chief, Assistant Chief, Division Chief, Executive Officer and member of Fire & Emergency Services;

“Joint Fire Communications Centre” means the operational call centre that receives fire and emergency calls and dispatches fire apparatus and personnel for the City of Brampton’s, City of Mississauga’s and Town of Caledon’s fire stations;

“motor vehicle” has the same meaning as prescribed in the *Highway Traffic Act, R.S.O. 1990 c. H.8*, as amended;

“non-resident” means a person who is neither a property owner nor a tenant of property within the City of Mississauga;

“nuisance false alarm” means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper installation of the system or failure to maintain the system as prescribed by the Fire Code being O.Reg. 213/07, as amended, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system;

“person” includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as trustee, executor, administrator, or other legal representative;

“property” means any public or private real property within the City of Mississauga, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown; and

“property 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 a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

2. Council hereby establishes the fees and charges as set out in Schedules “A” and “B” to this By-law.
3. The fees as listed in Schedules “A” and “B” to this By-law will be subject to the Harmonized Sales Tax (“HST”) where applicable.
4. No discounts apply for early payment of any fee set out in Schedule “A” or “B” to this By-law.
5. Payment of all fees is due at the time the expense is incurred for those identified in Schedule “B”, or within thirty (30) days of receipt of an invoice issued by the Corporation with respect to fees identified in Schedule “A” unless otherwise stated, and may be made by Visa, MasterCard, American Express, banker’s draft payable to the Corporation, Interac Debit banking card, cash or certified cheque, where available.

6. This By-law shall be known as the “Fire & Emergency Services Fees and Charges By-Law”.

FIRE ALARMS

7. If Fire & Emergency Services attends at a property in response to a fire alarm and upon conducting an investigation fire department personnel determine that the alarm is a nuisance false alarm, the property owner shall be charged the fee as stipulated in Schedule “A” attached to this By-law.
8. If a property owner fails to notify the Joint Fire Communication Centre in advance of any work being conducted on a fire alarm system or emergency system at a property, and as a result of the work being done on a fire alarm system or emergency system a false alarm is triggered, the property owner shall be charged the fee as stipulated in Schedule “A” attached to this By-law if Fire & Emergency Services responds to the false alarm.
9. If Fire & Emergency Services responds to a fire alarm and upon conducting an investigation fire department personnel determine that the alarm is a false alarm occurring as a result of a malicious act, the property owner shall be charged the fee as stipulated in Schedule “A” attached to this By-law.

MOTOR VEHICLE ACCIDENTS

10. If Fire & Emergency Services attends at the scene of a motor vehicle accident on any property within the City of Mississauga and provides firefighting or other emergency services, and if the owner of the motor vehicle is a non-resident, the Corporation shall charge the fee stipulated in Schedule “A” attached to this By-law to any one or more of the following: the non-resident driver, the owner and the insurance company, in order to recover full payment of the stipulated fee.
11. If Fire & Emergency Services attends at the scene of a motor vehicle fire on any property within the City of Mississauga and provides firefighting or other emergency services, and if the owner of the motor vehicle is a non-resident, the Corporation shall charge the fee stipulated in Schedule “A” attached to this By-law to either or both of the non-resident owner and the insurance company in order to recover full payment of the stipulated fee.

NON-EMERGENCY ELEVATOR INCIDENT RESPONSE

12. If Fire & Emergency Services attends at a property in response to a stalled elevator and determines that the confined individual(s) does not have urgent medical needs and is not in immediate danger as a result of the elevator being inoperative, the property owner shall be charged the fee as stipulated in Schedule “A” attached to this By-law.

NATURAL GAS INCIDENT RESPONSE

13. If Fire & Emergency Services attends at a property in response to a natural gas leak, the property owner shall be charged the fee as stipulated in Schedule “A” attached to this By-law.

FIRE EXTINGUISHER TRAINING

14. If Fire & Emergency Services provides fire extinguisher training sessions to a requester, the requester shall be charged the fee as stipulated in Schedule “A” attached to this By-law.

FIRE INSPECTIONS

15. For the provision of requested fire related inspection services, the requester shall be charged the fee as stipulated in Schedule “B” attached to this By-law.

PERMITS AND APPLICATIONS

16. For all fire related permit requests, designated fire route applications and Propane Facility License applications, the requester shall be charged the fee as stipulated in Schedule “B” attached to this By-law.

FIRE REPORTS AND FILE SEARCHES

17. For all fire related file searches, environmental searches and fire report requests, the requester shall be charged the fee as stipulated in Schedule "B" attached to this By-law.

EXTRAORDINARY EXPENSES

18. If Fire & Emergency Services responds to a fire or other emergency at a property and determines, or the Fire Chief or Assistant Chief determines, that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water, and medical supplies, in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, the property owner shall be charged the expenses incurred by Fire & Emergency Services for retaining a private contractor, renting special equipment and/or using consumable materials, as applicable.
19. If Fire & Emergency Services responds to a request for assistance from a property owner or designate, another agency, a care facility, or at a property that is being used for the manufacture, cultivation, trade or distribution of a controlled substance, as this term is defined in the City's Controlled Substance Manufacture Operations Prevention By-law No. 225-2003, as amended, all of the expenses incurred as a result of the attendance, which include, but are not limited to the costs of vehicles, labour, equipment, materials and administration, shall be charged to the property owner, and all such costs shall be recovered as a fee under this By-law.
20. If Fire & Emergency Services responds to a fire or other emergency at a property and incurs damage or contamination to equipment such as personal protective equipment, hoses or other non-consumable materials that require cleaning and decontamination or replacement thereof, as a result of the service to suppress or extinguish a fire, preserve property, prevent a fire from spreading, or otherwise control and eliminate an emergency, the property owner shall be charged the expenses incurred by Fire & Emergency Services for cleaning and decontamination or replacement of equipment, as applicable, and shall be recovered as a fee under this By-law.

ADMINISTRATION AND ENFORCEMENT

21. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under Schedule "A" of this By-law and the person shall pay the fee within thirty (30) days of receipt of the invoice.
22. The Corporation may deliver an invoice either personally, or by registered mail, or by ordinary mail to a person's home address or, in the case of a property owner, to the property owner's address as recorded on the Corporation's assessment roll. Receipt of an invoice shall be deemed to have occurred:
 - a) on the date of delivery in the case of personal delivery,
 - b) three days after mailing by registered mail if delivered to an address within the City of Mississauga,
 - c) five days after mailing by registered mail if delivered to an address outside of the City of Mississauga,
 - d) five days after mailing by ordinary mail if delivered to an address within the City of Mississauga, or
 - e) seven days after mailing by ordinary mail if delivered to an address outside of the City of Mississauga.
23. A fee imposed upon a person under this By-law, including any interest charges and costs of collection, constitutes a debt of the person to the Corporation.
24. For fees imposed pursuant to sections 7, 8 and 9, consideration will be given to waiving or reducing fees where the property owner has demonstrated that significant measures have been undertaken to refurbish the fire protection system to prevent future occurrences. This will be subject to the approval of the Corporation's Fire Chief or his designate.
25. If a person who is charged a fee under Schedule "A" of this By-law fails to pay the fee within thirty (30) days of receipt of an invoice, the person shall be charged interest commencing on the thirty-first day that the fee remains unpaid at the rate as stipulated in Schedule "A" attached to this By-law, unless precluded by by-law or legislation.

26. If a property owner who is charged a fee under Schedule "A" of this By-law fails to pay the fee within ninety (90) days of receipt of an invoice, the Corporation may add the fee, including interest, to the tax roll for any real property in the City of Mississauga registered in the name of the owner and collect the fee, including interest, in like manner as municipal taxes.

GENERAL

27. Schedules "A" and "B" shall form and be an integral part of this By-law.
28. Should any part of this By-law, including any part of Schedule "A" or Schedule "B", be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law, including the remainder of Schedules "A" and "B", as applicable, shall continue to operate and to be in force and effect.
29. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
30. Any decision or determination required to be made by the City or any official of the City under this By-law shall be made in the sole and absolute discretion of the City or the City official.
31. By-law 242-15 is hereby repealed effective end of day on December 31, 2016.
32. This By-law shall come into force and effect on January 1, 2017.

ENACTED and PASSED this 26TH day of October, 2016.

Signed by: Bonnie Crombie, Mayor and Crystal Greer, City Clerk

SCHEDULE "A"
COMMUNITY SERVICES DEPARTMENT
FIRE AND EMERGENCY SERVICES

| Emergency Response Fees | Fee |
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| <p>1. For response to nuisance false alarms:</p> <p>a. For all properties required by legislation to be provided with a code compliance fire alarm system:</p> <p style="padding-left: 40px;">i. Where monitoring is not augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year: Nil</p> <p style="padding-left: 40px;">ii. Where monitoring is augmented by a direct electronic data connection to the fire department, first 4 false alarms in any calendar year: Nil</p> <p style="padding-left: 40px;">iii. Each subsequent false alarm in any calendar year: \$900.00</p> <p>b. For all other properties:</p> <p style="padding-left: 40px;">i. First false alarm in any calendar year: Nil</p> <p style="padding-left: 40px;">ii. Second false alarm in any calendar year: \$200.00</p> <p style="padding-left: 40px;">iii. Third & subsequent false alarms in any calendar year: \$900.00</p> <p>c. For incorporated not-for-profit and registered charitable organizations:</p> <p style="padding-left: 40px;">i. First false alarm in any calendar year: Nil</p> <p style="padding-left: 40px;">ii. Second false alarm in any calendar year (without required documentation of not-for-profit or charitable status): \$900.00</p> <p style="padding-left: 40px;">iii. Second false alarm in any calendar year (with required documentation of not-for-profit or charitable status): \$200.00</p> <p style="padding-left: 40px;">iv. Third & subsequent false alarms in any calendar year: \$900.00</p> <p>For the purposes of this section all nuisance false alarms within a consecutive 72 hour period will be treated as a single incident.</p> | |
| <p>2. For responding to false alarms occurring as a result of work being performed on a fire alarm system or emergency system:</p> <p>a. For all properties required by legislation to be provided with a code-compliant fire alarm system for properties:</p> <p style="padding-left: 40px;">i. Where monitoring is not augmented by a direct electronic data connection to the fire department, any false alarm: \$900.00</p> <p style="padding-left: 40px;">ii. For properties where monitoring is augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year: Nil</p> <p style="padding-left: 40px;">iii. Each subsequent false alarm in any calendar year: \$900.00</p> <p>b. For all other properties:</p> <p style="padding-left: 40px;">i. First false alarm in any calendar year: Nil</p> <p style="padding-left: 40px;">ii. Second false alarm in any calendar year: \$200.00</p> <p style="padding-left: 40px;">iii. Third & subsequent false alarms in any calendar year: \$900.00</p> <p>c. For incorporated not-for-profit and registered charitable organizations:</p> <p style="padding-left: 40px;">i. First false alarm in any calendar year: NIL</p> <p style="padding-left: 40px;">ii. Second false alarm in any calendar year (without required documentation of not-for-profit or charitable status): \$900.00</p> <p style="padding-left: 40px;">iii. Second false alarm in any calendar year (with required documentation of not-for-profit or charitable status): \$200.00</p> <p style="padding-left: 40px;">iv. Third & subsequent false alarms in any calendar year: \$900.00</p> | |
| <p>3. For responding to false alarms occurring as a result of a malicious act:</p> <p>a. For properties where monitoring is not augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year: Nil</p> <p>b. For properties where monitoring is augmented by a direct electronic data connection to the fire department, first 4 false alarms in any calendar year: Nil</p> <p>c. Each subsequent false alarm in any calendar year: \$900.00</p> | |

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| d. For incorporated not-for-profit and registered charitable organizations: | |
| i. First false alarm in any calendar year: | Nil |
| ii. Second false alarm in any calendar year (without required documentation of not-for-profit or charitable status): | \$900.00 |
| iii. Second false alarm in any calendar year (with required documentation of not-for-profit or charitable status): | \$200.00 |
| iv. Third & subsequent false alarms in any calendar year: | \$900.00 |
| 4. For attending at the scene of a motor vehicle accident or at the scene of a motor vehicle fire and providing firefighting or other emergency services to a non-resident: | |
| a. For the first hour or any part thereof: | \$465.00 per truck dispatched |
| b. For each additional one-half hour or part thereof: | \$232.05 per truck dispatched |
| 5. For attending a non-emergency elevator incident: | |
| a. For the first hour or any part thereof: | \$450.00 per truck dispatched |
| b. For each additional one-half hour or part thereof: | \$225.00 Per Truck dispatched |
| 6. For attending a natural gas incident: | |
| a. For the first hour or any part thereof: | \$450.00 per truck dispatched |
| b. For each additional one-half hour or part thereof: | \$225.00 per truck dispatched |
| 7. For responding to assistance requests by other agencies: | |
| a. For the first hour or any part thereof: | \$450.00 per truck dispatched |
| b. For each additional one-half hour or part thereof: | \$225.00 per truck dispatched |
| 8. Fee Recovery for the replacement/repair and/or cleaning of front line and personal protective equipment | Corporation's Actual Cost Per Incident |
| For Fire Extinguisher Training | Fee |
| 1. For Fire Extinguisher Training, per requested date, per location, for a group of up to 25 persons maximum per session, between 9:00 – 17:00 hours Monday to Friday | |
| a. Initial session: | \$562.38 |
| b. Each additional session, within one hour of the last session: | \$255.44 |
| c. Each additional session, from between one hour to two hours of the last session: | \$368.74 |
| d. Each additional session over two hours from the last session: | \$562.38 |
| 2. For Fire Extinguisher Training, per requested date, per location, for a group of up to 25 persons maximum per session, between 17:00 – 9:00 hours Monday to Friday, Weekends and Statutory Holidays: | |
| a. Initial session: | \$844.60 |
| b. Each additional session, within one hour of the last session: | \$384.19 |
| c. Each additional session, from between one hour to two hours of the last session: | \$554.14 |
| d. Each additional session over two hours from the last session: | \$844.60 |
| Interest to be imposed on fees and charges overdue by thirty days at a rate of 1.25% per month applied and compounded every 30 days (for an effective rate of 16.08% per annum), unless precluded by by-law or legislation: | 1.25% per month 16.08% per annum |

SCHEDULE "B"
COMMUNITY SERVICES DEPARTMENT
FIRE AND EMERGENCY SERVICES

| Fire Inspections & Permits | Fee |
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| <u>PAID INSPECTION – COMMERCIAL (GROUP A, D & E OCCUPANCY)</u> <ul style="list-style-type: none"> • Inspect base building OR, 1 occupancy plus common elements up to 10,000 sq. ft. (929 square meters (m²)): \$185.40 • Inspect each additional 3,000 sq. ft. (279 square meters (m²)): \$28.84 • Inspect each occupancy in addition to base building: \$57.68 • Repeat follow up inspections on a violation: \$75.19 | |
| <u>PAID INSPECTION – INDUSTRIAL (GROUP F OCCUPANCY)</u> <p><u>To Inspect, Base Building OR, One Occupant up to 10,000 sq. ft. (929 m²)</u></p> <ul style="list-style-type: none"> • Inspect base building OR, 1 occupant & common elements: \$244.11 • Inspect each tenant/occupant in addition to base building: \$57.68 <p><u>To Inspect, Base Building OR, One Occupant over 10,000 sq. ft. (929 m²)</u></p> <ul style="list-style-type: none"> • Inspect base building OR, 1 occupant & common elements first 10,000 sq. ft. (929 m²): \$244.11 • Inspect each additional 3,000 sq. ft. (279 m²): \$28.84 • Inspect each tenant/occupant in addition to base building: \$57.68 • Repeat follow up inspection on a violation: \$75.19 | |
| <u>PAID INSPECTION – RESIDENTIAL (GROUP C)</u> <ul style="list-style-type: none"> • Daycare, Group Home, Single Family Resident, PLASP, 1 to 2 Floors: \$144.20 <p><u>Multi Tenant Low Rise – 3 to 6 Floors</u></p> <ul style="list-style-type: none"> • Inspect base building: \$357.41 • Inspect each tenant/occupancy/apartment: \$8.24 <p><u>Multi Tenant High Rise – Over 6 Floors</u></p> <ul style="list-style-type: none"> • Inspect base building: \$469.68 • Inspect each tenant/occupancy/apartment: \$8.24 • Repeat follow up inspections on a violation: \$75.19 | |
| FIRE ROUTE APPLICATIONS | \$198.79 |
| <u>OPEN AIR BURNING PERMITS</u> <ul style="list-style-type: none"> • Single Day (1) Clearance: \$23.69 • Seven Day (7) Clearance: \$94.76 • Twenty-eight Day (28) Clearance: \$165.83 | |
| FIREWORKS DISPLAY PERMITS – Class 7.2.1 & 7.2.2. | \$238.96 |
| FIREWORKS DISPLAY PERMITS – Class 7.2.5 | \$212.18 |
| FIREWORKS VENDOR LICENSE APPLICATION | \$144.20 |
| MARIJUANA GROW-OP INVESTIGATION AND COMPLIANCE INSPECTION - Per Address | \$590.19 |
| PROPANE LICENSE APPLICATION REVIEW – Per Address | \$221.45 |
| <u>SPECIAL REQUEST INSPECTION SERVICES: (Inspections performed outside of normal business hours)</u> <p><u>BILLABLE OVERTIME – Inspector:</u> Current hourly overtime rate (minimum 3 hours) \$65.25</p> <p><u>BILLABLE OVERTIME – Captain:</u> Current hourly overtime rate (minimum 3 hours) \$75.70</p> | |

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| NON-LEGISLATIVE FIRE SAFETY PLAN REVIEW (Reviews that are not required under the Ontario Fire Code) | |
| Fire Inspector Rate Current hourly rate (minimum 3 hours) | \$43.50 |
| SPECIAL REQUEST FIRE PLANS EXAMINATION SERVICES: (Plans examination conducted outside of normal business hours) | |
| BILLABLE OVERTIME – Plans Examiner Current hourly overtime rate (minimum 3 hours) | 68.54 |
| BILLABLE OVERTIME – Plans Examination Officer: Current hourly overtime rate (minimum 3 hours) | 78.32 |
| Reports and File Searches | Fee |
| REPORTS AND FILE SEARCHES - ENVIRONMENTAL – Per Address | \$135.96 |
| REPORTS AND FILE SEACHES – FIRE REPORTS – Per Address | \$82.40 |
| REPORTS AND FILE SEARCHES – FIRE REPORTS – Per Unit | \$11.33 |
| Interest to be imposed on fees and charges overdue by thirty days at a rate of 1.25% per month applied and compounded every 30 days (for an effective rate of 16.08% per annum), unless precluded by by-law or legislation: | 1.25% per month 16.08% per annum |