



**THE CORPORATION OF THE CITY OF MISSISSAUGA
FIRE & EMERGENCY SERVICES FEES AND CHARGES
BY-LAW 350-10**

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 together with fire protection services;

AND WHEREAS section 391 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, authorizes a municipality by by-law 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;

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;

“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 of 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 member 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;

“Government body” includes, as designated by the City’s Director, Revenue and Materiel Management, (i) any Ontario municipality together with its agencies, boards and commissions; (ii) a public utility or public transportation system owned or operated by the City or the Region of Peel or by their boards; (iii) the Governments of Canada and Ontario together with their ministries and agencies; (iv) a board as defined in the *Education Act*, R.S.O. 1990,c.E.2, as amended, and any school operated by a board and located within the boundaries of the City of Mississauga; an Ontario university, college of applied arts and technology or other post-secondary institution; (v) an institution approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended; and a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c.C.27, as amended.

“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, but excludes the Fire Chief, Deputy Fire Chief and an administrative secretary to the Fire Chief;

“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;

“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;

“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 Ontario Regulation 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;

“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;

“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 and charges as listed in Schedules “A” and “B” to this By-law are subject to the Harmonized Sales Tax (H.S.T.) where applicable.
4. No discounts apply for early payment of any fee set out in Schedule “A” and “B” to this By-Law.
5. Payment of all fees and charges listed in Schedule “A” is due within 30 days of receipt of an invoice issued by the Corporation unless otherwise stated in Schedule “A”. Payment of all fees and charges listed in Schedule “B” is due in advance of the requested service or at the time the expense is incurred unless otherwise stated in Schedule “B”. Payments may be made by cash, Visa, MasterCard, American Express, banker's draft or certified cheque payable to the Corporation, or Interac Debit banking card where available. The Corporation will not accept cheques that are not certified.
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 a member of Fire & Emergency Services determines 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 Fire & Emergency Services Communications 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 a member of Fire & Emergency Services determines 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, to a non-resident driver, the Corporation shall charge the fee stipulated in Schedule “A” to any one or more of 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” to either or both of the non-resident owner or 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 bylaw.

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 bylaw.

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 bylaw.

EXTRAORDINARY EXPENSES

18. If Fire & Emergency Services responds to a fire or other emergency at a property and determines, or the Fire Chief or Deputy Fire Chief determines, that it is necessary to retain a private contractor, or 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, all costs and expenses incurred by Fire & Emergency Services for retaining a private contractor, renting special equipment and/or for all consumable materials used other than water and medical supplies, as applicable, shall be charged to the property owner and recovered as a fee under this By-Law.

19. If Fire & Emergency Services responds to a request for assistance:
- a) from another agency,
 - b) from a property owner, or
 - c) to a property that is being used for the manufacture, cultivation, trade and/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 costs and expenses incurred as a result of the attendance, which include, but are not limited to the costs and expenses 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.

ADMINISTRATION AND ENFORCEMENT

20. 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.
21. A fee or charge 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.
22. For fees or charges imposed pursuant to sections 7, 8 and 9, consideration will be given to waiving or reducing fees or charges 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 Fire Chief or his designate.
23. If a person who is charged a fee or charge under this by-law fails to pay the fee within thirty days of the date upon which payment is due, the person shall be charged interest commencing on the thirty-first day that the fee remains unpaid at the rate 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. Government bodies are exempt from interest.
24. If a property owner who is charged a fee or charge under this by-law fails to pay the fee or charge within ninety days of receipt of an invoice, the Corporation may add the fee or charge, 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 or charge, including interest, in like manner as municipal taxes.

GENERAL

25. By-Laws 541-04 as amended, and 485-05 are hereby repealed effective end of day on December 31, 2010.
26. Schedules "A" and "B" shall be deemed to be an integral part of this By-Law.

27. Should any part of this By-Law, including any part of Schedules “A” or “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” or “B”, as applicable, shall continue to operate and to be in force and effect.
28. This By-law shall come into force and effect on January 1, 2011.

ENACTED AND PASSED this 15TH day of December, 2010
Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

SCHEDULE "A"

COMMUNITY SERVICES DEPARTMENT
FIRE AND EMERGENCY SERVICES

Emergency Response Fees	FEE
<p>1. For responding to nuisance false alarms:</p> <p>(a) For all properties required by legislation to be provided with a code compliant fire alarm system:</p> <p>(i) where monitoring is not augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year:</p> <p>(ii) where monitoring is augmented by a direct electronic data connection to the fire department, first 4 false alarms in any calendar year:</p> <p>(iii) each subsequent false alarm in any calendar year:</p> <p>(b) For all other properties:</p> <p>(i) first false alarm in any calendar year:</p> <p>(ii) second false alarm in any calendar year:</p> <p>(iii) third & subsequent false alarms in any calendar year:</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>Nil</p> <p>Nil</p> <p>\$820.00</p> <p>Nil</p> <p>\$200.00</p> <p>\$820.00</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-complaint fire alarm system for properties:</p> <p>(i) where monitoring is not augmented by a direct electronic data connection to the fire department, any false alarm:</p> <p>(ii) for properties where monitoring is augmented by a direct electronic data connection to the fire department, first false alarm in any calendar year:</p> <p>(iii) each subsequent false alarm in any calendar year:</p> <p>(b) For all other properties:</p> <p>(i) first false alarm in any calendar year:</p> <p>(ii) second false alarm in any calendar year:</p> <p>(iii) third & subsequent false alarms in any calendar year:</p>	<p>\$820.00</p> <p>Nil</p> <p>\$820.00</p> <p>Nil</p> <p>\$200.00</p> <p>\$820.00</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:</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:</p> <p>(c) each subsequent false alarm in any calendar year:</p>	<p>Nil</p> <p>Nil</p> <p>\$820.00</p>
<p>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:</p> <p>(a) for the first hour or any part thereof:</p> <p>(b) for each additional one-half hour or part thereof:</p>	<p>\$410.00 per truck dispatched</p> <p>\$205.00 per truck dispatched</p>
<p>5. For attending a non-emergency elevator incident:</p> <p>(a) for the first hour or any part thereof:</p> <p>(b) for each additional one-half hour or part thereof:</p>	<p>\$410.00 per truck dispatched</p> <p>\$205.00 per truck dispatched</p>

<p>6. For attending a natural gas incident:</p> <p>(a) for the first hour or any part thereof:</p> <p>(b) for each additional one-half hour or part thereof:</p>	<p>\$410.00 per truck dispatched</p> <p>\$205.00 per truck dispatched</p>
<p>7. For responding to assistance requests by other agencies:</p> <p>(a) For the first hour or any part thereof:</p> <p>(b) For each additional one-half hour or part thereof:</p>	<p>\$410.00 per truck dispatched</p> <p>\$205.00 per truck dispatched</p>
<p>Fire Extinguisher Training Sessions</p>	<p>FEE</p>
<p>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:</p> <p>(a) Initial session</p> <p>(b) Each additional session held within one hour after the previous session:</p> <p>(c) Each additional session held between one to two hours after the previous session;</p> <p>(d) Each additional session held more than two hours after the previous session:</p> <p>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:</p> <p>(a) Initial session</p> <p>(b) Each additional session held within one hour after the previous session:</p> <p>(c) Each additional session held between one to two hours after the previous session;</p> <p>(d) Each additional session held more than two hours after the previous session:</p>	<p>\$500.00</p> <p>\$230.00</p> <p>\$330.00</p> <p>\$500.00</p> <p>\$750.00</p> <p>\$340.00</p> <p>\$490.00</p> <p>\$750.00</p>
<p>Interest to be imposed on all fees listed in Schedules “A” and “B” when overdue by thirty days:</p>	<p>1.25%/month (16.08%/year)</p>

SCHEDULE "B"
COMMUNITY SERVICES DEPARTMENT
FIRE AND EMERGENCY SERVICES

Fire Inspections & Permits	FEE
<u>PAID INSPECTION - COMMERCIAL (GROUP A, D, & E OCCUPANCY)</u>	
Inspect base building OR, 1 occupancy plus common elements up to 10,000 sq. ft. (929 sq. M.)	\$166.00
Inspect each additional 3,000 sq. ft. (279 sq. M.)	\$26.00
Inspect each occupancy in addition to base building	\$51.00
Repeat follow up inspections on a violation	\$68.00
<u>PAID INSPECTION - INDUSTRIAL (GROUP F OCCUPANCY)</u>	
<u>To Inspect, Base Building OR, One Occupant up to 10,000 sq. ft. (929 sq. M.)</u>	
Inspect base building OR, 1 occupant & common elements	\$216.00
Inspect each tenant/occupant in addition to base building	\$51.00
<u>To Inspect, Base Building OR, One Occupant over 10,000 sq. ft. (929 sq. M.)</u>	
Inspect base building OR, 1 occupant & common elements first 10,000 sq. ft. (929 sq. M.)	\$216.00
Inspect each additional 3,000 sq. ft. (279 sq. M.)	\$26.00
Inspect each tenant/occupant in addition to base building	\$51.00
Repeat follow up inspection on a violation	\$68.00
<u>PAID INSPECTION – RESIDENTIAL (GROUP C)</u>	
Daycare, Group Home, Single Family Residence, PLASP, 1 to 2 floors	\$128.00
<u>Multi Tenant Low Rise - 3 to 6 floors</u>	
Inspect Base building	\$316.00
Inspect each tenant/occupant/apartment	\$8.00
<u>Multi Tenant High Rise - Over 6 floors</u>	
Inspect base building	\$417.00
Inspect each tenant/occupant/apartment	\$8.00
Repeat follow up inspections on a violation	\$68.00
FIRE ROUTE APPLICATIONS	\$177.00
OPEN AIR BURNING PERMITS	
Single Day (1) clearance	\$21.00
Seven Day (7) clearance	\$85.00
Twenty-eight Day (28) clearance	\$150.00
FIREWORKS DISPLAY PERMITS	\$100.00
FIREWORKS VENDOR LICENSE INSPECTION	\$128.00
MARIJUANA GROW-OP INVESTIGATION AND COMPLIANCE INSPECTION - Per Address	\$515.00
PROPANE LICENSE APPLICATION REVIEW - Per Address	\$200.00
Reports and File Searches	FEE
FILE SEARCH/FILE REPORTS FOR ENVIRONMENTAL ISSUES – Per Address	\$120.00
FILE SEARCH/FIRE REPORTS INFORMATION – Per Address	\$73.50
Interest to be imposed on all fees listed in Schedules "A" and "B" when overdue by thirty days:	1.25%/month (16.08%/year)