



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
ROAD OCCUPANCY, LOT GRADING, MUNICIPAL SERVICES PROTECTION  
DEPOSIT BY-LAW 0401-2009**

**WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a municipality may enact by-laws to regulate or prohibit in regard to: highways and storm sewers and drainage; the alteration of grade of land; and the excavating, construction and the use of trenches;

**AND WHEREAS** pursuant to the *Municipal Act, 2001* as part of the power to regulate or prohibit a matter, a municipality may, among other things, require persons to do things respecting the matter and provide for a system of permits;

**AND WHEREAS** pursuant to the *Municipal Act, 2001* a municipality possesses certain enforcement powers including the authority to undertake remedial action and recover the costs for such action from the person responsible;

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

**DEFINITIONS:**

1. In this By-law:

“**City**” means The Corporation of the City of Mississauga.

“**Commissioner**” means the Commissioner of Transportation and Works for the City or his/her designate;

“**Construction**” shall include the installations of a retaining wall and installation of an in-ground/on-ground swimming pool but shall not include the installation of a hot tub, above ground-pool or landscaping;

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, and includes the area between the lateral property lines thereof;

“**Permit**” includes a road occupancy permit, log grading permit, a municipal services protection deposit (“MSPD”) permit and any other permit as set out in Schedule A to this By-law; and

“**Person**” includes a corporation.

**GENERAL PROHIBITIONS**

2. No person shall obstruct or damage, or cause or permit the obstruction or damage of any highway.

3. No person shall deposit, throw, spill or track or cause or permit the deposit, throwing, spilling or tracking of any material, waste or soil onto any highway.

4. No person shall alter the grade on any land unless the person receives the required permits issued under this By-Law.

## **PERMITS:**

5. Every person who undertakes construction on land abutting on a highway and every person who undertakes construction which may affect drainage or grading shall, prior to commencing the work, obtain the relevant permits as required pursuant to this By-Law.
6. A person may apply for a permit under this By-law if the person:
  - a. completes an application for the permit on the forms as provided by the Commissioner;
  - b. submits the application with the appropriate fees as provided in the applicable fees and charges as set out in the Schedule A to this By-law; and
  - c. provides any documentation, deposit or security, or insurance certificates, as required by the Commissioner as prerequisites and requirements for the issuance of the permit.
7. The issuance of a permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit or complying with any other applicable laws, by-laws, regulations and requirements of other governmental authority.
8. A permit is the property of the City and is not transferable unless otherwise authorized by the Commissioner.
9. Every applicant shall post with the City the required deposit or security, by way of cash, certified cheque, debit card, or letter of credit, in a form satisfactory to the City. The City of Mississauga does not accept payments for deposits or securities by credit card.
10. The City shall not pay interest on deposits and securities to a permit holder or to any other person.

## **PERMIT HOLDERS:**

11. (1) A permit holder shall comply or ensure compliance with all provisions and conditions of the permit and this By-law.
  - (2) Failure to comply with any provision or condition of a permit or this By-law may result in the revocation of the permit by the Commissioner, in addition to any other enforcement proceedings against the permit holder as permitted by law.
  - (3) The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under subsection (2).
12. Every permit holder and every owner and occupier of land shall forthwith rectify damaged conditions on a highway, on land or to municipal services and shall reinstate the highway, the land and the municipal services, as the case may be, to the satisfaction of the Commissioner.

## **ENFORCEMENT**

13. Notwithstanding any other provision of this By-law, in default of the permit holder complying with sub-section 11(1) or Section 12 of this By-law, and upon notice to the permit holder in such form and within such period of time as determined by the Commissioner to be reasonable in the circumstances, the City may at any time take steps to repair or reinstate the highway or other municipal services or any land damaged by a permit holder, owner, or occupier of land and such permit holder, owner or occupier of land shall be responsible for the costs incurred by the City to repair or reinstate same.

14. The cost of repairing or reinstating any highway, sidewalk, curbing, boulevard or other municipal service, or any land, which has been damaged as a result of work for which a permit was issued, including damages caused by the crossing of vehicles or equipment and including applicable administrative charges, may be deducted by the City at any time from the deposit, or drawn from the securities, provided by a permit holder pursuant to this By-law.
15. Where the cost of repairing and restoring the sidewalk, curbing, boulevard or other municipal service exceeds the amount held on deposit or posted as security, the excess amount of the costs shall be a debt owing to the City, and in addition to any other remedy available to it the City may recover the excess amount of the costs by action or by adding the excess amount of the costs to the tax roll of the permit holder's lands and collecting them in the same manner as taxes.

**OFFENCES:**

16. No person shall violate any provision of a permit issued under this By-law.
17. Every person who contravenes a provision of this By-law is guilty of an offence and is liable on conviction to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

**ADMINISTRATION AND INTERPRETATION:**

18. The Commissioner shall be responsible for the administration of this By-law including, without limiting the generality of the foregoing, determining, instructing, and directing the institution of enforcement steps such as commencing an action to recover costs incurred by the City.
19. Unless the context otherwise requires, words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine.
20. The headings inserted in this By-law are for convenience only.
21. If a Court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, it is the intention of Council that the remainder of the By-law shall continue in force.
22. Nothing in this By-law shall be intended to supersede, replace, fetter or relieve any person from complying with any requirements under the Building Code Act, 1992, as amended, or the Building Code, O.Reg. 403/97 as amended.
23. The fees as listed in Schedule "A" to this By-law will be subject to Provincial Sales Tax (P.S.T.), Goods and Services Tax (G.S.T.) and/or Harmonized Sales Tax (H.S.T.) where applicable.
24. This By-law shall come into force and effect on January 1, 2010.
25. By-law 432-08 is hereby repealed, effective at the end of the day on December 31, 2009.

**SHORT TITLE:**

26. This By-law may be referred to as the Road Occupancy, Lot Grading and Municipal Services Protection Deposit By-law.

**ENACTED AND PASSED this 9<sup>th</sup> day of December, 2009.**

**Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk**

**SCHEDULE "A"**  
**ROAD OCCUPANCY, LOT GRADING AND MUNICIPAL SERVICES PROTECTION**  
**DEPOSITS**

ITEM	Refundable Deposit	Permit/Admin. Fee
<b>TRANSPORTATION INFRASTRUCTURE MANAGEMENT DIVISION</b>		
<b>Environmental Services Section</b>		
Erosion and Sediment Control Permit - permit valid for 6 months/180 days  Site less than 1.0 hectare  Site 1.0 hectare or greater	100% of the estimated cost of site control measures as determined by Environmental Section	\$75.00 per permit  \$500.00 per permit plus \$25.00 per hectare
Erosion and Sediment Control Permit - Renewal fee upon expiry of original permit (valid 6 months/180 days)  Site less than 1.0 hectares  Site 1.0 hectares to less than 5.0 hectares  Site 5.0 hectares to less than 20.0 hectares  Site 20.0 hectares or greater	100% of the estimated cost of site control measures as determined by Environmental Section	\$75.00 per extension  \$225.00 per extension  \$300.00 per extension  \$350.00 per extension
<b>ENGINEERING AND WORKS DIVISION</b>		
<b>Works Maintenance and Operations Section</b>		
Road Occupancy Permit - Disposal Bins Containers	N.A.	no charge
Road Occupancy Permit – Mobile Cranes - One time permit - Annual permit	\$1,000 \$5,000	\$280.00 per permit \$280.00 per permit
Road Occupancy Permit - Construction With Security Deposit (e.g. bore holes, soils inspection, etc.)	min. \$1,000 to max \$10,000 as determined by Transportation and Works	\$280.00 per permit
Road Occupancy Permit – Special Provision re Complex Construction ("Schedule A")  i. Encroachment Enclosure Fee (hoarding, fencing, etc.)  ii. Dewatering Fee  iii. Aerial Crane Trespass	\$10,000.00  N.A.  N.A.  N.A.	\$4,000.00 per permit  \$1.00 per square meter per month  \$150.00 per month*  \$17.00 per day**
*Dewatering Fee charged per month until the structure is above ground and until dewatering is no longer required.  **Aerial Crane Trespass Fee charged per day for as long as the crane is in place		

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<b>ENGINEERING AND WORKS DIVISION</b>		
<b>Works Maintenance and Operations Section</b>		
Road Occupancy Permit – Special Provision re Complex Construction (“Schedule A”): Revision/Extension to existing Permit	N.A.	\$2,000.00 per revision/extension
<b>Road Occupancy Permit – Connections:</b>		
Sanitary Sewer: i. Road Inspection Fee ii. Maintenance/Restoration Deposit	\$5,000.00 per trench*	\$380.00 per connection
Water: i. Road Inspection Fee ii. Maintenance/Restoration Deposit	\$5,000.00 per trench*	\$380.00 per connection
Storm Sewer: i. Road Inspection Fee ii. Maintenance/Restoration Deposit	\$5,000.00 per trench*	\$600.00 per connection
Water/Sanitary (Regional) and Storm (Municipal) in the same trench: i. Road Inspection Fee ii. Maintenance/Restoration Deposit	\$7,500.00 per trench*	\$600.00 per connection
<p>*or an amount determined by Transportation and Works.</p> <p>Note: a “trench” equals 10 square meters or less.</p> <p><b>Maintenance/Restoration Deposit:</b>  Maintenance/Restoration deposit paid by the Applicant less actual cost (based upon tendered per unit price) incurred by the City to carry out final restoration work plus 10% administration charge. City work normally takes place within 18 months after Applicant’s work has been completed after which the balance will be either refunded or invoiced to the Applicant.</p>		
Maintenance guarantee deposit for all works except Water/Sanitary and Municipal (Storm)	10% of the value of works to be held back for the duration of the warranty period (18 month)	For works valued at \$16,700 or less: \$500.00  For works valued at \$16,701 or more: 3% of value of works  <u>Note:</u> Does not include Road Occupancy Permit Fee which is extra
<p><b>*Please note:</b> Maintenance guarantee deposit is refundable after 18 months to be established from the date the subject services are completed.</p> <p><i>Other security deposits may be required depending on the complexity of the work</i></p>		

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<b>ENGINEERING AND WORKS DIVISION</b>		
<b>Development Construction Section</b>		
Residential Property Lot Grading Deposit Release: Under the discretion of Development Construction and in the absence of a Final Lot Grading Certificate by a P.Eng or OLS, the City may perform an inspection to release an unclaimed deposit.	As determined by Development Construction	\$500.00 per residential property
Commercial Property Lot Grading Clearance: Under the discretion of Development Construction and in the absence of a Final Lot Grading Certificate by a P.Eng or OLS, the City may perform an inspection in order to provide grading clearance as it relates to a Financial Agreement.	As determined by Development Construction	\$500.00 per site
<b>Municipal Services Protection - Lot Grading Deposits - No Site Plan Required</b>		
MSPD Residential - pool in-ground	\$1,000.00	\$100.00 admin. fee
MSPD Residential - pool above ground	\$500.00	\$100.00 admin. fee
MSPD Residential – addition to existing structure "small job" (typically a porch or a small deck)	\$500.00	\$100.00 admin. fee
MSPD Residential – addition to existing structure under 15 meters of frontage	\$1,000.00	\$100.00 admin. fee
MSPD Residential – addition to existing structure over 15 meters of frontage	\$1,500.00	\$100.00 admin. fee
MSPD Residential - new construction	\$150.00 per meter of frontage	\$100.00 admin. fee
MSPD Industrial - addition to existing structure	\$150.00 per meter of frontage to max of \$5,000.00	\$100.00 admin. fee
MSPD Industrial – new construction	\$150.00 per meter of frontage max \$10,000	\$100.00 admin. fee
<b>Lot Grading Deposits</b>		
Lot Grading: Installation of residential pool Please note: Above Ground Pools are exempted	\$5,000.00	\$100.00 admin. fee per application and \$100.00 inspection fee per site
Lot Grading Residential - new construction Standard lot	\$5,000.00	\$100.00 admin. fee
Lot Grading Residential - new construction Deposit amount depending on specifics of site	\$7,500 \$10,000 or a deposit amount as determined by Development Construction	\$100.00 admin. fee

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<b>ENGINEERING AND WORKS DIVISION</b>		
<b>Development Construction Section</b>		
Lot Grading Residential – addition to existing structure Deposit amount depending on specifics of site	A deposit amount as determined by Development Construction	\$100.00 admin. fee
Lot Grading Industrial - addition to existing structure	A deposit amount as determined by Development Construction	\$100.00 admin. fee
Lot Grading Industrial – new construction  - Up to one acre (0.41 hectare) of land  - Per additional acre (0.41 hectare) of land to a maximum of \$15,000.00	 \$7,500.00  \$1,500.00	\$100.00 admin. fee
Retaining Wall	100% of the estimated cost as determined by Development Construction	\$100.00 admin. fee
<b>Municipal Services Protection &amp; Lot Grading Deposits FOR SITE PLAN CONTROLLED AREA (Part of building permit application)</b>		
MSPD residential, addition or new	A deposit amount as determined by the Site Plan Coordinator	\$100.00 admin. fee
MSPD industrial, addition or new	A deposit amount as determined by the Site Plan Coordinator	\$100.00 admin. fee
Lot grading residential or industrial, new construction	A deposit amount as determined by the Site Plan Coordinator	\$100.00 admin. fee
Lot grading residential or industrial, addition to existing structure	A deposit amount as determined by Development Construction	\$100.00 admin. fee

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ITEM	Refundable Deposit	Permit/Admin. Fee
<b>ENGINEERING AND WORKS DIVISION</b>		
<b>Traffic Engineering and Operations Section</b>		
<b>Banners</b> – Permit fee for Street Banners extending across a right-of-way; with corporate name or symbol, per 10-day installation period  – Permit fee for Pole Banner per 90-day installation period or part thereof  Deposit for Street Banners extending across a right-of-way	\$100.00	\$25.00 per permit  \$5.00 per pole
Special events on Road Allowance <ul style="list-style-type: none"> <li>- For event up to 100 participants</li> <li>- For event of up to 1,500 participants</li> <li>- For event over 1,500 participants</li> </ul>	\$ 100.00 \$ 500.00 \$1,000.00	\$125.00 per permit  If work required by City staff, actual cost plus 10% in addition to permit fee  Permit fee may be waived for groups affiliated with the City through the Volunteer Group Liaison Program or registered charities based in Mississauga
Filming Permit <ul style="list-style-type: none"> <li>- for filming activities on the road allowance</li> </ul>	A deposit amount as determined by Traffic Operations and Transportation Asset Management	\$200.00 per permit  If work is required by City staff, actual cost plus 10% in addition to permit fee

**NOTE:**

No discounts apply for early payment of the fees set out in Schedule “A” to this by-law.

Fees listed in this Schedule “A” are subject to payment of Provincial Sales Tax (P.S.T.) and the Goods and Services Tax (G.S.T.) and/or Harmonized Sales Tax, where applicable.

**Fee payments** are due at the time the expense is incurred unless otherwise stated and can be made by Visa, MasterCard, and American Express, Debit (bank card), cash, bank draft or certified cheque.

**Refundable Deposit or Security payments** can be made by Debit (bank card), cash, bank draft or certified cheque. Please note that The City of Mississauga does not accept payments for deposits or securities by credit card.

**Uncertified personal cheques are not accepted**