



THE CORPORATION OF THE CITY OF MISSISSAUGA
FIRE & EMERGENCY SERVICES FEES AND CHARGES
BY-LAW 541-04

(amended by 87-05, 97-06)

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 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,

“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 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;

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

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“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;

“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. 388/97, 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 Schedule “A” to this By-law.
3. This By-law shall come into force and effect on January 1, 2005.

FIRE ALARMS

4. 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.
 - 4.1 A fee imposed pursuant to sections 4, 5, and 6 may be waived or reduced where the property owner demonstrates to the satisfaction of the Fire Chief or his designate that remedial measures have been undertaken to prevent future occurrences. (97-06)
5. 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.

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6. 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

7. If Fire & Emergency Services attends at the scene of a motor vehicle accident on any property within the City of Mississauga to provide firefighting or other emergency services, to a non-resident driver, the non-resident driver shall be charged the fee as stipulated in Schedule A attached to this by-law. (97-06)
8. If Fire & Emergency Services attends at the scene of a motor vehicle fire on any property within the City of Mississauga to provide firefighting or other emergency services, and if the owner of the motor vehicle is a non-resident, the non-resident owner shall be charged the fee as stipulated in Schedule A attached to this by-law. (97-06)

NON-EMERGENCY ELEVATOR INCIDENT RESPONSE

9. 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

10. 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

11. 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.

EXTRAORDINARY EXPENSES

12. 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, rent special equipment, or use more materials than are carried on a first alarm response 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 more materials than are carried on a first alarm response, as applicable.

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ADMINISTRATION AND ENFORCEMENT

13. The Corporation shall deliver an invoice to each person upon whom a fee is imposed under this by-law and the person shall pay the fee within thirty days of receipt of the invoice.
14. 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.
15. 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.
16. A person may pay any fees and charges imposed under this by-law by cash, cheque, certified cheque or banker's draft payable to the Corporation or by interac banking card.
17. If a person who is charged a fee under this by-law fails to pay the fee within thirty 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.
18. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety 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.

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GENERAL

19. By-Law 0007-2004 is hereby repealed effective December 31, 2004.
20. Schedule "A" shall be deemed to be an integral part of this By-Law.
21. Should any part of this By-Law, including any part of Schedule "A", 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 Schedule "A", as applicable, shall continue to operate and to be in force and effect.

ENACTED AND PASSED this 15th day of December, 2004

Signed by: Nando Iannicca, Acting Mayor Crystal Greer, City Clerk

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**SCHEDULE "A"
COMMUNITY SERVICES DEPARTMENT
FIRE AND EMERGENCY SERVICES**

	FEE
<p>1. For responding to nuisance false alarms:</p> <p style="padding-left: 40px;">(a) For all properties required by legislation to be provided with a code-compliant fire alarm system:</p> <p style="padding-left: 80px;">(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 style="padding-left: 80px;">(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 style="padding-left: 80px;">(iii) each subsequent false alarm in any calendar year:</p> <p style="padding-left: 40px;">(b) For all other properties:</p> <p style="padding-left: 80px;">(i) first false alarm in any calendar year:</p> <p style="padding-left: 80px;">(ii) second false alarm in any calendar year:</p> <p style="padding-left: 80px;">(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>\$700.00</p> <p>Nil</p> <p>\$200.00</p> <p>\$700.00</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 style="padding-left: 40px;">(a) For all properties required by legislation to be provided with a code-complaint fire alarm system for properties:</p> <p style="padding-left: 80px;">(i) where monitoring is not augmented by a direct electronic data connection to the fire department, any false alarm:</p>	<p>\$700.00</p>

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	FEE
(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
(iii) each subsequent false alarm in any calendar year:	\$700.00
(b) For all other properties:	
(i) first false alarm in any calendar year:	Nil
(ii) second false alarm in any calendar year:	\$200.00
(iii) third & subsequent false alarms in any calendar year:	\$700.00
3. For responding to false alarms occurring as a result of a malicious act:	
(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
(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
(c) each subsequent false alarm in any calendar year:	\$700.00
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:	\$350.00 per truck dispatched
(b) for each additional one-half hour or part thereof:	\$175.00 per truck dispatched
5. For attending a non-emergency elevator incident:	
(a) For the first hour or any part thereof:	\$350.00 per truck dispatched

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	FEE
(b) for each additional one-half hour or part thereof:	\$175.00 per truck dispatched
6. For attending a natural gas incident:	
(a) For the first hour or any part thereof:	\$350.00 per truck dispatched
(b) for each additional one-half hour or part thereof:	\$175.00 per truck dispatched
7. For Fire Extinguisher Training Sessions:	
(a) For Groups 1-25 persons:	\$154.00
(b) For Groups 26-50 persons:	\$231.00
(c) For Groups 51-75 persons:	\$308.00
For larger groups, multiple session fees will apply.	
Interest to be imposed on fees overdue by thirty days:	1.25%