

A by-law to amend By-law 0199-2023, being the User Fees and Charges By-law, to temporarily waive applicable fees relating to the operation of outdoor patios (seasonal and long-term) and seasonal outdoor retail sales and displays

**WHEREAS** sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”), 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** on December 13, 2023, the Council for The Corporation of the City of Mississauga passed Resolution 0274-2023 approving Planning and Development Committee Recommendation PDC-0082-2023 to enact a by-law to amend the User Fees and Charges By-law as necessary to waive any applicable fees relating to the operation of outdoor patios (both seasonal and long-term) and seasonal outdoor retail sales and displays until January 1, 2026;

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

1. Section 1 of the User Fees and Charges By-law 0199-2023 (“User Fees and Charges By-law”) is hereby amended by deleting the definition of “**temporary outdoor patio**” in subsection (z):
2. Section 1 of the User Fees and Charges By-law is hereby amended by adding the following new definitions in subsections (dd) through (gg):
  - (dd) “**highway**” means a common and public highway and includes any street, sidewalk, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;
  - (ee) “**long-term outdoor patio**” means an accessory outdoor seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant, which is erected on a sidewalk or in a parking lay-by within a highway located in the Port Credit Business Improvement Area, as shown in Schedule “A” of By-law 0227- 2020;
  - (ff) “**seasonal outdoor patio**” means an accessory outdoor seating area, located adjacent to or within proximity to a restaurant, convenience restaurant or take-out restaurant, which is erected on any highway;
  - (gg) “**seasonal outdoor retail sales and display**” means an accessory outdoor area, located adjacent to or within proximity of an existing retail store, including an outdoor market, in which goods are offered for sale, lease and/or rental to consumers, which is erected on any highway;
3. Schedule “A” of the User Fees and Charges By-law, General Fees and Charges, is amended by adding the following wording after the end of the table for City Manager’s Office, Legal Services Division on page 14:

“Fees relating to the preparation, review and registration of agreements for long-term patios, seasonal outdoor patios and seasonal outdoor retail sales and displays shall be waived until January 1, 2026.”

- 4. Schedule “A” of the User Fees and Charges By-law, General Fees and Charges, is amended by adding a new row to the table under Corporate Services, Realty on page 19 and inserting the following in that new row:

“Fees relating to encroachment agreements required for long-term outdoor patios, seasonal outdoor patios and seasonal outdoor retail sales and displays shall be waived until January 1, 2026”.

- 5. Schedule “A” of the User Fees and Charges By-law, General Fees and Charges, is amended by adding a new row to the table under Division: Enforcement, Section: Compliance and Licensing Enforcement on page 32 under Noise Exemption Request and inserting the following in that new row:

“Noise exemption request application fees shall be waived for noise exemption requests relating to long-term outdoor patios, seasonal outdoor patios and seasonal outdoor retail sales and displays until January 1, 2026”.

- 6. Schedule “B-1” of the User Fees and Charges By-law, Transportation and Works Fees and Charges, is amended by adding the following wording in the table under Division: Traffic Management and Municipal Parking, Section: Municipal Parking, Municipal Parking Fees and Charges in the “Fee Name” column after the words “Occupying Parking Spaces, For uses other than normal parking operations such as construction, filming, commercial vehicles, or other uses” on page 52:

“To be waived for long-term outdoor patios, seasonal outdoor patios and seasonal outdoor retail sales and displays until January 1, 2026”.

- 7. Section 12 of Schedule “C-1” of the User Fees and Charges By-law, Planning Act Processing Fees – Applications, is hereby deleted and replaced with the following:

- 12. Fees applicable to a long-term outdoor patio, a seasonal outdoor patio or a seasonal outdoor retail sales and display in the following categories shall not be payable until January 1, 2026:
  - a. Zoning Certificate
  - b. Site Plan Approval Express (SPAX)

ENACTED and PASSED this 17<sup>th</sup> day of January, 2024.

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| Approved by<br>Legal Services<br><b>City Solicitor</b><br>City of Mississauga       |
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| Nupur Kotecha   |
| Date: January 16, 2024  |
| File: BL.01-23.30   |

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MAYOR

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CLERK