



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Giovanni (John) Miceli	Report Date: July 26, 2021
Author's Phone: 519 736-0012 ext. 2228	Date to Council: August 9, 2021
Author's E-mail: jmiceli@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Request to Waive User Fees – Unauthorized Burn

1. **RECOMMENDATION:**

It is recommended that:

1. The request to waive user fees for an unauthorized open burn, as shown in the invoice in the Private and Confidential (P & C) Memo from the CAO dated August 9, 2021 **BE DENIED**.

2. **BACKGROUND:**

Municipalities have authority under Municipal Act Section 391 to impose user charges, for any municipal service, whether mandatory or not, and can be based on capital as well as operating costs.

On January 22, 2018 Council adopted By-law 2018-01 being a By-law to regulate open air burning within the Town of Amherstburg.

Thereafter, fees and charges related to open air burning were incorporated into the Town's fees and charges By-laws annually, with the most recent being By-law 2019-082 adopted September 23, 2019.

On December 9, 2019, Council considered a report regarding 'Fire Permit System Review and Open Air Burn By-law Amendment', and adopted By-law 2019-099 being a By-law to amend By-law 2018-01.

3. DISCUSSION:

Administration has received a request to waive fees for an unauthorized open burn with a total value of \$1,358.26, based on the invoice shown in the P&C memo. These fees were charged in accordance with By-law 2019-099 (Regulate Open Air Burn) and By-law 2020-068 (User Fee By-law) fee for 'Open-Burn – Duty Officer Response' (see attached).

Given that municipal revenue is largely comprised of property taxes, user fees, and transfers from federal and provincial governments, cost recovery outlined in the user fee schedule is vital to offsetting costs and mitigating the impact to the public as a whole through the tax base.

No extenuating circumstances have been identified that would support or warrant the waiver of fees charged to the requestor.

4. RISK ANALYSIS:

A user fee is a charge levied upon an individual for the use of a specific public service. Waiving fees as it relates to the service used, results in a loss of revenue and will have an adverse effect on the cost to the general ratepayer. As well, waiving fees and charges may set precedent for others to request waivers of such charges, thereby putting further pressure on the Town's tax levy demand and tax rates.

Further, some fees are in place to serve as a deterrent for not following the Town's permit processes, which are established to support safety and legislative compliance. Waiver of fees where there has been non-compliance, as is the case in this request, diminishes the Town's ability to maintain the safety of the community through such preventative measures.

5. FINANCIAL MATTERS:

As noted above, the Town's financial model is established based on the collection of fees and charges, as a means of offsetting the general tax levy demand and attributing costs where there is a direct benefit to the user. The request before Council is to waive such a fee, which is contrary to the Town's approved policy (under the referenced By-laws) and financial model.

The 2021 Budget anticipates fee revenue of \$21,000 under the Fire budget centre, which includes revenue from one-time inspection fees related to open air burns. It should be noted that the amount charged to residents for one-time open burn site inspections is not reflective of full service cost recovery; but rather is a partial recovery of the cost for deployment of municipal resources to address the specific matter of benefit to the user. Most importantly the waiving of such fees will result in costs associated with this additional service provided to the specific ratepayer that will then be attributable to the general ratepayer as a whole.

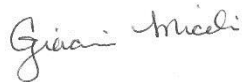
6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Council has adopted user fees for the purpose of recovering costs for services in order to reduce the burden on the general ratepayer. The fees charged by the municipality are fees charged in accordance with User Fee By-law 2020-068 and are attributable to services provided to the specific ratepayer as a result of municipal resources used to address the matter.

No extenuating circumstances have been identified that would support or warrant the waiver of fees charged to the requestor. As such, Administration strongly recommends that the charges be upheld.



Giovanni (John) Miceli
Chief Administrative Officer

Report Approval Details

Document Title:	2021 08 09 - Request to Waive User Fees - Unauthorized Burn.docx
Attachments:	N/A
Final Approval Date:	Jul 28, 2021

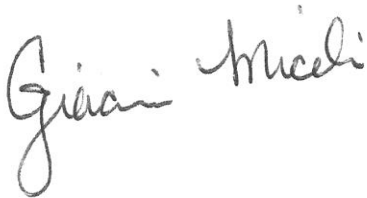
This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



Susan Hirota



John Miceli



Paula Parker