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## Corporate Fee Policy

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**Policy Number:** CFS214/2020  
**Approval Date:** June 23, 2020  
**Supersedes Policy:** CS263/2019

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A policy by the Town of Morinville in the Province of Alberta, to establish the framework by which fees relating to various Town programs, services, goods and requirements are established.

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, C. M-26 (“the Act”), as amended from time to time, authorizes Council to establish and adopt bylaws for municipal purposes respecting the following matters:

- a) Services provided by or on behalf of the municipality;
- b) The establishment of fees for licence, permits and approvals.

**WHEREAS**, the Act provides for the provision of municipal utility services subject to the terms, costs or charges established by Council;

**WHEREAS**, the *Safety Codes Act*, R.S.A. 2000, c. S-i, as amended from time to time, authorizes an accredited municipality to make bylaws respecting fees for anything issued or any material or service provided pursuant to the Safety Codes Act;

**WHEREAS**, the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 (“the FOIP Act”), as amended from time to time, authorizes a local public body to, by bylaw, set any fees the local public body requires to be paid under the FOIP Act, which must not exceed the fees provided for in the regulations;

**NOW THEREFORE**, the Council of the Town of Morinville, in the Province of Alberta, duly assembled, hereby enacts this policy which shall be known as the “Corporate Fee Policy”.

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## SECTION A

### 1.0 Policy Purpose

- 1.1 To establish a framework for the calculation of fees and charges for services and items for sale by the Town of Morinville to the Public.
- 1.2 To establish the forms, locations and mediums of payment for services and items for sale by the Town of Morinville to the Public.
- 1.3 To define the Town of Morinville's position on refunds and exemptions for the fees.
- 1.4 To establish a framework for calculating fines and penalties issued by the Town of Morinville; and to define policy relating to fines for violations that is pertinent to the Town of Morinville's bylaws.

### 2.0 Definitions

- 2.1 **"ADVERTISING"** means any public notice meant to attract support for a business, including but not limited to:
  - i. A poster;
  - ii. A placard;
  - iii. A flyer;
  - iv. A sign;
  - v. A newspaper display;
  - vi. A television or radio announcement designed to sell a product or publicise a service, or vacancy; or
  - vii. Social media and internet.
- 2.2 **"AFFORDABILITY"** means that the fees and charges for services / items can be sensibly purchased by the user group of that service / item.
- 2.3 **"CAO"** means the Chief Administrative Officer of the Town of Morinville, appointed by Council or the Director(s) or Department(s) designated by the Chief Administrative Officer.
- 2.4 **"CONTRACTED INSPECTION (CI) FEES"** means fees paid to the contracted safety codes inspection service provider.

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- 2.5 **“COST-RECOVERY”** means an approach to determining the fees and charges for a service / item where the fees and charges for a given service / item are set to an amount that covers the cost of providing the services / items.
- 2.6 **“COUNCIL”** means the duly elected municipal officers of Morinville and the Chief Elected Officer or Mayor.
- 2.7 **“ENFORCEMENT PRICING”** means the fees and charges for violations are set at a price which discourages violations of Town of Morinville bylaws but remain feasible for Town of Morinville residents. Enforcement pricing calculations consider the average income and disposable income of Town of Morinville residents when determining the price feasibility of fines for violations.
- 2.8 **“MARKET PRICES”** means prices for services / items offered by other jurisdictions within Alberta where those services / items are alike to services / items offered by the Town of Morinville.
- 2.9 **“NSF”** means non-sufficient funds.
- 2.10 **“PUBLIC”** means the Town of Morinville residents, ratepayers, partners, business owners, visitors as well as other governments and other stakeholders.
- 2.11 **“RESIDENT”** means an individual that is a resident of the Town of Morinville. User groups of Town of Morinville facilities will be deemed to be a resident group if the group’s primary operations are based out of the the Town of Morinville.
- 2.12 **“TOWN”** shall mean the Town of Morinville.
- 2.13 **“VIOLATION”** means any action / decision by a Town resident or non-resident which violates policy outlined in the Town’s active bylaws.
- 2.14 **“3<sup>RD</sup> PARTY SERVICE PROVIDER FEES”** means those fees for services that are not directly provided by the Municipality, but are a cost of offering the program, goods, or service. Examples of these costs include, but are not limited to, postage & shipping, contracted instructors and consultants, and facility rentals or admissions.

### 3.0 Fee Philosophy

- 3.1 The fees and charges shall be calculated with consideration of cost-recovery, market prices, and affordability striving towards median rates while comparing with municipalities within the Edmonton metropolitan region specifically:

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Town of Stony Plain, City of St. Albert, City of Beaumont, City of Fort Saskatchewan, Town of Gibbons, Town of Leduc, Sturgeon County, City of Spruce Grove and Town of Devon.

- 3.2 First and foremost, all fees and charges shall be determined using a cost-recovery approach. This should be reflective of the market pricing conditions and in consideration of the service / item affordability.
- 3.3 Cost-recovery calculations will most often consider the following:
- i. Cost of staff time to provide services / items;
  - ii. The cost of materials used in or for services / items;
  - iii. The cost of infrastructure, which includes development costs and maintenance costs, required to provide services / items;
  - iv. 3<sup>rd</sup> party service provider fees;
  - v. Additional operational costs that result from those services / items.
- 3.4 Calculations for fees and charges which consider market prices for services and items shall reference fees and charges for like services and items in other municipalities / jurisdictions within Alberta.
- 3.5 Affordability calculations will most often consider the following:
- i. The user group of a service / item;
  - ii. The income and disposable income of the user group of a service / item;
  - iii. The frequency at which the user group of a service / item will purchase that service / item;
  - iv. The impact on quality of life that a service / item has for the user of that service / item. Services / items which are deemed by Council to have a significant impact on quality of life will most often be required to be offered at a lower cost to the user.
- 3.6 When required, the cost recovery percentage will be calculated as the fees and charges for services / items for sale by the Town to the Public divided by the calculated cost recovery fees and charges for those services / items.
- 3.7 Fees may be established to recover up to 100% of the calculated amount using the cost-recovery approach to cover unanticipated costs associated with providing that service / item for sale to the Public.

- 3.8 All fees and charges will be reviewed annually and any adjustments will be brought forward to Council as part of the annual budget process.

#### **4.0 Collection of Fees**

- 4.1 Payments can be made at the Town's Administration Building during normal business hours. If applicable, fees and charges can be paid at the site where the service / item was received or online via the Town's payment portals.
- 4.2 All services and/or items for sale by the Town to the Public, for which the Public has an account for those services / items shall be due and payable upon receipt of the bill. Accounts not paid on or before the 30-day grace period allowed for on the bill shall be liable to a penalty of 1.5% of the amount remaining unpaid for the current billing period, compounded monthly.
- 4.3 Unless otherwise specified, payments for services / items will only be accepted in Canadian currency.
- 4.4 NSF cheque payments must be replaced with cash, credit / debit card, certified cheque or money order and will be subject to NSF fees outlined within Schedule D of the Fees and Charges Bylaw.

#### **5.0 Fee Exemptions and Refunds**

- 5.1 All fee exemptions will be outlined in the applicable bylaw. If there are no fee exemptions defined in the applicable bylaw it shall be deemed there are no eligible exemptions from the fees for that service / item, unless otherwise outlined in this policy.
- 5.2 Notwithstanding Section 5.1, the CAO or designate may waive, reduce or refund the fees established within the Fee and Charges Bylaw:
- i. If it is determined that the Municipality bears responsibility, in whole or in part, for the failure to obtain the required permits.
  - ii. There exist exceptional, extenuating circumstances which are deemed such by the CAO or designate.
- 5.3 Authority to issue refunds is granted to the CAO or designate for the relevant fee schedule. Eligibility for refunds shall be outlined in the pertinent Town bylaw. If there is no outlined eligibility for refunds found in the pertinent bylaw it shall be deemed there are no eligible refunds for that service / item, unless otherwise outlined in this policy.

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- 5.4 Damage deposits shall be provided in accordance with the fees identified in Schedule C of the Fee and Charges Bylaw. Such damage deposit shall be held by the Municipality against damages which could occur to Municipal property during the course of construction and as security for performance.
- i. Upon issuance of the permit and prior to commencement of construction, the Municipality shall inspect, or cause to be inspected, the Municipal property around the development site for possible existing defects.
- 5.5 Upon receipt of a lot grading certificate for the development indicating completion of construction for which approval has been granted and which has been authorized by the issuance of a permit, the Municipality shall re-inspect, or cause to be re-inspected, the Municipal property around the development site, and:
- i. In the event that lot grading is acceptable and there are no damages to Municipal property, the damage deposit shall be refunded without interest.
  - ii. In the event lot grading is unacceptable and/or there are damages to Municipal property, the Municipality shall withhold refund of the damage deposit and notify the applicant of the outstanding deficiencies providing them an opportunity to correct or repair them. If the applicant takes whatever steps necessary to correct or repair the deficiencies to the satisfaction of the Municipality, the damage deposit shall be refunded without interest, if the applicant fails to correct the deficiencies and/or exceeds the timeframe of two (2) years after the permit expiry, the Municipality may use the damage deposit to the extent of correcting the deficiencies, and/or take whatever other steps it deems necessary to correct the deficiencies and recover costs if the deficiencies exceed the amount of the damage deposit.

## 6.0 Fines and Penalties

- 6.1 The actions / choices that constitute a violation and thus results in fines and penalties for the violator shall be outlined in the appropriate Town of Morinville bylaws, unless otherwise outlined this policy.
- 6.2 Any fines and penalties that are included in Town bylaws shall still be deemed as authorised and will require the recipient of that fine and/or penalty to pay the amount specified in the relevant bylaw or policy.
- 6.3 Total amounts for fines and penalties shall be calculated with consideration of cost-recovery, market pricing and enforcement pricing. Council shall have the authority to determine the total amount for the fine and/or penalty using a combination of the three considerations at a ratio they deem pertinent.

- 6.4 Cost-recovery calculations for fines and penalties will most often consider the following:
- i. Cost of staff time resulting from violation;
  - ii. Operational costs associated with monitoring resident and non-resident adherence to Town bylaws;
  - iii. The cost of materials used in issuing the violation and the costs of replacing materials damaged by the violation;
  - iv. The cost of infrastructure, which includes development costs and maintenance costs, required to issue the violation;
  - v. 3<sup>rd</sup> party service provider fees;
  - vi. Additional operational costs that result from that violation.
- 6.5 Calculations for fines and penalties which consider market prices for violations shall reference fines and penalties for like violations in other municipalities / jurisdictions within Alberta.
- 6.6 The intent for enforcement pricing is to discourage violations of policies outlined in Town bylaws without being set at an unfeasible level for potential violators. Enforcement pricing calculations shall consider the average income and disposable income of Town residents when determining fines and violations price feasibility.
- 6.7 A person that is guilty of an offence is liable for a fine pursuant shall not exceed ten thousand dollars (\$10,000.00) or for the imprisonment of not more than six months for non-payment of a fine, as per the Municipal Government Act.
- 6.8 The levying and payment of any fine or the imprisonment for any period provided in this policy shall not relieve a person from the necessity of paying any fees, charges or costs from which said person is liable in accordance with this policy.
- 6.9 Fees and penalties shall increase with each subsequent offence by the same violator of the same offence.
- 6.10 When work has commenced without first obtaining the required approvals as it pertains to the Planning and Economic Development Fees, an “as-built” fee shall be applied, being double the fee identified in Schedule C of the Fee and Charges Bylaw.
- 7.0 Review, Revision and Expiry Date:**
- 7.1 Fees and charges shall be reviewed annually when possible as part of the budgeting process and within three years of the most recent comprehensive external review of the

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Town's fees and charges where appropriate. Fees and charges shall be revised as needed with the following taken into consideration:

- i. Changes in the costs associated with providing each service / item offered for sale by the Town to the Public.
- ii. To ensure that there is value for service, evaluate the qualitative and/or quantitative relationship between the fees and services provided.
- iii. General competitive market conditions including volume of demand for services.
- iv. Competitive market conditions considering comparatives from surrounding local governments.
- v. The affordability of a service / item for the user group of that service / item.

7.2 Fines and penalties shall be reviewed annually when possible as part of the budgeting process and within three years of the most recent comprehensive external review of the Town's fines where appropriate. Fines and penalties shall be revised as needed with the following taken into consideration:

- i. Changes in the costs associated with enforcement of Town bylaws and administration of violations;
- ii. Changes in costs associated with repairs or other efforts required by the Town to correct damages caused by violations;
- iii. General market pricing of fines and penalties for comparable violations outlined in bylaws of other jurisdictions within Alberta;
- iv. Changes in the enforcement pricing calculations.

7.3 Council may revise fees and charges and fines and penalties in accordance with section 7.1 and 7.2 to:

Provide for a maximum 2% inflation allowance and no more than a 10% increase per annum on Community Services fees and charges. Add, remove, or amend line items consequential to approved changes to statutes, regulations, codes, bylaws, or policies approved by Council or other levels of government, and, as necessary, establish fees, charges, fines and penalties equal to other items which are deemed similar at their discretion.

7.4 The authority to develop, implement and revise fees and fines rests with Council. Council may review and revise the fees and penalties as they deem necessary.

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7.5 Council or the CAO or designate, as the case may be, shall adhere to the contractual obligations for fees prior to revising fees and charges in and fines per sections 7.3 and 7.4.

7.6 For the purpose of ensuring this Policy is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this policy expires on December 31, 2023.

7.7 This policy shall remain in effect if the review date passes prior to a formal review.

## **8.0 Application**

8.1 The fees, charges, fines and penalties payable for municipal services / items provided by the Town shall be included in the applicable Town Bylaw.

## **9.0 General Provisions**

9.1 If any section or parts of this policy are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other section or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

9.2 If any fees, charges, fines or penalties contained herewith are discovered to be outside Council's authority to govern per provincial or federal policy than those fees, charges, fines or penalties shall be severed from the Schedules contained herein and superseded by the amounts defined in the apposite provincial or federal policy.

## **10.0 Enactment**

10.1 All fees and charges will be effective January 1 of each year with the exception of all Community Services Fees and Charges, which will take effect August 1<sup>st</sup> each year as outlined within the Fees and Charge Bylaw.

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## **SECTION B**

### **1.0 Reference to other Policy and Legislation**

Responsible Pet Ownership Bylaw  
Business Licence Bylaw  
Fire Services Bylaw  
Community Standards Bylaw  
Land Use Bylaw  
Corporate Fees and Charges Bylaw

### **2.0 Persons Affected**

Public

### **3.0 Review/Revision History and Author**

October 8, 2019



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Barry Turner  
Mayor



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Stephane Labonne  
Chief Administrative Officer