

The Urban Municipality Act, 1984

Note: This portion of the Act contains the sections that have been repealed as of January 1, 2006 by M-36.1 - *The Municipalities Act*.

being

Chapter U-11 of the *Statutes of Saskatchewan, 1983-84* (consult Tables of Saskatchewan Statutes for effective date) as amended by the *Statutes of Saskatchewan, 1984-85-86, c.16, 18, 85, 88 and 109; 1986, c.3, 5, 17, 25, 26, 33, 37 and 38; 1986-87-88, c.12; 1988-89, c.46 and 61; 1989-90, c.5, 15 and 63; 1990-91, c.S-63.1, 30 and 35; 1992, c.S-35.1, 32 and 79; 1993, c.L-33.1, T-20.1, 18, 40, 41 and 55; 1994, c.P-37.1 and 48; 1995, c.35; 1996, c.9 and 67; 1997, c.H-3.01, T-22.2, 37 and 52; 1998, c.42; 1999, c.C-4.01 and c.11; 2000, c.L-5.1 and 32; 2001, c.T-14.1, c.20 and 46; 2002, c.C-11.1, R-8.2, S-35.02 and 39; 2003, c.29 and 41; 2004, c.L-16.1, 10, 51, 53 and 65; and 2005, c.S-35.03 and M-36.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER U-11

An Act respecting Urban Municipalities

PART I

Short title

1 This Act may be cited as *The Urban Municipality Act, 1984*.

INTERPRETATION

Interpretation

2(1) In this Act:

- (a) **“alderman”** means a member of council other than the mayor;
- (b) **“building”** means any structure used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer, mobile home or portable shack that is:
 - (i) not in storage;
 - (ii) situated within the urban municipality for a period of more than 30 days; or
 - (iii) not licensed pursuant to clause 181(1)(c);
- (c) **“business”** includes a trade, profession, occupation, employment or calling or the providing of goods or services, but does not include:
 - (i) the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land;
 - (ii) the keeping of bees or the extracting of honey; or
 - (iii) fur farming;
- (d) **“by-election”** means a by-election within the meaning of *The Local Government Election Act*;
- (d.1) **Repealed.** 2003, c.41, s.3.
- (e) **“clerk”** means the clerk or administrator of an urban municipality depending on whether the office of clerk or administrator is required to be established pursuant to section 53;
- (e.1) **“conseil scolaire”** means the Conseil scolaire fransaskois established pursuant to section 42.1 of *The Education Act, 1995*;
- (f) **“conservation and development area”** means a conservation and development area within the meaning of *The Conservation and Development Act*;

- (g) **“council”** means the council of an urban municipality;
- (h) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (i) **“dwelling unit”** means a separate set of living quarters for one or more persons with a private entrance from outside or from a common hallway or stairway inside the building, but does not include public accommodation and mobile homes situated in one location for a period of less than 30 days;
- (j) **“elector”** means an elector within the meaning of *The Local Government Election Act*;
- (k) **“general election”** means an election held every three years to elect all the members of council pursuant to *The Local Government Election Act*;
- (l) **Repealed.** 2002, c.R-8.2, s.98.
- (l.1) **“home-based business”** means a business whose premises are located on land or within a building where the land or building is primarily used for residential purposes;
- (m) **Repealed.** 2003, c.41, s.3.
- (n) **Repealed.** 2003, c.41, s.3.
- (o) **“improvement”** means:
 - (i) a building or structure erected or placed on, over or under land or over or under water but does not include machinery and equipment unless the machinery and equipment is used to service the building or structure;
 - (ii) anything affixed to or incorporated in a building or structure affixed to land but does not include machinery and equipment unless the machinery and equipment is used to service the building or structure;
 - (iii) the resource production equipment of any oil or gas well or mine in an urban municipality; and
 - (iv) any pipeline on or under land in an urban municipality;
- (o.1) **“Indian band”** means a band within the meaning of the *Indian Act* (Canada) and includes the council of a band;
- (p) **“judge”** means a judge of the court sitting at the judicial centre nearest to which a municipality is situated;
- (q) **“land”** does not include improvements;
- (r) **“library board”** means a library board within the meaning of Part II or IV of *The Public Libraries Act*;
- (r.1) **“local assistant”** means local assistant as defined in *The Fire Prevention Act, 1992*;
- (s) **“medical health officer”** means a medical health officer as defined in *The Public Health Act, 1994*;

(t) “**member**”, when used with reference to a member of council, includes the mayor and aldermen;

(t.1) “**mine**” means a mine as defined in *The Mineral Resources Act, 1985*;

(u) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(v) “**municipal employee**” means a person who is in receipt of or entitled to any remuneration for labour or services performed for an urban municipality;

(w) **Repealed.** 2003, c.41, s.3.

(w.1) “**newspaper**” means a publication or local periodical that:

(i) contains primarily items of news; and

(ii) is distributed at least weekly in a municipality or area that is affected by a matter with respect to which a provision of this Act requires publication in a newspaper;

but does not include a publication primarily for advertising or an advertising supplement to or contained in a newspaper;

(x) “**occupant**” includes a person residing on or in land or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings and a leaseholder;

(y) “**owner**” means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee;

(z) “**parcel**” means the whole or any part of a lot or block in an approved plan or a number of lots or blocks when assessed together, or any subdivided area of land used for a single assessment;

(aa) “**pipeline**” means a line of pipe situated in, on or under a continuing strip of land or pipeline right of way and used for the transportation of petroleum, petroleum products, gas or any other substance that may be designated by the minister but does not include a flowline;

(bb) “**population**” means population as determined in accordance with the latest census taken pursuant to the *Statistics Act* (Canada) or by any other means that the minister may direct;

(cc) “**premises**” means the store, office, warehouse, factory, building, enclosure, yard or any space occupied or used by a person for the purposes of a business;

(dd) “**prescribed**” means prescribed in the regulations;

(ee) “**railway company**” includes every railway company owning or operating a railway in Saskatchewan whether the head office is situated in Saskatchewan or elsewhere and that transacts business in Saskatchewan, whether as an original enterprise or undertaking or under a lease, contract, agreement or otherwise;

(ff) **Repealed.** 2003, c.41, s.3.

(gg) “**school division**” means a school division within the meaning of *The Education Act, 1995*;

(hh) “**security**” includes a debenture, promissory note, term deposit and any other type of negotiable instrument the use of which is approved by the Saskatchewan Municipal Board;

(ii) “**spouse**” includes a common law spouse;

(jj) “**street**” includes all or any part of a culvert or drain or a road allowance, public highway, road, lane, bridge, place, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians;

(kk) “**transient trader**” means a person carrying on business in an urban municipality who:

- (i) offers goods or merchandise for sale by retail or auction; or
- (ii) solicits any person who is not a wholesaler or retail dealer for orders for the future delivery of goods or merchandise;

but does not include a person:

- (iii) who is required to be licensed pursuant to *The Direct Sellers Act*; or
- (iv) who is an occupant of land or improvements that are used for business purposes;

(ll) “**urban municipality**” means any town, village, resort village or other municipality:

- (i) incorporated or continued pursuant to this Act; or
- (ii) incorporated pursuant to any former *Urban Municipality Act* and continued pursuant to this Act.

(2) A reference in this Act to an enactment of the Parliament of Canada is a reference to the enactment as amended from time to time.

(3) For the purposes of this Act and *The Local Government Election Act*, a reference to alderman is deemed to include a reference to councillor and the term “**councillor**” may be used instead of “**alderman**” for a member of a council.

(4) Any reference in a prescribed provision to land or improvements includes a reference to both land and improvements.

(5) Any reference in a prescribed provision to both land and improvements includes a reference to land or improvements.

1983-84, c.U-11, s.2; 1984-85-86, c.18, s.3; 1984-85-86, c.88, s.3; 1988-89, c.61, s.3; 1989-90, c.5, s.10; 1992, c.79, s.3; 1993, c.T-20.1, s.8; 1993, c.41, s.3; 1993, c.55, s.194; 1995, c.35, s.3; 1996, c.67, s.3; 1999, c.11, s.3; 2000, c.32, s.3; 2001, c.20, s.44; 2002, c.R-8.2, s.98; 2002, c.C-11.1, s.417 and c.39, s.3; 2003, c.29, s.75 and c.41, s.3.

PART II Urban Government

3 **Repealed.** 1988-89, c.46, s.16.

INCORPORATION OF URBAN MUNICIPALITIES

Proceedings preliminary to incorporation of resort villages

4(1) The persons within a resort area in a rural municipality may apply to the minister, by petition in accordance with the other provisions of this section, to have the resort area incorporated as a resort village if the resort area contains:

- (a) 100 or more persons who would be electors of the proposed resort village if it were incorporated or who are dependent children of such persons and resident with them; and
- (b) 50 or more separate dwelling units or business premises.

(2) The petition mentioned in subsection (1) is to be in the form prescribed by the minister, to be accompanied by a map or plan showing in detail the boundaries of the proposed resort village and to contain:

- (a) the signatures of at least 30 persons who would be electors of the proposed resort village if it were incorporated; and
- (b) the name and address of a person residing within the proposed resort village who will undertake on behalf of the petitioners all further communications with the minister respecting the petition.

(3) On receipt of a petition, the minister shall appoint a person to canvass the area of the proposed resort village and make a list of:

- (a) those persons who would have been electors of the proposed resort village if it had been incorporated and an election had been held on the day on which the petition was submitted to the minister; and
- (b) all separate dwelling units and business premises within the boundaries of the proposed resort village.

(4) The minister shall provide the person mentioned in clause (2)(b) with a copy of the list prepared pursuant to subsection (3) and shall require that person to:

- (a) publish at least once each week for two successive weeks in a newspaper circulating in the area of the proposed resort village; and
- (b) personally deliver or send by ordinary mail to:
 - (i) all persons included on the list prepared pursuant to subsection (3); and
 - (ii) the council of the rural municipality and the boards of the school divisions within which the proposed resort village is situated;

a notice, in the form prescribed by the minister, stating a time, not less than four weeks from the day on which the notice is last published, delivered or sent, by which objections are to be filed with the minister against the incorporation of the resort village.

(5) Any notice which deviates in a material respect from the form prescribed by the minister is void.

(6) Every complainant shall state clearly in his objections the reasons why he is opposed to the incorporation of the resort village.

(7) If an objection is filed with the minister within the time set out in the notice described in subsection (4), the minister may order that a public meeting be held to discuss the proposal to incorporate the resort village and shall appoint a person to call and conduct the public meeting by:

- (a) publishing at least once each week for two successive weeks in a newspaper circulating in the area of the proposed resort village; and
- (b) personally delivering or sending by ordinary mail to:
 - (i) all persons included on the list prepared pursuant to subsection (3); and
 - (ii) any other persons known to the minister to be interested in the incorporation of the proposed resort village;

a notice stating the time at which and place where the public meeting will be held.

(8) The person appointed pursuant to subsection (7) to conduct the public meeting shall:

- (a) hear:
 - (i) any person, or a person acting on his behalf, who filed an objection with the minister against the incorporation of the resort village and who wishes to be heard; and
 - (ii) any person who wishes to be heard and who the person conducting the meeting agrees to hear; and

- (b) prepare and deliver a report respecting the public meeting to the minister within four weeks after the day on which the meeting is held.

(9) The minister may, in his discretion, order that a vote of those persons who would, on the day the vote is taken, be electors of the proposed resort village if it were incorporated be taken on the question of the incorporation of the resort village.

(10) The minister may, by order, incorporate a resort village if:

- (a) after considering the report, if any, respecting the public meeting forwarded to the minister pursuant to subsection (8), the minister is of the opinion that the resort village should be incorporated; or
- (b) a vote has been held pursuant to this section and a majority of those voting vote in favour of the incorporation of the resort village.

(11) If the minister is of the opinion that a resort village with respect to which an application is made should not be incorporated, or if the proposed incorporation is rejected in a vote pursuant to this section:

- (a) no subsequent application may be made to incorporate a resort village with substantially the same boundaries until after the expiration of one year after the denial or vote; and

(b) the minister may advise any persons who, in the minister's opinion, are interested in the disposition of the petition of the decision not to incorporate the proposed resort village.

1983-84, c.U-11, s.4; 2000, c.32, s.4.

Proceedings preliminary to incorporation of certain villages

5(1) The residents of an organized hamlet, within the meaning of *The Rural Municipality Act*, may apply to the minister, by petition in accordance with the other provisions of this section, to have the organized hamlet incorporated as a village if the organized hamlet:

- (a) has a population of 100 or more persons; and
- (b) contains 50 or more separate dwelling units or business premises.

(2) The petition mentioned in subsection (1) is to be in the form prescribed by the minister, to be accompanied by a map or plan showing in detail the boundaries of the proposed village and to contain:

- (a) the signatures of at least 30 persons who would be electors of the proposed village if it were incorporated; and
- (b) the name and address of a person residing within the proposed village who will undertake on behalf of the petitioners all further communications with the minister respecting the petition.

(3) On receipt of a petition, the minister shall require the person mentioned in clause (2)(b) to post or publish a notice, in the manner and form prescribed by the minister, stating a time, not less than four weeks from the last posting or publication of the notice, by which objections are to be filed with the minister against the incorporation of the village.

(4) Every complainant shall state clearly in his objection the reasons why he is opposed to the incorporation of the village.

(5) If an objection is filed with the minister within the time set out in the notice described in subsection (3), the minister may order that a vote of those persons who would, on the day the vote is taken, be electors of the proposed village if it were incorporated be taken on the question of the incorporation of the village.

(6) The minister may, by order, incorporate a village if:

- (a) the minister is of the opinion that the village should be incorporated; or
- (b) a vote has been held pursuant to this section and a majority of those voting vote in favour of the incorporation of the village.

1983-84, c.U-11, s.5; 1986, c.5, s.14; 2000, c.32, s.5.

Incorporation orders

6(1) The minister may, by order, incorporate:

- (a) a resort village as a village if:
 - (i) the resort village:
 - (A) has a population of 100 or more; and
 - (B) contains 50 or more separate dwelling units or business premises; and
 - (ii) the council of the resort village, by resolution, requests the change in status; or
 - (b) a village as a town if:
 - (i) the village has a population of 500 or more; and
 - (ii) the council of the village, by resolution, requests the change in status.
- (2) Every urban municipality incorporated pursuant to this Act is a municipal corporation.
- (3) The powers of an urban municipality are exercisable by a council consisting of a mayor and at least two councillors.
- (4) Unless the urban municipality is divided into wards, the council may, by bylaw:
- (a) increase the number of councillors; or
 - (b) decrease the number of councillors to any number that is not less than two.
- (5) Subject to subsection (6), the mayor and the councillors of an urban municipality are to be elected in accordance with *The Local Government Election Act*.
- (6) A council may, by bylaw, provide that elections of the members of council of the urban municipality are to be held in accordance with:
- (a) the election provisions for resort villages as set out in *The Local Government Election Act*, and the provisions regarding qualifications for electors and candidates, disqualification and council meetings for resort villages in this or any other Act apply, with any necessary modification; or
 - (b) the election provisions and the term of office of council members as set out in *The Rural Municipality Act, 1989*.
- (7) Subject to subsection (8), a bylaw passed pursuant to this section takes effect with respect to the first general election and all subsequent general elections and by-elections held in the urban municipality after the bylaw is passed.
- (8) If a bylaw is passed pursuant to this section after April 15 in the year of a general election, the bylaw takes effect with respect to all general elections and by-elections commencing with the second general election after the bylaw is passed.

Contents of incorporating orders

7 In making an order pursuant to section 6 incorporating an urban municipality or the minister shall:

- (a) declare the urban municipality to be incorporated, assign a name to it and describe its boundaries;
- (b) state the day on which the order becomes effective;
- (c) fix a day, hour and place for the nomination day for the election of a council, which day may be prior to the effective date of the order;
- (d) appoint a person to act as the returning officer for the election;
- (e) **Repealed.** 1984-85-86 c.88 s4.
- (f) fix a day, hour and place for the first meeting of the council; and
- (g) include any other provision the minister considers necessary to facilitate the incorporation of the municipality and to enable it to hold its first election and first meeting of council.

1983-84, c.U-11, s.7; 1984-85-86, c.88, s.4; 1994 c.48, s.3; 2000, c.32, s.7.

Consequences of incorporating order re resort villages or villages

8(1) Where the minister makes an order incorporating a resort village pursuant to section 4 or a village pursuant to section 5:

- (a) all bylaws and resolutions in force in the rural municipality from which the resort village or village is incorporated continue in force for one year as the bylaws and resolutions of the resort village or village, insofar as they are not inconsistent with this Act, until they are repealed or others are made in their place;
- (b) all taxes and local improvement charges due in that portion of the rural municipality that is incorporated as the resort village or village at the time of the incorporation are deemed to be taxes and charges due to the resort village or village and may be collected and dealt with as if they were imposed in accordance with this Act or *The Local Improvements Act, 1993*;
- (c) all liabilities attributable to that portion of the rural municipality that is incorporated as the resort village or village at the time of the incorporation are vested in the resort village or village and may be dealt with by it in its own name; and
- (d) any proceedings commenced by a rural municipality pursuant to *The Tax Enforcement Act* on any real property within that portion of the rural municipality that is incorporated as the resort village or village are, for all purposes, deemed to have been commenced by the resort village or village, and after the order is made the clerk of the village or resort village shall carry out all the duties imposed by *The Tax Enforcement Act* respecting redemption and furnishing of returns to the Registrar of Titles, and title to the real property is to be issued in the name of the resort village or village.

(2) Notwithstanding any other provision of this Act or any provision of any other Act, when an order incorporating a resort village or village is made, on the request of the council of the rural municipality or the council of the resort village or village, the minister may, by order, on any terms and conditions that the minister may prescribe, provide for any division or apportionment of assets, liabilities, assessments, taxation, revenues, construction of local improvements and any other matter affecting the area involved in the incorporation of the resort village or village.

1983-84, c.U-11, s.8; 1993, c.L-33.1, s.68; 2000, c.L-5.1, s.542 and c.32, s.8.

Consequences of incorporating order re villages, towns or cities

9 When the minister makes an order incorporating a village or town pursuant to subsection 6(1):

- (a) the council of the former urban municipality shall immediately make the necessary arrangements for the election of the council of the new urban municipality and continues in office until the first meeting of the council of the new urban municipality;
- (b) each employee of the former urban municipality continues as an employee of the new urban municipality with the same rights and duties until the council of the new urban municipality otherwise directs;
- (c) all bylaws and resolutions of the former urban municipality continue as the bylaws and resolutions of the new urban municipality, insofar as they are not inconsistent with this Act, until they are repealed or others are made in their place;
- (d) all taxes and revenues due to the former urban municipality are deemed to be taxes and revenues due to the new urban municipality and may be collected and dealt with by the new urban municipality as if it had imposed them;
- (e) all rights of action and actions by or against the former urban municipality may be commenced, continued or maintained by or against the new urban municipality;
- (f) all land and improvements vested in the former urban municipality is vested in the new urban municipality and, subject to any trusts or other conditions that may be applicable, may be dealt with by it in its own name; and
- (g) all other assets, liabilities, rights, duties, functions and obligations of the former urban municipality are vested in the new urban municipality and may be dealt with by it in its own name.

1983-84, c.U-11, s.9; 2003, c.41, s.5.

CHANGE OF NAME

Change of name

10(1) At the request of the council of an urban municipality, by resolution, the minister may change the name of the urban municipality and, in that case:

- (a) the minister shall publish notice of the change in Part I of the Gazette; and
- (b) any seal formerly used by the urban municipality continues to be the seal of the urban municipality until changed by the council.

(2) A change in the name of an urban municipality made in accordance with this section does not affect any obligation, right, action, land or improvements incurred, established, taken or acquired prior to the change.

1983-84, c.U-11, s.10.

REVERSION OF STATUS

Cities, towns or villages

11(1) The minister may, by order, revert the status of a town to that of a village if the population of the urban municipality is less than the minimum required pursuant to subsection 6(1) and:

- (a) the council of the urban municipality, by resolution, requests the reversion of status;
- (b) the majority of the electors of the urban municipality who vote on the question of whether the status of the urban municipality should be reverted vote in favour of the change; or
- (c) the minister is of the opinion that the reversion of status is in the public interest.

(2) If the minister proposes to order a reversion of status pursuant to clause (1)(c), he shall first cause a notice of the proposed reversion to be published in a newspaper circulating in the urban municipality and posted in a conspicuous place within the urban municipality.

(3) If an elector of the urban municipality files an objection with the minister within two weeks of the publication and posting of the notice pursuant to subsection (2), the minister shall:

- (a) publish a notice in a newspaper circulating in the urban municipality stating the date, time and place of a public meeting to be held on the question of the reversion of status and requesting all electors of the urban municipality to attend; and
- (b) appoint a person to conduct the public meeting who shall:
 - (i) hear any elector of the urban municipality who wishes to be heard; and
 - (ii) prepare and deliver a report respecting the public meeting to the minister.

(4) In making a reversion order pursuant to this section, the minister shall state the day on which the order becomes effective.

(5) Section 9 applies *mutatis mutandis* to a reversion order made pursuant to this section.

1983-84, c.U-11, s.11; 1996, c.67, s.4; 2003, c.41, s.6.

Dissolution of urban municipalities

12(1) The minister may, by order, dissolve an urban municipality where:

- (a) the council requests, by resolution, that the urban municipality be dissolved;
- (b) there is a failure to elect a council;
- (c) in the case of a village, the population is less than 100; or
- (d) in the case of a resort village, the number of persons within the resort village is less than the minimum required pursuant to clause 4(1)(a).

(2) Before making an order for dissolution pursuant to subsection (1), the minister may cause a notice of the dissolution to be posted and published in any form and manner that the minister considers appropriate, stating a time, not less than four weeks after the last posting and publication of the notice, by which any objections to the dissolution must be filed with the minister.

(3) Any objection to the dissolution of an urban municipality must:

- (a) be filed with the minister within the period set out in the notice mentioned in subsection (2); and
- (b) clearly state the reasons for the objection.

(4) Where the minister receives an objection in accordance with subsection (3), the minister may order that a vote be taken in the urban municipality on the question of its dissolution.

(5) An order for dissolution pursuant to subsection (1) must provide for the inclusion in a rural municipality of the area of the former urban municipality.

(6) The minister may order that an urban municipality dissolved pursuant to this section be included in a rural municipality as an organized hamlet.

(7) An order pursuant to subsection (1):

- (a) may appoint one or more persons to adjust and settle the assets and liabilities of the urban municipality that is being dissolved; and
- (b) if any appointments are made pursuant to clause (a), must specify the remuneration payable to the persons appointed.

(8) Subject to the other provisions of this Act and to any directions that may be specified in the order for dissolution, the persons appointed pursuant to subsection (7) shall:

- (a) sell, dispose of and convert into money sufficient assets of the urban municipality:
 - (i) to satisfy the liabilities of the urban municipality; and
 - (ii) to pay the remuneration of the persons appointed, as specified by the order mentioned in subsection (7); and
- (b) dispose of any remaining assets of the urban municipality, as directed by the minister.

(9) If there are insufficient realizable assets to satisfy the liabilities of the urban municipality and the remuneration of the persons appointed pursuant to subsection (7), the persons appointed may, subject to any directions that may be specified in the order, assess, levy, collect and enforce payment of any amount that may be required:

- (a) to satisfy the liabilities of the urban municipality and all associated expenses; and
- (b) to pay the remuneration of the persons appointed, as specified by the order mentioned in subsection (7).

(10) Where an order for dissolution is made pursuant to subsection (1):

- (a) the members of the council and all the employees of the former urban municipality cease to have any further authority;
- (b) all actions or proceedings by or against the former urban municipality may be commenced, continued or maintained by or against the rural municipality in which the former urban municipality is located;
- (c) all bylaws and resolutions that were in force in the former urban municipality continue in force in the area of the rural municipality in which the former urban municipality is located to the extent that those bylaws and resolutions are not inconsistent with this Act or any other Act, until they are repealed or other bylaws or resolutions are made in their place;
- (d) all taxes and revenues due to the former urban municipality are deemed to be taxes and revenues due to the rural municipality in which the former urban municipality is located;
- (e) all land and improvements vested in the former urban municipality:
 - (i) are vested in the rural municipality in which the former urban municipality is located; and
 - (ii) subject to any trusts or other conditions that may be applicable, may be dealt with by the rural municipality in its own name;

- (f) subject to any order made by the minister pursuant to subsection (11), any assets and liabilities of the former urban municipality remaining after the disposition mentioned in subsections (8) and (9) and all other rights, duties, functions and obligations of the former urban municipality are vested in the rural municipality in which the former urban municipality is located and may be dealt with by the rural municipality in its own name.
- (11) For the purposes of clause (10)(f), the minister may make an order respecting the responsibility for, assignment of or disposal of the assets and liabilities and the carrying out of the rights, duties, functions and obligations of the former urban municipality by the rural municipality in which the urban municipality is located.
- (12) Where an order is made pursuant to subsection (11), the minister shall cause notice of the order to be published in the Gazette.

2001, c.46, s.3.

ALTERATION OF BOUNDARIES AND AMALGAMATION OF MUNICIPALITIES

Preliminary proceedings

13(1) In this section, “**council**” means:

- (a) the council of an urban municipality that intends to apply for an alteration of its boundaries or for amalgamation or restructuring with other municipalities; or
 - (b) the council of a municipality other than an urban municipality that intends to apply for an alteration of its boundaries that consequentially affects the boundaries of an urban municipality or for amalgamation or restructuring with an urban municipality.
- (2) A council shall:
- (a) publish a notice of its intention at least once each week for two successive weeks in a newspaper circulating in the area affected by the proposed alteration, amalgamation or restructuring; and
 - (b) personally deliver or send a copy of the notice by ordinary mail to:
 - (i) each person assessed on the last revised assessment roll with respect to land, improvements or businesses located in the area affected by the proposed alteration, amalgamation or restructuring;
 - (ii) the councils of all municipalities affected by the proposed alteration, amalgamation or restructuring; and
 - (iii) the boards of all school divisions affected by the proposed alteration, amalgamation or restructuring.
- (3) The notice mentioned in subsection (2) is required to:
- (a) include a map and a description of the boundaries proposed to be altered or the areas proposed to be amalgamated or restructured and a brief explanation of the reasons for the proposal; and

- (b) contain a statement that any person may, within four weeks from the last publication of the notice, file a written objection to the proposed alteration, amalgamation or restructuring in the office in the clerk of the municipality that intends to apply for the alteration, amalgamation or restructuring.
- (4) If an objection is filed in accordance with clause (3)(b), the council shall call a public meeting by publishing a notice in the manner described in clause (2)(a) and by personally delivering or sending the notice to those persons mentioned in clause (2)(b), which notice is required to contain the information described in clause (3)(a) and to state the date, time and place of the public meeting.
- (5) The public meeting may not be held until the expiration of one week after the day on which the notice mentioned in subsection (4) is last published, delivered or sent.
- (6) The council shall conduct the public meeting and hear all persons who wish to make representations relevant to the proposed alteration, amalgamation or restructuring.
- (7) The council may make an application for the alteration of its boundaries or for amalgamation or restructuring with other municipalities in the form prescribed by the minister and shall submit:
 - (a) an application for the alteration of boundaries to:
 - (i) the minister, if all other municipalities affected by the proposed alteration provide the council with the complementary resolutions mentioned in clause (e);
 - (ii) the Saskatchewan Municipal Board, if all other municipalities affected by the proposed alteration do not provide the council with the complementary resolutions mentioned in clause (e);
 - (b) an application for amalgamation or restructuring to the minister;together with:
 - (c) a map showing in detail the proposed alteration in boundaries or amalgamation or restructuring and a brief explanation of the reasons for the proposal;
 - (d) a certified copy of a resolution of the council requesting the proposed alteration, amalgamation or restructuring;
 - (e) subject to clause (f), if available, a certified copy of a complementary resolution of the council of each municipality affected by the proposed alteration;
 - (f) in the case of an application for amalgamation or restructuring, a certified copy of a complementary resolution of the council of each municipality affected by the proposal; and
 - (g) a written summary of any public meeting held as required by subsection (4) and a copy of each written submission respecting the proposed alteration, amalgamation or restructuring received by the council.

(8) The costs of publishing notices and holding public meetings are to be borne by the municipalities whose boundaries are affected by the proposed alteration, amalgamation or restructuring in the proportions agreed to by them.

(9) The minister may request the Saskatchewan Municipal Board to review any application made pursuant to this section.

(10) The minister or the Saskatchewan Municipal Board, as the case may be, may:

- (a) approve an application made pursuant to this section, subject to any terms and conditions that the minister or the Saskatchewan Municipal Board, as the case may be, considers appropriate; or
- (b) reject an application made pursuant to this section.

(11) If the minister or the Saskatchewan Municipal Board, as the case may be, rejects an application pursuant to this section:

- (a) the minister shall cause a notice of the rejection to be published in the area that would have been affected; and
- (b) no subsequent application that is substantially similar, in the opinion of the minister or the Saskatchewan Municipal Board, as the case may be, may be made until one year after the rejection.

1983-84, c.U-11, s.13; 1988-89, c.46, s.16;
1988-89, c.61, s.5; 2000, c.32, s.9; 2002, c.39,
s.5.

Alteration order

14(1) If the minister approves an application made pursuant to subclause 13(7)(a)(i) or, if no application is made pursuant to section 13, after the minister consults with the councils of the municipalities affected by a proposed alteration of boundaries, the minister may, subject to any terms and conditions that the minister considers appropriate, by order:

- (a) alter the boundaries of any urban municipality by:
 - (i) adding territory to the existing area of the urban municipality; or
 - (ii) withdrawing territory from the existing area of the urban municipality;
- (b) alter the boundaries of any other municipality affected by an order made pursuant to clause (a) so that they correspond to that order.

(2) The minister shall make an order pursuant to subsection (1) if the Saskatchewan Municipal Board approves an application submitted to it pursuant to subclause 13(7)(a)(ii).

1983-84, c.U-11, s.14; 1988-89, c.46, s.16; 2000,
c.32, s.10; 2002, c.39, s.6.

Amalgamation order

15(1) If the minister approves an application made pursuant to clause 13(7)(b), the minister may, subject to any terms and conditions that the minister considers appropriate, by order, amalgamate or restructure municipalities by combining more than one urban municipality or an urban municipality and a municipality other than an urban municipality into a single municipality.

(2) In making an amalgamation order or an order for restructuring pursuant to subsection (1), the minister shall:

- (a) declare the amalgamated or restructured urban municipality to be incorporated, assign a name to it and describe its boundaries;
- (b) state the day on which the order becomes effective;
- (c) fix a day, hour and place for the nomination day for the election of a new council, which day may be before the effective date of the order;
- (d) appoint a person to act as the returning officer for the election;
- (e) after consulting with the councils of the municipalities that are amalgamating or restructuring:
 - (i) subject to subclause (iii), establish the number of councillors that are to be elected to the new council;
 - (ii) establish the term of office of the mayor and the councillors for the new council; and
 - (iii) provide that the new urban municipality may be divided into wards in the manner set out in section 25; and
- (f) fix a day, hour and place for the first meeting of the new council.

(3) An order made pursuant to subclause (2)(e)(iii) has the effect of a bylaw passed pursuant to section 25 for the purposes of establishing wards in the new urban municipality.

(4) Section 9 applies, with any necessary modification, to an order made pursuant to this section.

1983-84, c.U-11, s.15; 2000, c.32, s.11; 2002, c.39, s.7; 2003, c.41, s.7.

Restructuring agreement to form new urban municipality

15.1(1) In this section:

- (a) **“party”** means a party to a restructuring agreement;
- (b) **“restructuring agreement”** means a restructuring agreement entered into pursuant to this section.

(2) Where two or more municipalities wish to amalgamate or restructure to form one or more municipalities under this Act, before applying to the minister pursuant to section 13, the municipalities may enter into a restructuring agreement establishing the terms and conditions of amalgamation.

- (3) The restructuring agreement must include:
- (a) the name of each new municipality to be created or restructured;
 - (b) the manner in which the council of each new municipality is to be constituted, including whether two or more municipalities propose to establish a joint council; and
 - (c) the terms and conditions pursuant to which the restructuring agreement may be amended by the councils of the new municipalities.
- (4) The restructuring agreement may include terms and conditions respecting any or all of the following matters:
- (a) the disposition of the assets of the parties and manner of dealing with the liabilities of the parties;
 - (b) the imposition of special levies for any or all of the following purposes:
 - (i) to equalize municipal mill rates among the parties;
 - (ii) to renew municipal infrastructures;
 - (iii) to remedy and reclaim contaminated sites;
 - (iv) to settle any liabilities of any of the parties;
 - (c) the allocation of conditional and unconditional grants that were due to one or more of the parties before the restructuring agreement came into effect;
 - (d) the disbursement of surplus funds and reserves of one or more of the parties;
 - (e) the application of tax tools, as prescribed by this Act, to municipal tax levies;
 - (f) the location of the municipal office of the new urban municipality;
 - (g) any other matter that the parties consider necessary to facilitate restructuring.
- (5) Where the parties subsequently apply to the minister pursuant to section 13 to restructure, the parties shall provide the minister with a copy of the restructuring agreement in addition to the materials mentioned in subsection 13(7).
- (6) Where the minister considers a provision of a restructuring agreement to be unclear or uncertain, or where the minister considers it otherwise appropriate, the minister may request that the parties reconsider the restructuring agreement for the purpose of amending the restructuring agreement.
- (7) If a restructuring agreement exists and the minister proposes to make an order for amalgamation or restructuring pursuant to section 15, the minister shall include in that order the terms and conditions of amalgamation or restructuring that are contained in the restructuring agreement.

Restructuring agreement to form new rural municipality

15.2(1) An urban municipality may enter into a restructuring agreement within the meaning of section 13.1 of *The Rural Municipality Act, 1989* to form a new rural municipality or municipal district.

(2) Where the minister issues an order pursuant to section 13.3 of *The Rural Municipality Act, 1989* incorporating a new rural municipality or municipal district:

- (a) the urban municipality is dissolved; and
- (b) subject to section 13.5 of *The Rural Municipality Act, 1989*, this Act ceases to apply to the area of the new rural municipality or municipal district that previously constituted the urban municipality.

2001, c.46, s.4.

16 to 19 Repealed. 1988-89, c.46, s.16.

GENERAL**Conduct of vote**

20(1) When a vote is ordered pursuant to this Part with respect to any matter other than the election of a council, it is to be held in the same manner as a vote on a question pursuant to *The Local Government Election Act* and:

- (a) subject to clause (b), all procedures or preparations, the conduct of the vote and the procedures at the close of the poll are to be carried out in accordance with that Act and all forms and procedures set out in that Act apply *mutatis mutandis*; and
- (b) the minister may, by order, provide for the doing of anything required to be done by a council pursuant to *The Local Government Election Act* to carry out the vote.

(2) The minister shall pay all reasonable costs incurred in conducting a vote described in subsection (1).

1983-84, c.U-11, s.20.

Correcting orders

21(1) No misnomer, misdescription or omission in any order made pursuant to this Part suspends or impairs in any way the operation of this Act with respect to the matter misnamed, misdescribed or omitted and it may be corrected at any time by the authority making the order.

(2) A correction made pursuant to subsection (1) may be made effective on the date specified in the correcting order which date may be retroactive to the date of the original order.

1983-84, c.U-11, s.21.

Publication of orders

22 An order made pursuant to this Part is to be published in Part I of the Gazette and the publication of the order is conclusive proof of the incorporation, reversion of status, dissolution, alteration of boundaries or amalgamation of municipalities, as the case may be, in accordance with this Act.

1983-84, c.U-11, s.22.

Minor alterations to proposed boundaries

23 When making an order pursuant to this Part, the minister, may make minor alterations to the boundaries proposed in the map or plan accompanying a petition made pursuant to section 4 or 5 or in an application for alteration of boundaries or amalgamation of municipalities after consulting with the councils of any affected municipalities and, if appropriate, the person described in clause 4(2)(b) or 5(2)(b).

1983-84, c.U-11, s.23; 2000, c.32, s.12.

Orders affecting municipal boundaries

24 When making an order pursuant to this Part that results in the alteration of the boundaries of an urban municipality, the minister, shall:

- (a) describe the actual alteration of the boundaries of the urban municipality; and
- (b) describe the new boundaries of the urban municipality;

and, on and from the effective date of the order, each description of the boundaries of the urban municipality contained in all previous orders is repealed and the description of the boundaries in the most recent order is conclusively deemed to be the legal description of the boundaries of the urban municipality.

1983-84, c.U-11, s.24; 1992, c.79, s.4; 2000, c.32, s.13.

PART III

Wards

Division of urban municipality into wards

25(1) The council of an urban municipality may provide, by bylaw, that the urban municipality be divided into wards in accordance with this Part.

(2) **Repealed.** 2003, c.41, s.8.

(3) **Repealed.** 2003, c.41, s.8.

(4) Subject to subsection (5), a bylaw passed pursuant to subsection (1) takes effect with respect to the first general election and all subsequent general elections and by-elections held in the urban municipality after the report of the municipal wards commission is filed pursuant to this Part.

(5) If the report of the municipal wards commission is filed after April 15 in the year of a general election, a bylaw dividing the urban municipality into wards takes effect with respect to all general elections and by-elections commencing with the second general election after the report is filed.

2001, c.46, s.5; 2003, c.41, s.8.

Municipal wards commission

26(1) If a council passes a bylaw pursuant to section 25, the council shall, by bylaw:

- (a) appoint a municipal wards commission;

- (b) establish the operating procedures of the municipal wards commission; and
 - (c) determine the term of office of and the remuneration to be paid to the members of the municipal wards commission.
- (2) No person who is a member of the council or any employee of the urban municipality, other than the clerk, is eligible to be a member of the municipal wards commission.

2001, c.46, s.5; 2003, c.41, s.9.

Establishing wards

27(1) Within four months after the date of its appointment, the municipal wards commission, in accordance with section 27.3, shall:

- (a) determine the number of wards into which the urban municipality is to be divided;
 - (b) establish boundaries for each ward;
 - (c) assign a number or name, or a number and name, for each ward;
 - (d) determine the number of councillors to be elected for each ward; and
 - (e) determine the number of councillors, if any, to be elected by a vote of electors of the urban municipality in addition to the councillors elected for each ward.
- (2) When establishing wards, boundaries of wards and the number of councillors to be elected pursuant to this section, the municipal wards commission shall ensure that:
- (a) if one member of council is to be elected from each ward, the population of each ward at the time the boundaries are established does not vary by more than 25% from the quotient obtained by dividing the total population of the urban municipality by the number of wards into which the urban municipality is to be divided; or
 - (b) if more than one member of council is to be elected from any ward, the population per councillor at the time the boundaries are established does not vary by more than 25% from the quotient obtained by dividing the total population of the urban municipality by the total number of councillors to be elected from the wards.
- (3) Subject to subsection (4), for the purposes of this Part a municipal wards commission shall determine the population of the urban municipality by using the latest census taken pursuant to the *Statistics Act* (Canada).
- (4) If a municipal wards commission considers it appropriate, the municipal wards commission may adjust the population of the urban municipality to include any of the following:
- (a) seasonal residents and other electors of the urban municipality;
 - (b) other published population information;
 - (c) a census undertaken by the urban municipality.

2003, c.41, s.10.

Review of wards

27.1(1) In accordance with section 27.3, if territory is added to or withdrawn from an urban municipality that is divided into wards, within four months after the date of the addition or withdrawal of territory, the municipal wards commission shall review the affected wards to ensure that the addition or withdrawal of territory does not alter the population beyond the limit prescribed by clause 27(2)(a) or (b).

(2) If the addition of territory mentioned in subsection (1) does not alter the population of any ward beyond the limit prescribed by clause 27(2)(a) or (b), any added territory may be included in an adjacent ward.

(3) If the addition of territory mentioned in subsection (1) does alter the population of any ward beyond the limit prescribed by clause 27(2)(a) or (b), the municipal wards commission shall review all of the wards in the urban municipality in accordance with sections 27 and 27.3.

(4) If an urban municipality is divided into wards, the municipal wards commission:

- (a) at the request of the council or on its own initiative, may review the wards of the urban municipality at any time and for any reason; and
- (b) shall review the wards of the urban municipality at least once every nine years.

2003, c.41, s.10.

27.2 Repealed. 2001, c.46, s.5.**Hearings with respect to wards**

27.3(1) In determining the area to be included in any ward and in establishing the boundaries of any ward for the purposes of section 27 or 27.1, the municipal wards commission shall hold public hearings and consultations, and the municipal wards commission shall take into consideration:

- (a) current and prospective geographic conditions, including density and relative rate of growth of population;
- (b) any special diversity or community of interest of the inhabitants; and
- (c) the boundaries of the polling areas established by the council pursuant to section 18 of *The Local Government Election Act*.

(2) On completion of its duties:

- (a) the municipal wards commission shall file its report with the urban municipality; and
- (b) the areas within the boundaries established by the municipal wards commission constitute the wards of the urban municipality.

(3) On receipt of the report of the municipal wards commission pursuant to clause (2)(a), the urban municipality shall cause to be published, in a newspaper having general circulation in the urban municipality, a notice that the report is available for public inspection in the municipal office during normal business hours

1993, c.40, s.3; 2001, c.46, s.6.

Disestablishment of wards

27.4(1) A bylaw that provides for an urban municipality to be divided into wards shall not be repealed until after at least two regular general elections for members of council have been held under the bylaw.

(2) Subject to subsection (1), a council may repeal a bylaw passed pursuant to section 25 dividing the municipality into wards.

(3) If a repeal of a bylaw pursuant to subsection (2) is passed after January 1 in the year of a general election of members of the council, the repeal shall not take effect until the second general election after the repeal of the bylaw.

1993, c.40, s.3.

27.5 Repealed. 1993, c.40, s.3.

PART IV Vacancies on Councils

Disqualification

28(1) If, after he is elected, a member of a council:

- (a) is not qualified pursuant to this or any other Act to be nominated or elected or hold office as a member of a council;
- (b) absents himself from all meetings of the council for three consecutive months without authorization by resolution of the council, during which period at least two meetings have been held; or
- (c) other than a member of the council of a resort village, ceases to reside in the municipality;

his seat on the council is thereupon vacant.

(2) Where it is alleged that a person who is duly elected as a member of a council was not validly elected or since his election has become disqualified from holding office as a member, his office nevertheless is not vacated and he is not prevented from voting or acting as a member of council unless and until:

- (a) he resigns;
- (b) he files a disclaimer pursuant to *The Controverted Municipal Elections Act*; or
- (c) a judge holds that he was not validly elected or that since his election he has become disqualified from holding office as a member.

1983-84, c.U-11, s.28; 1984-85-86, c.88, s.5;
1988-89, c.61, s.7.

Resignation

29(1) A member of a council may resign his seat by delivering a written notice to the clerk of the urban municipality, and the resignation takes effect and his seat on the council becomes vacant on the later of:

- (a) the receipt of the notice by the clerk; or
- (b) any future date specified in the notice.

(2) The clerk shall bring to the attention of the council at its next meeting every notice of resignation submitted pursuant to subsection (1).

1983-84, c.U-11, s.29.

Vacancies

30(1) If a vacancy arises in the office of mayor, the council shall, at its next meeting, appoint an alderman to act as mayor until a by-election is held, but a vacancy on the council is deemed not to have occurred by reason of the appointment.

(2) If a by-election is held and a person is elected as mayor, the alderman who had been appointed as mayor shall resume his office as alderman if the term of his office has not expired.

(3) If all the seats on a council become vacant for any reason, the minister may, by order, appoint a person to act as official administrator of the urban municipality who, on his appointment, has all the powers and duties of a council, including the power to hold an election for the purpose of filling all vacant seats then existing on the council.

1983-84, c.U-11, s.30.

PART V **Conflict of Interest** INTERPRETATION

Interpretation

31 In this Part:

(a) **“controlling interest”** means an interest that a person has in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;

(b) **“pecuniary interest”** means an interest that a member of a council has in any matter if:

(i) he or his agent, partner, spouse, parent or child has a controlling interest in, or is a senior officer of, a corporation that could make a financial profit from or be adversely affected financially by a decision of council; or

(ii) he or his spouse, parent or child could make a financial profit from or be adversely affected financially by a decision of council;

but does not include a pecuniary interest in any matter that a member may have:

(iii) as an elector;

(iv) as a user of any public utility service supplied to him by the urban municipality in the same manner and subject to the same conditions that are applicable to other persons;

- (v) by reason of his being entitled to receive, on terms common to other persons, any service or commodity or any subsidy, loan or other benefit offered by the urban municipality;
 - (vi) by reason of his purchasing or owning a security of the urban municipality;
 - (vii) by reason of his having made a deposit with the urban municipality the whole or part of which is or may be returnable to him in the same manner as such a deposit is or may be returnable to other persons;
 - (viii) by reason of his having an interest in any land or buildings affected by a local improvement;
 - (ix) by reason of his being a member of a board, commission or other body as an appointee of the council;
 - (x) as the publisher of a newspaper who publishes advertisements for or on behalf of the urban municipality in that newspaper, as long as only the regular advertising rate is charged and the advertisement before council for consideration is for a notice or other matter required by statute or regulation to be published in a newspaper;
 - (xi) as a result of receiving an allowance for attendance at meetings or any other allowances, honoraria, remuneration, salary or benefit to which he may be entitled by reason of his being a member of council or a member of a volunteer municipal service agency; or
 - (xii) by reason of his being a shareholder of a co-operative or credit union that carries on business with the urban municipality;
- (c) **“senior officer”** means the chairman or vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office.

1983-84, c.U-11, s.31; 1993, c.41, s.4.

MEMBERS OF COUNCIL

Disclosure of holdings

32(1) This section applies to all urban municipalities to which the council has, by bylaw, provided that this section applies.

(2) At the first meeting attended by a member of a council after his election, the clerk shall provide to the member a form prescribed by the minister for the listing of all land and buildings owned by the member.

(3) Every member of a council shall complete the form mentioned in subsection (2) by listing all land and buildings that are owned by him, his spouse or a corporation incorporated or continued pursuant to *The Business Corporations Act* of which he or his spouse is a director or senior officer or in which he or his spouse has a controlling interest and that is located in the urban municipality or within an adjoining municipality and shall file the completed form with the office of the clerk within 30 days after receipt of the form.

(4) Every member of a council shall notify the clerk within 30 days of any disposal or acquisition of land and buildings described in subsection (3).

(4.1) Contravention of any requirement of subsection (3) or (4) is an offence.

(5) The clerk shall maintain a register in which he shall enter the information furnished to him pursuant to subsection (3) or (4) and the name of the person to whom the information relates.

(6) When a judge convicts a member of a council of a contravention of subsection (3) or (4) and finds that the contravention was not made through inadvertence or by reason of an honest mistake:

(a) the judge shall declare the seat of the member of council vacant;

(b) the judge may disqualify the member from holding office in any municipality for not more than three years after the conviction.

(7) When a judge convicts a person of a contravention of subsection (3) or (4), the clerk of the court shall immediately send a copy of the judgment to the clerk of the urban municipality and he shall lay the copy before the council at its next meeting.

1983-84, c.U-11, s.32; 1988-89, c.61, s.8; 1993, c.41, s.5; 2003, c.41, s.11.

Declaration of pecuniary interest

33(1) When a member of a council has a pecuniary interest in any matter in which the council or a committee, board, association, commission or other organization established pursuant to this Act by a council is concerned and is present at a meeting of the council, committee, board, association, commission or other organization at which the matter is considered, he shall:

(a) when the matter arises, disclose that he has a pecuniary interest; and

(b) leave the meeting while the matter is under discussion.

(1.1) Notwithstanding subsection (1), where the matter being considered with respect to which a member has a pecuniary interest is solely the payment of an account for which an expenditure has previously been approved by council and the payment is an amount that is not greater than the amount previously approved, the member shall still disclose that he or she has a pecuniary interest and refrain from participating in the decision but need not leave the meeting while the matter is under discussion.

(2) No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the voting on any question involving a matter in which he has a pecuniary interest.

(3) The clerk or other person charged with the responsibility of keeping the minutes of the meeting of the council, committee, board, association, commission or other organization shall record in the minutes every declaration of a pecuniary interest and the fact that a member leaves the meeting after declaring a pecuniary interest.

(4) Any elector may apply to a judge for a determination of the question of whether a person has contravened this section within three years after the commission of the alleged offence and in his application shall state the grounds on which he alleges that a contravention of this section has been committed.

(5) If the judge determines that a person has contravened this section and the contravention has resulted in personal financial gain, he may require the person to make restitution and, if he finds that the contravention was not made through inadvertence or by reason of an honest mistake, the judge:

- (a) shall, in the case of a member, declare the seat of the member of council vacant; and
- (b) may:
 - (i) disqualify the person from holding office in any municipality for not more than three years after the determination;
 - (ii) award costs of the application to or against any party to it and may fix the amount of costs or order them to be taxed by the clerk of the court.

(6) An appeal lies from any order made pursuant to subsection (5) to the Court of Appeal, and the Court of Appeal may give any judgment that ought to have been pronounced, in which case its decision is final, or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any direction of the Court of Appeal, the case is to be proceeded with as if there had been no appeal.

1983-84, c.U-11, s.33; 1984-85-86, c.88, s.6;
1993, c.41, s.6.

Declaration that bylaw or resolution is void

34(1) Subject to subsection (2), when a contravention of section 33 occurs at a meeting of a council or at a meeting of another body to which section 33 applies, the proceedings related to the matter are not invalidated, but the council or other body may, within three years after the day on which a bylaw or resolution was passed or a decision was made, declare the bylaw, resolution or decision to be void.

(2) Subsection (1) does not apply to a Development Appeals Board or a Planning Commission.

1993, c.41, s.7.

Loss of quorum

35(1) Any member of a council who declares a pecuniary interest pursuant to section 33 is not to be counted for the purpose of determining whether a quorum of the council is present when the question or matter is put to a vote.

(2) If the number of members of council declaring a pecuniary interest on a matter pursuant to section 33 results in a loss of quorum at a meeting with respect to the question or matter, the remaining number of members is deemed to be a quorum for that question or matter, unless that number is less than two.

(3) When all, or all but one, of the members of a council have declared a pecuniary interest in a matter pursuant to section 33, the council may, by resolution, apply to a judge *ex parte* for an order authorizing the council to give consideration to, discuss and vote on that question or matter.

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(4) The judge may, on an application brought pursuant to subsection (3), by order, declare that section 33 does not apply to all or any of the members of the council in respect of the question or matter in relation to which the application is brought, and the council may then give consideration to, discuss and vote on the question or matter as if those members had no pecuniary interest in the question or matter, subject to any conditions and directions that the judge may state in the order.

1983-84, c.U-11, s.35.

Conflict of interest

35.1 In addition to the rules and procedures set out in sections 32 to 35, a council may, by bylaw, establish any conflict of interest rules and procedures for its members that the council considers appropriate.

2001, c.46, s.7.

EMPLOYEES

Disclosure of holdings

36(1) This section applies to all urban municipalities to which the council has, by bylaw, provided that this section applies.

(2) Every:

- (a) commissioner, manager, clerk, treasurer, assessor and solicitor;
- (b) municipal employee that may be designated by a council;
- (c) employee of a board, association, commission or other organization established pursuant to this Act by a council that may be designated by the council;
- (d) person appointed by a council as a member of a municipal planning commission or district planning commission within the meaning of *The Planning and Development Act, 1983*; and
- (e) person appointed by a council as a member of any board, association, commission or other organization established pursuant to this Act by a council that may be designated by the council;

shall, before entering the duties of his office, furnish the clerk with a list, on a form prescribed by the minister, of all land and buildings that are owned by him, his spouse or a corporation incorporated or continued pursuant to *The Business Corporations Act* of which he or his spouse is a director or senior officer or in which he or his spouse has a controlling interest and that is located in the urban municipality or within an adjoining municipality, and shall file the completed form with the office of the clerk within 30 days after receipt of the form.

(3) Every person mentioned in subsection (2) shall notify the clerk within 30 days of any disposal or acquisition of land and buildings described in that subsection.

(4) The clerk shall maintain a register in which he shall enter the information furnished to him pursuant to subsection (2) or (3) and the name of the person to whom the information relates.

1983-84, c.U-11, s.36; 1984-85-86, c.18, s.4;
1984-85-86, c.88, s.7; 1988-89, c.61, s.9; 2003,
c.41, s.12.

Manager, commissioner, solicitor and auditor

37(1) No council shall:

- (a) appoint as a manager or commissioner;
- (b) retain or employ as a solicitor;
- (c) appoint as an auditor;

a person who, at the time of his appointment, retention or employment or during the preceding year:

- (d) is or was a member of the council;
- (e) in the case of a person who is appointed as an auditor, is or was an employee of the urban municipality in any other capacity; or
- (f) has or had, directly or indirectly, alone or with another person, any share or interest in any contract with the urban municipality except as manager, commissioner, solicitor or auditor, as the case may be.

(2) For the purposes of subsection (1), “**contract**” does not include:

- (a) receipt of any public utility service supplied to him by the urban municipality in the same manner and subject to the same conditions that are applicable to other persons;
- (b) receipt, on terms common to other persons, of any service or commodity or any subsidy, loan or other benefit offered by the urban municipality;
- (c) purchasing or owning a security of the urban municipality;
- (d) making a deposit with the urban municipality the whole or part of which is or may be returnable to him in the same manner as such a deposit is or may be returnable to other persons;
- (e) having an interest in any land or buildings affected by a local improvement;
- (f) being a shareholder of a co-operative or credit union that carries on business with the urban municipality;
- (g) receipt, on terms common to other persons, of any residential building lot or contract for the sale or lease of land from the urban municipality for residential purposes.

(3) Any commissioner, other than the mayor, and any manager, solicitor or auditor who acquires any share or interest in a contract described in clause (1)(f) during his term of office may be immediately dismissed.

1983-84, c.U-11, s.37.

PART VI

Procedural Provisions Respecting Councils

Oaths of office

38(1) Every member of a council shall, before entering the duties of his office, take an oath in the prescribed form and shall deposit it immediately with the clerk.

(2) **Repealed.** 1984-85-86, c.88, s.8.

1983-84, c.U-11, s.38; 1984-85-86, c.88, s.8.

Remuneration

39(1) Each member of a council is to be paid any remuneration that may be fixed by the council.

(2) In addition to any remuneration payable pursuant to subsection (1), a council may provide for the payment of remuneration on an annual, monthly, daily or other basis to a member of council who:

- (a) is the deputy mayor;
- (b) is appointed to a board or commission that is under the jurisdiction of the council, the remuneration of which is fixed by the council for members of the board or commission;
- (c) is appointed as a sinking fund trustee, the remuneration of which is fixed by council for sinking fund trustees; or
- (d) is a member of the board of revision.

(3) The bylaw or resolution fixing the amount of the remuneration to be paid to the members of council may fix the terms and conditions of their attendance at meetings of the council and committees of council and of their performance of additional duties as specified in subsection (2).

(4) A council may pay to a member:

- (a) a reasonable daily remuneration to be fixed by the council for attending on any business of the urban municipality that is entrusted or delegated to him by the council and that is not a part of his regular duties as a member;
- (b) a reasonable daily allowance or reimbursement for travel, food, lodging and any other out-of-pocket expenses incurred by him while necessarily absent from the urban municipality on any business of the urban municipality that is entrusted or delegated to him by the council.

(4.1) With respect to expenses that are incidental to the discharge of a member's duties, a council may, by bylaw or resolution and subject to any limits, terms or conditions set out in the bylaw or resolution:

- (a) reimburse the member for the actual expenses incurred by the member; or
- (b) provide the member with an amount calculated in accordance with a specified rate that reasonably reflects the actual expenses that the member will incur;

(5) One third of the total remuneration paid as a result of a bylaw or resolution passed pursuant to this section to a member of a council is deemed to be paid in respect of general expenses incurred by him incidental to the discharge of his duties.

(6) A council may appoint an independent review board to review and make recommendations to the council with respect to the remuneration paid to members of council and may pay the costs of the board.

Benefits

40(1) Subject to subsection (2), a council may, subject to any terms and conditions that the council considers proper:

- (a) include any or all members of the council in an existing plan of superannuation or a benefit fund maintained for the benefit of its employees;
 - (b) make contributions to a registered retirement savings plan that is acceptable for registration as a retirement savings plan pursuant to the *Income Tax Act* (Canada), as amended from time to time, for any or all members of the council;
 - (c) make contributions to a superannuation fund or benefit fund for past services by its members as members of the council.
- (2) The contributions made by a council for a member pursuant to clause (1)(b) or (c) may not exceed an amount equal to the lesser of:
- (a) the amount contributed by the member; and
 - (b) 9% of the member's gross indemnity in each year of service.
- (3) A council may provide to any or all members of council any benefits that may be provided for the employees of the urban municipality by way of one or more of the following:
- (a) group life insurance;
 - (b) group accident insurance;
 - (c) group public liability insurance;
 - (d) hospital, medical, surgical, nursing or dental services or payments therefor;
 - (e) sickness and long-term disability insurance;
- and for paying the whole or part of the cost of the benefits.

1983-84, c.U-11, s.40.

Mayor and deputy mayor

41(1) The mayor of an urban municipality shall:

- (a) be vigilant and active in causing the laws governing the urban municipality to be duly executed and obeyed;
 - (b) oversee the conduct of all municipal employees;
 - (c) cause all negligence, carelessness and violation of duty to be duly prosecuted or otherwise dealt with and punished as far as it is in his power to do so; and
 - (d) communicate to the council all information, and recommend any measures, that may tend to the improvement of the finances and welfare of the urban municipality and its inhabitants.
- (2) The mayor shall preside at all meetings of the council and shall preserve order and enforce the rules of the council.

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(3) The mayor may leave the chair for the purpose of taking part in debate or for any other reason and, in that case, he shall call on the deputy mayor or, in the absence of the deputy mayor, on an alderman to take his place until he resumes the chair.

(4) At its first meeting, or as soon as is conveniently possible, and whenever the office becomes vacant, the council shall appoint an alderman as deputy mayor who shall hold office for a term of at least one month, or for any longer period that the council may decide, and until his successor is appointed.

(5) If the mayor for any reason is unable to perform the duties of his office, the deputy mayor has all the powers of the mayor during the inability.

(6) If the deputy mayor for any reason is unable to perform the duties of his office, the council may appoint an alderman to act in the place of the deputy mayor during the inability.

(7) The member of council presiding at a meeting of council or a committee of council may administer an oath to any person concerning any account or other matter submitted to or being dealt with by the council or committee.

1983-84, c.U-11, s.41.

Quorum and location of meetings

42(1) A majority of the whole council is necessary to form a quorum and no business is to be transacted unless there is a quorum.

(2) Subject to subsection (3), every meeting of a council is to be held within the boundaries of the urban municipality.

(3) Meetings of the council of a resort village may be held at any place determined by the council.

1983-84, c.U-11, s.42.

First meeting and regular meetings

43(1) The first meeting of a council following a general election is to be held:

(a) in the case of a resort village or an urban municipality that decides to hold elections in accordance with the election provisions for resort villages, on or before August 10 in the year in which the general election is held;

(b) in the case of an urban municipality that is not a resort village, on or before November 10 in the year in which the general election is held.

(2) Subsection (1) does not apply to an urban municipality that decides to hold elections in accordance with the election provisions of *The Rural Municipality Act, 1989*.

(3) The clerk shall provide written notice of the time, date and place of the first meeting of the council to all members of council at least 24 hours before the meeting in the manner described in subsections 44(2) and (3), but all subsequent regular meetings of the council are to be held on any days that the council may determine.

(4) After the year of organization, the council of a resort village or an urban municipality that decides to hold elections in accordance with the election provisions for resort villages shall meet each year on or before June 1.

2003, c.41, s.13.

Special meetings

44(1) The clerk shall call a special meeting of the council whenever requested to do so in writing by the mayor or by a majority of the members of the council.

(2) Subject to subsections (3) and (4), when a special meeting of the council is to be held, the clerk shall provide written notice of the time, date and place of the meeting to all members of council at least 24 hours prior to the meeting and, in general terms, of the business to be transacted at the meeting, and the notice may be delivered personally or left at the usual place of business or residence of the members of council.

(3) Notice of a special meeting of the council of a resort village may be sent to a member of council who is absent from the resort village by ordinary mail addressed to him at his residence in Saskatchewan at least seven days prior to the day on which the meeting is to be held.

(4) The mayor may call a special meeting of the council on any shorter notice, either verbal or written, that he considers sufficient, if all members of council give their consent in writing to the notice before the commencement of the meeting.

(5) No business other than that stated in the notice is to be transacted at a special meeting of the council unless all members of council are present, in which case, by unanimous consent, any other business may be transacted.

1983-84, c.U-11, s.44.

Open meetings

45(1) Every council shall hold its regular and special meetings openly and no person is to be excluded except for improper conduct.

(2) The member of council presiding at a meeting of council may cause any person who is guilty of improper conduct at the meeting to be expelled and excluded.

1983-84, c.U-11, s.45.

Public meetings

46(1) A council may authorize or require the mayor to call a public meeting of the electors for the discussion of any municipal matter.

(2) If a petition requesting the holding of a public meeting of electors for the discussion of a municipal matter signed by the number of electors equal to 5% of the population of the urban municipality is presented to the mayor, the mayor shall call the public meeting to be held within 30 days after the presentation of the petition.

(2.1) A notice calling the meeting mentioned in subsection (2) shall be published at least seven days before the day of the meeting in at least one issue of one or more newspapers published and circulating in the municipality or, if there is no such newspaper, in one issue of a newspaper having general circulation in the municipality.

(3) The clerk of the urban municipality shall determine the sufficiency of any petition submitted pursuant to subsection (2) and his determination is final.

1983-84, c.U-11, s.46; 1988-89, c.61, s.10.

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47(1) The mayor shall submit to the council every question on a motion of a member of council.

(1.1) A seconder for a motion is not required:

- (a) in a village or resort village;
- (b) in a town in which the rules made by the council pursuant to subsection (6) do not require a seconder.

(1.2) At every meeting of a council, all members of council present shall vote on all questions, unless disqualified from doing so pursuant to subsection 33(1) or (1.1).

(2) Any question on which there is an equality of votes is deemed to be decided in the negative.

(3) At every meeting of a council all questions are to be decided by the majority of the votes.

(4) No act or proceeding of a council that is adopted at any meeting of the council at which a quorum is not present is valid.

(5) Whenever a recorded vote is demanded by a member, the clerk shall record in the minutes the name of each member present and whether he voted for or against the matter.

(6) A council may make rules not contrary to law for governing its proceedings, calling meetings and the conduct of its members and generally for the transaction of its business.

1983-84, c.U-11, s.47; 1984-85-86, c.88, s.9;
1995, c.35, s.4; 2003, c.41, s.14.

Petitions to council

48(1) Any person may submit a petition to a council on any matter within the jurisdiction of the council by delivering it to the clerk.

(2) **Repealed.** 1994 c48 s4.

(3) A council shall cause every petition received by it to be read at the next meeting of the council but, if a copy of the petition has been provided to every member of the council, it is not necessary to read it aloud.

(4) Every person entitled to be heard before the council or any of its committees may be heard in person or through any other person acting on his behalf.

(5) The council shall consider, but is not bound by, any petition submitted to it.

1983-84, c.U-11, s.48; 1994, c.48, s.4.

48.1 Repealed. 1996, c.67, s.6.

48.2 Repealed. 1996, c.67, s.6.

Submission of questions to electors

49(1) A council may submit to a vote of the electors any question on any matter within the jurisdiction of the council.

(2) When a council submits a question to a vote of the electors, the council is not bound by the result of the vote.

1983-84, c.U-11, s.49.

Committees of council

50(1) A council may appoint standing or special committees consisting of one or more of its members and may delegate to any such committees:

- (a) any matter it considers necessary for consideration or inquiry; and
- (b) any of the duties and powers conferred by this Act on a council, except the power:
 - (i) to borrow money;
 - (ii) to pass a bylaw; or
 - (iii) to enter into a contract.

(2) Each committee to which any duty or power is delegated by a council may exercise or perform the duty or power in the same manner and with the same effect as if it were exercised or performed by the council.

(3) If a majority of the members of a committee present at a meeting of the committee is of the opinion that it is in the public interest to hold all or any part of a committee meeting in private, the committee may exclude any person from the whole or any part of the meeting, but no bylaw or resolution may be passed at any such meeting.

(4) Each committee shall render an account of its proceedings and decisions by reporting to the council, either in writing or by an oral statement made by the chairman of the committee or a member of the committee authorized by the committee to make its report, at any time that may be required by the council.

(5) No report or order of a committee, except an order authorized by a bylaw or resolution of the council, has any effect unless it is adopted by the council at a regular or special meeting.

(6) The mayor is *ex officio* a member of each committee of a council.

1983-84, c.U-11, s.50.

Boards, associations, commissions, etc.

51(1) A council may, by bylaw, provide for the appointment of any board, association, commission or other organization that it considers desirable for the purpose of managing and operating or advising in the management and operation of any activity of the urban municipality and in the extension and improvement of its service.

(2) No council shall delegate to any board, association, commission or other organization the right to appropriate or expend any municipal public moneys, other than the moneys voted by the council that are necessary for the carrying on of its management and operational functions.

(3) A council shall, in the bylaw establishing a board, association, commission or other organization, set out its constitution, duties, powers and functions, including any power to hire, suspend or dismiss employees, and all necessary provisions with reference to administration.

(3.1) No member of council is eligible to serve as an employee of any board, association, commission or other organization established pursuant to this section by the council on which he serves as a member.

(4) The members of the board, association, commission or other organization established pursuant to subsection (1):

- (a) may be named by resolution of the council;
- (b) hold office during the pleasure of the council;
- (c) may be paid any remuneration that may be fixed by the council.

(5) A council may, on the petition of the governing body or persons operating a hospital other than a hospital belonging to the urban municipality, appoint a board of the hospital consisting of not less than two and not more than 25 members, and may confer on the board any powers not inconsistent with this Act that the council and the governing body or persons operating the hospital may agree on.

(6) **Repealed.** 1984-85-86, c.18, s.5.

1983-84, c.U-11, s.51; 1984-85-86, c.18, s.5;
1984-85-86, c.88, s.10.

Community advisory committee

51.1(1) A council may, by bylaw, establish a community advisory committee for any ward or area within the urban municipality that the council designates.

(2) In a bylaw establishing a community advisory committee, the council shall set out:

- (a) the manner of electing or appointing the members of the committee;
- (b) the maximum and minimum number of members of the committee;
- (c) subject to subsection (6), the duties, powers and functions of the committee; and
- (d) any other matter that the council considers necessary.

(3) The members of a community advisory committee shall elect a chairperson and a vice-chairperson from among themselves.

(4) Subject to subsection (5) and any directions of the council, the urban municipality shall pay any necessary expenses incurred by a community advisory committee in fulfilling its duties and carrying out its powers and functions.

(5) The council may fix a maximum amount of expenditures that a community advisory committee may incur, and where the council does so, the community advisory committee shall not make any expenditure in excess of that amount without the prior approval of the council.

(6) For the purposes of clause (2)(c), the council may give a community advisory committee all or any of the following duties, powers and functions:

- (a) monitoring the provision of municipal services to the ward or designated area for which the committee is responsible and recommending to the council the appropriate level of municipal services, the areas of the urban municipality where additional municipal services are required, and the ways in which the provision of municipal services can be improved;
- (b) establishing one or more subcommittees;
- (c) making recommendations to the council respecting any matter intended to improve conditions in the ward or designated area for which the committee is responsible, including recommendations respecting:
 - (i) inadequacies in existing municipal services provided to the ward or designated area and the manner in which the inadequacies might be resolved;
 - (ii) additional municipal services that might be required;
 - (iii) the manner in which the services mentioned in subclause (i) or (ii) might be funded;
 - (iv) bylaws or resolutions, including those regarding community planning and development, that may be required;
 - (v) the adoption of policies that would allow residents of the ward or designated area to participate more effectively in the governance of the ward or designated area; and
 - (vi) any other matter of concern in the ward or designated area;
- (d) managing on behalf of the urban municipality any facilities located in, and municipal services provided in, the ward or designated area that the community advisory committee represents.

(7) In managing a facility or service pursuant to clause (6)(d), a community advisory committee shall not incur operational or capital expenses that exceed the amount approved by the council

2001, c.46, s.8.

PART VII

Employees

GENERAL

Departments

52 A council may establish and maintain any departments that the council considers necessary for carrying into effect the provisions of this or any other Act affecting the urban municipality or any of its bylaws.

1983-84, c.U-11, s.52.

c. U-11**URBAN MUNICIPALITY, 1984****Offices**

53(1) Each council shall establish the offices of:

- (a) administrator, in the case of an urban municipality with a population of 100 or more, or of any other urban municipality that retains the services of a person who holds the qualifications described in subsection 63(1);
- (b) clerk, in the case of an urban municipality other than one described in clause (a);
- (c) treasurer; and
- (d) assessor.

(2) Subject to section 54, a council may establish any other offices that the council considers necessary for carrying into effect the provisions of this Act or any other Act affecting the urban municipality or of any of its bylaws.

1983-84, c.U-11, s.53; 1988-89, c.61, s.11; 1997, c.52, s.4; 2003, c.41, s.15.

Manager

54(1) The council of a town may, by bylaw, establish the office of manager.

(2) A bylaw passed pursuant to subsection (1) must:

- (a) be passed by a majority of the total number of members of the council; and
- (b) set out the powers and duties of the manager.

2003, c.41, s.16.

Appointment, etc., of municipal officials

55(1) In this section and section 55.1, “**municipal official**” means any person holding an office mentioned in section 53 or 54 or any other person who is employed by an urban municipality and who the council designates as a municipal official for the purposes of this section and section 55.1.

(2) A council may, by resolution:

- (a) appoint any municipal official and may specify his powers and duties; and
- (b) subject to section 55.1, suspend or dismiss any municipal official.

(3) A council may, by bylaw, delegate its power to appoint, suspend or dismiss municipal officials, other than the clerk, treasurer, assessor, solicitor, returning officer or auditor or any other municipal official that the council may exclude, to the commissioner or manager of the urban municipality that it represents on the terms established by the council.

(4) Subject to section 63, when a municipal official is absent or incapable of performing his duties or when there is a vacancy in an office, a mayor, commissioner or manager may, in writing, appoint a person to act in place of the municipal official until the next meeting of the council and, during that time, the person appointed has all the powers of the office to which he is appointed.

- (5) Unless otherwise expressly prohibited, the same person may be appointed to more than one office.
- (6) No member of council is eligible to be appointed as a municipal official in the urban municipality in which he serves as a member.
- (7) Each municipal official holds office during the pleasure of the council subject to the other provisions of this section and to the terms specified in the bylaw or resolution by which he is appointed, and shall perform the duties assigned to him by this Act or any other Act or law and that may be imposed on him by bylaw.
- (8) A municipal official may delegate any of the powers or duties imposed or conferred on him by this or any other Act to any other municipal official or municipal employee if he is authorized to do so by the terms and conditions of his appointment or by a bylaw or resolution of the council.

1984-85-86, c.18, s.6.

Procedure re suspension, dismissal of municipal officials

- 55.1(1)** When a municipal official is suspended pursuant to section 55, he is to be provided with a written statement of the reasons for the suspension and, in the case of the suspension of a commissioner or manager, is to be afforded a reasonable opportunity to be heard before the council in person or through his solicitor or agent not later than the second regular meeting of the council following the date of the suspension, unless otherwise agreed to by the municipal official.
- (2) A council may, by resolution, reinstate, confirm the suspension of, confirm and extend the suspension of or dismiss a municipal official who is suspended.
- (3) A manager or a commissioner may not be dismissed except by an affirmative vote of a majority of the total number of members of the council.

1984-85-86, c.18, s.6.

Oaths of office

- 56(1)** Every commissioner, manager, clerk, treasurer, assessor, auditor, solicitor and every other municipal employee who by the terms of his appointment is required to do so by council shall, before entering the duties of his office, make and subscribe a declaration of office, in the prescribed form, before a justice of the peace, notary public, commissioner for oaths or, in the case of a municipal employee other than the clerk or treasurer, before the clerk.
- (2) Any person who is appointed to two or more offices that he may lawfully hold at the same time may make one declaration of office with respect to all the offices to which he is appointed.
- (3) The person before whom a declaration is made pursuant to this section shall give the necessary certificate of its having been made and subscribed and the person taking the oath shall deposit it in the office of the clerk within eight days of its completion.

1983-84, c.U-11, s.56.

c. U-11**URBAN MUNICIPALITY, 1984****Liability**

57(1) An urban municipality is liable for loss or injury arising from any act or omission of a municipal employee, an employee of a board, association, commission or other organization established pursuant to section 51 by a council or an agent of the urban municipality acting in the course of his duties.

(2) No municipal employee, employee of a board, association, commission or other organization established pursuant to section 51 by a council or agent of an urban municipality shall:

- (a) fail to discharge the duties of his office;
- (b) knowingly sign a false statement, report or return required by this Act; or
- (c) fail to hand over to his successor in office, or any persons that may be designated in writing by the council or by the minister, all moneys, books, papers and other property of the urban municipality in his possession.

(3) The urban municipality shall contract and pay the cost of the premiums for insurance to protect against liability for acts or omissions of the urban municipality or a municipal employee, an employee of a board, association, commission or other organization established pursuant to section 51 by a council or agent of the urban municipality or any local board or commission established by the urban municipality acting in the course of their duties.

(4) The urban municipality shall pay the cost of:

- (a) defending an action or proceeding against a municipal employee or an employee of a board, association, commission or other organization established pursuant to section 51 by a council claiming liability on the part of that employee for acts or omissions done or made by the employee in the course of his duties or paying any sum required to settle the action or proceeding; and
- (b) damages and costs awarded against a municipal employee or an employee of a board, association, commission or other organization established pursuant to section 51 by a council as a result of a finding of liability on the part of that employee for acts or omissions done or made by the employee in the course of his duties.

(5) An urban municipality shall pay the costs mentioned in subsection (4) with respect to the members of a community advisory committee established by the council of the urban municipality pursuant to section 51.1

1983-84, c.U-11, s.57; 1984-85-86, c.18, s.7;
1984-85-86, c.88, s.11; 2001, c.46, s.9.

Bonding

58(1) A council shall require and make arrangements for:

- (a) the treasurer;
- (b) every person who in the course of his employment receives or disburses cash; and

(c) every other municipal employee or employee of a board, association, commission or other organization established pursuant to section 51 by a council that the council considers necessary;

before commencing the duties of his office to give any security that the council considers expedient for the faithful performance of his duties, in the form of a bond or policy of guarantee of a corporation empowered to grant securities, bonds or policies for the integrity and the faithful accounting of public employees or persons occupying positions of trust, and the bond or policy of guarantee may cover a single employee or a number of them.

(2) The bonds or policies of guarantee are to be for the amounts for each employee referred to in clauses (1)(a) to (c) that may be directed by council, but the amount is to be in a sum of not less than \$10,000 with respect to each such employee.

(3) At the first meeting of the council in January in each year, the clerk shall provide to the mayor all bonds or policies of guarantee of employees referred to in clauses (1)(a) to (c) and the mayor shall lay them before the council which shall renew or change the bonds or policies of guarantee as may be required.

(3.1) **Repealed.** 2003, c.41, s.17.

(4) The members of the council who fail to provide for the bonding required by this section are jointly and severally liable for any default of any employee referred to in clauses (1)(a) to (c) to the extent of the sum for which bonding should have been provided.

(5) When, on the demand of any member of council that is duly recorded in the minutes of a meeting of the council, a majority of the council refuses or neglects to provide the bonding required to be provided by this section, that member of council is relieved from all personal liability pursuant to subsection (4).

(6) The premiums payable in respect of any bond or policy of guarantee given pursuant to this section are payable by the urban municipality out of its general funds.

1983-84, c.U-11, s.58; 1984-85-86, c.18, s.8;
2001, c.46, s.10; 2003, c.41, s.17.

Superannuation or group insurance plans

59(1) A council may set up, contract for and maintain:

(a) subject to *The Municipal Employees' Superannuation Act*, a plan of superannuation or a benefit fund for the benefit of:

- (i) municipal employees or any class of municipal employees;
- (ii) the employees of any institution operated by a board appointed by the urban municipality;
- (iii) the employees of any corporation of which the urban municipality is the majority or sole owner of shares;
- (iv) the members of the municipal police force;
- (v) employees of any board, association, commission or other organization established pursuant to section 51 by a council; or
- (vi) the dependants of any persons mentioned in subclauses (i) to (v);

- (b) a plan of:
 - (i) group life insurance for municipal employees, any class of municipal employees or employees of any board, association, commission or other organization established pursuant to section 51 by a council;
 - (ii) group accident insurance, group sickness insurance, group disability insurance or any other employee group benefits for municipal employees, any class of municipal employees or employees of any board, association, commission or other organization established pursuant to section 51 by a council, and their spouses and children.
- (2) When a plan is set up pursuant to subsection (1), the council may make participation in the plan compulsory or optional.
- (3) For the purposes of clause (1)(a), the employees of the management of the Regina General Hospital are, on and from March 2, 1974, deemed to be employees to whom that clause applies.
- (4) This section is still in force.

1983-84, c.U-11, s.59; 1984-85-86, c.18, s.9.

Joint exercise of powers

- 60(1)** The powers conferred on a council pursuant to section 59 may be exercised either alone or jointly with a board of education of a school division in respect of its non-teaching staff, the library board, the board of trade or chamber of commerce, an agricultural and industrial exhibition association, any board, association, commission or other organization established by the council or with any one or more of them, or, in the case of the employees of the Regina General Hospital to whom subsection 59(3) applies, with the board of governors of that hospital, each of the parties acting for and assuming responsibility only in respect of its own employees.
- (2) A joint agreement entered into pursuant to subsection (1) may provide that any party may withdraw from the agreement subject to any conditions that may be specified in the agreement.

1983-84, c.U-11, s.60.

Employee-employer matters

61(1) Subject to the other provisions of this Act, for the purposes of every Act or regulation concerning wages, hours and conditions of work, trade unions, labour relations or any matters governing employment:

(a) every municipal employee, including every member of the municipal police force, and every employee of a board, association, commission or other organization established pursuant to this Act by a council is deemed to be an employee; and

(b) the urban municipality and any board, commission and agency appointed by the council or established by or pursuant to this Act and responsible for the payment of wages to any employee is deemed to be an employer.

(2) A council may agree to the reference to a board of arbitration of any dispute concerning wages, hours and conditions of work, trade unions, labour relations or any matter governing employment, and may also agree that the decision of the board is to be final and binding on the urban municipality, and the council may appoint one or more persons to represent it on the board of arbitration and may delegate to him or them authority to concur in the appointment of a chairman of the board, or the council may agree that the chairman may be appointed by Lieutenant Governor in Council.

1983-84, c.U-11, s.61; 1984-85-86, c.18, s.10.

Employment, etc., of municipal employees

62(1) A council may:

(a) subject to the terms of any applicable collective bargaining agreement, employ, discipline or dismiss any municipal employee and specify his powers and duties; and

(b) act on any other necessary matter that is incidental to the employment of municipal employees.

(2) A council may delegate any of the powers conferred on it by subsection (1) to a commissioner, manager, clerk or administrator.

(3) No member of council is eligible to be appointed as a municipal employee in the urban municipality in which he serves as member.

1984-85-86, c.18, s.11.

CLERK AND TREASURER**Qualifications**

63(1) No person may be appointed as clerk or treasurer of an urban municipality with a population of 100 or more unless he or she holds a valid and subsisting certificate of membership and qualification issued pursuant to *The Urban Municipal Administrators Act*.

(1.1) Every person who, on the day this subsection comes into force, is a clerk or treasurer of an urban municipality with a population of 100 or more shall meet the requirements of subsection (1) within five years after the date on which this subsection comes into force.

(2) **Repealed.** 1997, c.52, s.5.

(2.1) **Repealed.** 1997, c.52, s.5.

(3) When a clerk or treasurer is unable to perform his duties or is absent or the office is vacant, the council may appoint an acting clerk or acting treasurer and, while so acting, the person so appointed has all the powers and duties of the clerk or treasurer.

(4) Subject to subsection (5), no person appointed as an acting clerk or acting treasurer shall hold office for a period longer than three months, but the board of examiners established pursuant to section 63.1 may, if it is satisfied that the council has taken reasonable steps to obtain the services of a qualified person, grant to the council a permit authorizing the retention of the services of that person for any period, and subject to any terms and conditions, that it shall specify in the permit.

(5) An acting clerk or acting treasurer appointed pursuant to subsection (3) during the illness or leave of absence of the clerk or treasurer may continue in office without obtaining a permit pursuant to subsection (4) until the earlier of:

- (a) six months after the date on which the clerk's or treasurer's illness or leave of absence commenced; and
- (b) the date on which the clerk or treasurer resumes his or her duties or terminates his or her employment.

(6) All acts of a clerk or acting clerk or treasurer or acting treasurer performed while he is in contravention of this section are invalid.

(7) Any person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and, in the case of a continuing offence, to a further fine of \$15 for each day during which the offence continues.

1983-84, c.U-11, s.63; 1988-89, c.61, s.12; 1997, c.52, s.5; 2001, c.46, s.11; 2003, c.41, s.18.

Board of examiners established

63.1(1) The Saskatchewan Urban Municipalities Association and the Urban Municipal Administrators' Association of Saskatchewan shall enter into an agreement to establish a board of examiners.

(2) The purposes of the board of examiners are:

- (a) to determine the qualifications for the offices of clerk, treasurer and administrator of urban municipalities;
- (b) to establish and conduct examinations or tests of competence required to acquire certificates of qualification for the offices mentioned in clause (a); and
- (c) to issue certificates of qualification to persons who qualify for the offices mentioned in clause (a).

(3) The board of examiners is to consist of:

- (a) one person appointed by the Saskatchewan Urban Municipalities Association;

- (b) one person appointed by the Urban Municipal Administrators' Association of Saskatchewan; and
 - (c) one or more persons appointed jointly by the associations mentioned in clauses (a) and (b).
- (4) The board of examiners established by the agreement entered into pursuant to subsection (1) is a body corporate.
- (5) The agreement entered into pursuant to subsection (1) may contain:
- (a) any provision for the operation, funding or general conduct of the board of examiners that is not inconsistent with this Act; and
 - (b) any provision setting out the method of determining qualifications for the issuance of certificates of qualification that is not inconsistent with the bylaws or rules of the Urban Municipal Administrators' Association of Saskatchewan passed pursuant to section 10 of *The Urban Municipal Administrators Act*.
- (6) All documents of any kind or description that are, as at June 30, 2001, in the possession of the board of examiners appointed pursuant to *The Department of Urban Affairs Act* are to be transferred to the board of examiners established by the agreement entered into pursuant to subsection (1).
- (7) The board of examiners established by the agreement entered into pursuant to subsection (1) is not an agent of the Crown in right of Saskatchewan.

2001, c.46, s.12.

Duties of clerk

64 The clerk shall:

- (a) attend all meetings of the council and truly record in the minutes, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) enter in the minutes of every meeting the names of the members of the council present at the meeting;
- (c) if demanded by any member of the council, record the name and vote of every member voting on any matter or question;
- (d) record in the minutes all declarations of pecuniary interest required by section 33, the resulting abstentions from discussion and voting by any member with respect to any matter or question before the council and the fact that a member leaves the meeting after declaring a pecuniary interest;
- (e) ensure:
 - (i) that the minutes of each meeting are approved at the next regular meeting of the council; and
 - (ii) that the last page of the minutes of each meeting is signed by the presiding member of council;
- (f) maintain an indexed register containing certified copies of all bylaws of the urban municipality;

- (g) take charge of and safely keep all books, documents and records of the urban municipality committed to his charge and deliver them to his successor in office or any other person that the council may designate on his ceasing to hold office;
- (h) summon all meetings of the council, communicate the resolutions and instructions of the council to the parties concerned and conduct the general official correspondence of the council;
- (i) have custody of the seal of the urban municipality;
- (j) prepare and transmit to the minister any statements, reports and other information with regard to the urban municipality that may be required by the minister and in any form that the minister may direct;
- (k) perform all other duties imposed on him by this or any other Act and generally carry out any instructions that may be issued to him by the council, the manager or the commissioner.

1983-84, c.U-11, s.64; 1984-85-86, c.88, s.12.

Duties of treasurer

65(1) The treasurer shall:

- (a) collect and receive all moneys paid to the urban municipality from whatever sources and, except in the case of payments made by electronic transfer of funds or through a third party that collects moneys on behalf of the urban municipality issue, receipts for the moneys paid;
- (b) safely keep all funds and securities of the urban municipality;
- (c) subject to subsection (1.1), when cash collections have accumulated to the amount:
 - (i) of \$1,000, or another amount determined by bylaw that is equal to or less than the amount for which the treasurer is bonded, in the case of an urban municipality other than a town; and
 - (ii) of \$3,000, or another amount determined by bylaw that is equal to or less than the amount for which the treasurer is bonded, in the case of a town;

or more frequently as the treasurer may in his or her discretion determine but in any case not less than once a month, deposit in the name of the urban municipality in a bank or credit union designated by the council, of which the treasurer may not be an employee, all moneys received by the treasurer;
- (d) disburse the funds of the urban municipality only to those persons and in the manner that is directed by law or by the bylaws or resolutions of the council;
- (e) subject to subsection (2), make all payments on behalf of the urban municipality:
 - (i) by electronic transfer of funds through the bank or credit union in which the moneys of the urban municipality are deposited, with the prior approval of the mayor or deputy mayor; or

- (ii) by cheque, signed by the treasurer and countersigned by the mayor or deputy mayor, on the bank or credit union in which the moneys of the urban municipality are deposited;
 - (f) keep and make use of any books of record and account that the minister or the council may require for the purpose of maintaining a complete and accurate account of assets and liabilities and all transactions affecting the financial position of the urban municipality;
 - (g) submit to the council:
 - (i) a bank reconciliation;
 - (ii) a monthly financial statement or a monthly statement showing all receipts and payments; and
 - (iii) any other financial statements that the council may, by resolution, request;
 - (g.1) on or before June 1 in each year, prepare a financial statement for the urban municipality for the fiscal year ending on December 31 of the preceding year, in accordance with generally accepted accounting principles for local governments as recommended by the Canadian Institute of Chartered Accountants;
 - (h) produce, when called for by the council, auditor, minister or other competent authority, all books, vouchers, papers and moneys belonging to the urban municipality and hand them over to his successor or any other person that the council may direct on his ceasing to hold office;
 - (i) prepare and transmit any statements and reports and any other information with regard to the urban municipality to the minister in any form that may be required by the minister;
 - (j) perform all other duties imposed on him by this or any other Act, and generally carry out any instructions that may be issued to him by the council.
- (1.1) The treasurer is not required to make a deposit in accordance with clause (1)(c) more than once per day.
- (2) A council may, by bylaw:
- (a) authorize the treasurer to establish bank accounts for the payment of salaries and wages or for any other purpose designated in the bylaw on which cheques may be drawn or funds may be electronically transferred:
 - (i) by the treasurer or any other municipal employee designated in the bylaw; or
 - (ii) jointly by the treasurer and either the mayor, the deputy mayor or any other municipal employee designated in the bylaw;
 - (b) provide that the signatures of any or all of the persons authorized to sign cheques by a bylaw passed pursuant to this section may be reproduced on cheques.

Combined offices

66 A council may provide that the duties and responsibilities of the office of the clerk, the treasurer, the assessor or any combination of them be combined into one office to be designated as the clerk, and a person appointed to that office may, under the title of clerk, do anything that pursuant to this or any other Act is to be done by the clerk, treasurer or assessor.

1983-84, c.U-11, s.66.

67 to 69 Repealed. 2000, c.32, s.14.

Limitation re filling vacancy

70(1) No council shall appoint and no member of council shall concur in the appointment of a permanent replacement to fill a vacancy caused by the dismissal by the council of a clerk or treasurer pursuant to subsection 67(1) until:

- (a) the time for making an application pursuant to subsection 67(2) has expired and no application has been made; or
- (b) if the matter is being investigated by the board, the board has filed a statement of its findings in accordance with subsection 69(7).

(2) Any person who is appointed contrary to subsection (1) and who attempts to discharge the duties of clerk or treasurer on a permanent basis is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and, in the case of a continuing offence, to a further fine of \$15 for each day during which the offence continues.

1983-84, c.U-11, s.70.

SOLICITOR**Solicitor**

71 Every council of a town:

- (a) shall:
 - (i) retain a solicitor, which may be a partnership; or
 - (ii) employ a solicitor; and
- (b) shall determine the duties, remuneration and terms of retention or employment of the solicitor.

2003, c.41, s.20.

AUDITOR**Appointment**

72(1) Every council shall appoint an auditor who is a member in good standing of an accounting profession recognized pursuant to one of the following Acts:

- (a) *The Management Accountants Act*;
- (b) *The Certified General Accountants Act, 1994*;
- (c) *The Chartered Accountants Act, 1986*.

(2) The auditor, whether appointed for a stated period or otherwise, is the auditor of the urban municipality until his services are dispensed with by resolution of the council, and a resolution dispensing with his services does not take effect until the expiration of 30 days after the day on which notice of dismissal is mailed to the auditor.

(3) If, in the opinion of the minister, the auditor appointed by a council has not discharged his duties in a satisfactory manner, the minister may require the council to appoint another person as auditor.

1983-84, c.U-11, s.72; 2001, c.46, s.14.

Examination

73(1) The auditor shall, at least once in each year, make an examination of the books, accounts and records of:

- (a) the urban municipality;
- (b) any board, association, commission or other organization established by the council that administers municipal funds unless otherwise expressly provided in this or any other Act; and
- (c) any other matter he considers necessary to form an opinion as to the accuracy and reliability of the accounting records of the urban municipality.

(2) The accounts and transactions of a board, commission, association or organization in which more than one municipality is represented are to be audited by:

- (a) the auditor of the municipality that is liable for the largest portion of the operating costs of the board, commission, association or organization; or
- (b) any other person or partnership that:
 - (i) is eligible to be appointed an auditor pursuant to section 72 of this Act, section 68 of *The Rural Municipality Act, 1989* or section 60 of *The Northern Municipalities Act*; and
 - (ii) is approved by a majority of the member municipalities.

(3) In the event of a disagreement over a responsibility for auditing an inter-municipal body, the Saskatchewan Municipal Board shall determine the matter.

(4) The auditor at all times has the right of free access to any and all of the files and records, including the books, documents, accounts, vouchers, receipts, investments, securities and mature securities paid, of the urban municipality or other body mentioned in clause (1)(b).

(5) Any member of the council or of any board, association, commission or other organization handling municipal funds, any municipal employee, any employee of a board, association, commission or other organization established pursuant to this Act by a council and any other person shall, at the request of the auditor, provide to the auditor any information, reports and explanations that he considers necessary for the proper performance of his duties.

(6) The auditor shall, immediately following his examination, send a report to the mayor, with a copy to the minister, of any negligence, irregularity or discrepancy that he finds in the books or accounts of the urban municipality and of any expenditures made contrary to law, and the mayor shall lay the report before the council at its next meeting and the council shall take any steps that it considers proper and necessary in the circumstances.

(7) On or before July 1 in each year, the auditor shall:

- (a) complete his or her audit of the records of the urban municipality; and
- (b) verify the financial statement prepared by the treasurer pursuant to clause 65(1)(g.1).

(8) After verification of the financial statement mentioned in subsection (7), the auditor shall, no later than July 1, send a copy of it to the minister and to the mayor and the mayor shall present it to the council at its next meeting.

(9) **Repealed.** 1988-89, c.61, s.13.

(10) **Repealed.** 1988-89, c.61, s.13.

1983-84, c.U-11, s.73; 1984-85-86, c.18, s.12;
1988-89, c.61, s.13; 1989-90, c.54, s.10; 1993,
c.41, s.11; 1997, c.52, s.7.

Current financial statement

73.1(1) The council shall, on or before September 1 in each year:

- (a) cause the financial statement or a synopsis of the financial statement to be published in a newspaper circulating in the urban municipality; or
- (b) cause a synopsis of the financial statement to be mailed to each person whose name appears on the last revised assessment roll and publish a notice in a newspaper circulating in the urban municipality that the financial statement is available for inspection by any person.

(2) Any person may inspect the financial statement at all reasonable hours and may by himself or his agent and at his own expense take a copy of or extract from the financial statement.

1988-89, c.61, s.14.

73.2 Repealed. 2003, c.41, s.21.

Request by minister for financial information

73.3 On the request of the minister, an urban municipality shall promptly submit to the minister information respecting the financial affairs of the urban municipality for the fiscal year ending on December 31 of the preceding year.

2001, c.46, s.15.

Verification of taxes

74 The auditor shall, during the course of the annual audit, send out any number of verification notices that he considers adequate to persons shown on the records of the urban municipality to be indebted to it as at December 31 of the preceding year.

1983-84, c.U-11, s.74.

PART VIII
Powers and Duties of Councils
GENERAL

Crest, flag and coat of arms

75 A council may adopt a crest, flag or a coat of arms for the urban municipality.

1983-84, c.U-11, s.75.

Seal

76 Each urban municipality is required to have a seal which is to be kept in the custody of the clerk who shall cause the seal to be affixed as required by law or by order of the council.

1983-84, c.U-11, s.76.

Execution of documents

77 Unless a council otherwise directs, the mayor or the clerk, or an alternate of the mayor or the clerk designated by the council, shall sign every order, agreement or document made or executed on behalf of the urban municipality.

1983-84, c.U-11, s.77; 1998, c.42, s.4.

Jurisdiction

78 The jurisdiction of a council is exercisable within the boundaries of the urban municipality and with respect to any land and improvements outside the boundaries of the urban municipality belonging to or under the control and management of the urban municipality, unless otherwise expressly provided in this Act or the regulations or in any other Act.

1983-84, c.U-11, s.78.

Manner of exercising powers and duties

79(1) Except as otherwise provided in this Act, a council may perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by bylaw.

(2) Except as otherwise provided in this or any other Act, every resolution or bylaw of a council may be passed by a majority vote of the members present at a duly constituted meeting of the council.

(3) When, by this or any other Act, the assent or approval of the electors is required before a bylaw or resolution may be passed or anything may be done, Part V of *The Local Government Election Act* applies *mutatis mutandis*.

1983-84, c.U-11, s.79.

No power to grant exclusive rights

80 A council has no power to give any person an exclusive right of exercising any business within the urban municipality unless such a power is conferred expressly or by necessary implication in this or any other Act.

1983-84, c.U-11, s.80.

Municipal commercial undertakings

81(1) Subject to subsection (3) and to any other express limitation in this or any other Act, an urban municipality has full power and authority to:

- (a) engage in any commercial, industrial or business undertaking within or outside the urban municipality;
 - (b) participate in partnership or in any other manner that council considers appropriate, with any person in any commercial, industrial or business undertaking, within or outside the urban municipality;
 - (c) incorporate a company for the purposes of engaging in any commercial, industrial or business undertaking within or outside the urban municipality; and
 - (d) acquire shares in a corporation engaged in any commercial, industrial or business undertaking within or outside the urban municipality.
- (2) For the purposes of this Act, an activity engaged in by an urban municipality pursuant to subsection (1) is a municipal purpose.
- (3) Except as otherwise provided in this or any other Act, no urban municipality shall:
- (a) guarantee the payment of any bonds or debentures issued by any commercial, industrial or business undertaking; or
 - (b) guarantee loans made to any person.

1995, c.35, s.6.

Preservation of public documents

82(1) A council shall preserve all public documents of the urban municipality until:

- (a) the documents may be destroyed in accordance with a records retention and disposal schedule adopted by the council, by bylaw; or
 - (b) the documents are, with the consent of the Saskatchewan Archives Board, deposited with the board for preservation in the archives.
- (2) The following documents of the urban municipality must be preserved permanently and are not subject to a records retention and disposal schedule:
- (a) annual financial statements;
 - (b) tax and assessment rolls;
 - (c) minister's orders;
 - (d) bylaws and minutes, with the exception of repealed bylaws, which may be destroyed in accordance with a records retention and disposal schedule;
 - (e) cemetery records.
- (3) The Lieutenant Governor in Council may make regulations respecting the contents of the records retention and disposal schedule mentioned in this section.

2001, c.46, s.16.

GENERAL PROVISIONS RELATING TO BYLAWS

General power to make bylaws

83 Subject to the other provisions of this Act and to the provisions of any other Act, a council may pass any bylaws that it considers expedient:

- (a) for the peace, order and good government of the urban municipality;
- (b) for promoting the health, safety, morality and welfare of the inhabitants of the urban municipality;
- (c) for governing the proceedings of the council, the conduct of its members and the calling of meetings.

1983-84, c.U-11, s.83.

Persons in default

84 When a council has authority to direct by resolution or bylaw that any person shall do any matter or thing, the council may, by the same or another resolution or bylaw, direct that in default of its being done by that person, the matter or thing is to be done at the expense of the person in default, and the urban municipality may recover the expenses of doing so with costs:

- (a) by action in any court of competent jurisdiction;
- (b) in the same manner as municipal taxes; or
- (c) by adding the expenses to, and thereby they form part of, the taxes on the land on which or with respect to which the work is done.

1983-84, c.U-11, s.84.

Procedural requirements

85(1) Every proposed bylaw is required to receive three distinct and separate readings and third reading constitutes adoption of the bylaw.

(2) No more than two readings of a proposed bylaw may be had at any one meeting of the council, except by the unanimous vote of the members of council present at the meeting.

(3) Subject to any bylaw that may be passed relating to the procedure of a council, a proposed bylaw may be amended on any reading of the proposed bylaw.

(4) A proposed bylaw that has been type-written or printed and made available to each member of council at least 24 hours before the meeting at which the first reading of the bylaw is to take place need not be read aloud.

(5) Unless otherwise expressly provided, a council may repeal or amend any resolution or bylaw in the same manner in which it may pass that resolution or bylaw.

(6) Every bylaw is required to be under the seal of the urban municipality and signed by the clerk and by the member of council who presides at the meeting at which the bylaw receives third reading.

1983-84, c.U-11, s.85.

Evidence

86(1) A copy of a bylaw or resolution, written or printed without erasure or interlineation, under the seal of the urban municipality and certified to be a true copy by the mayor or clerk, or a printed document purporting to be a copy of any or all bylaws passed by a council and purporting to be printed by its authority, is admissible in evidence as prima facie proof of its passing and of its contents without any further proof.

(2) When a copy of a bylaw or resolution certified in accordance with subsection (1) is filed with any court, the judges of the court shall, for the purpose of all prosecutions before them for a violation of the bylaw or resolution, take judicial notice of the bylaw or resolution.

(3) If, pursuant to this or any other Act, the approval of any member of the Executive Council is required to a bylaw and the Act does not otherwise provide, a certificate of the clerk, under his hand and under the seal of the urban municipality, specifying the bylaw and stating, by his name of office, the minister or deputy minister by whom it has been approved and the date of the approval, is admissible in evidence as prima facie proof that the bylaw has been so approved without any further proof.

(4) The clerk shall deliver a copy of a bylaw or resolution authenticated in accordance with subsection (1) on the request of any person and on receipt of payment of the fee fixed by council.

1983-84, c.U-11, s.86.

Consolidation of bylaws

86.1(1) A council may, by bylaw, authorize a designated officer to consolidate one or more bylaws of the urban municipality.

(2) In consolidating a bylaw, the designated officer shall:

- (a) incorporate all the amendments to it into one bylaw; and
- (b) omit any provision that has been repealed or that has expired.

(3) A printed document purporting to be a copy of a bylaw consolidated pursuant to this section and to be printed under the authority of a designated officer is proof, in the absence of evidence to the contrary, of:

- (a) the original bylaw and of all bylaws amending it; and
- (b) the fact of passage of the original and all amending bylaws.

1996, c.67, s.8.

Submission of proposed bylaw to vote

87(1) A council may submit to a vote of the electors any proposed bylaw before it is given third reading.

(2) When a council submits a proposed bylaw to a vote of the electors pursuant to subsection (1), the council is bound by the result of the vote for a period of one year from the date of the vote, unless there is an imminent danger to the health or safety of the residents of the urban municipality.

(3) A council shall not pass a proposed bylaw that has been approved by a vote of the electors pursuant to subsection (1) until the expiration of 14 days after the result of the voting has been declared, nor if, within that period an order for a recount has been made, until the result of the recount has been certified by a judge, but the council shall pass the proposed bylaw within 28 days after the result of the voting has been declared or, if a recount has been ordered, within 28 days after the declaration of the results of the recount.

1983-84, c.U-11, s.87.

Petition for submission of bylaw

88(1) If a petition requesting the submission of a bylaw concerning a matter within the jurisdiction of the council signed by a number of electors equal to the greater of 15% or 25 electors is presented to a council by delivery to the clerk, the council shall introduce a bylaw in accordance with the request of the petitioners within eight weeks after the presentation of the petition, and shall take the necessary steps to submit the bylaw to the electors.

(1.1) Where the council is of the opinion that a change in the wording of a petition received pursuant to subsection (1) would more clearly express the intent of the petitioners, the council may apply to the court, by notice of motion, for an order directing a change to the wording of the petition.

(1.2) A petition presented to the council pursuant to subsection (1) shall set out the name and address of one of the petitioners resident in the urban municipality on whom service of a notice pursuant to this section may be effected on behalf of all the petitioners.

(1.3) The council shall serve notice of the motion on the person mentioned in subsection (1.2) and on any persons that the court directs.

(1.4) The court, on being satisfied that a change to the wording of a petition would result in the petition more clearly expressing the intent of the petitioners may, by order, change the wording of the petition to more clearly express that intent.

(1.5) Notwithstanding subsection (1), where the council applies to the court pursuant to subsection (1.1) in respect of a petition, the council shall introduce a bylaw in accordance:

- (a) with the request of the petitioners if the court makes no order changing the wording of the petition; or
- (b) with the request of the petitioners with any change in the wording of the petition that has been ordered by the court;

within ten weeks after the presentation of the petition.

(1.6) A council is not required to submit to the electors a bylaw requested by a petition if the council passes a bylaw that accords with the bylaw requested in the petition before the vote of the electors is conducted.

(2) When a petition is received by a council:

- (a) on or before July 1 in any year, the council shall submit the bylaw to the electors before the end of that year;

- (b) after July 1 in any year, the council shall submit the bylaw to the electors before the end of the next following year.
- (3) Notwithstanding subsections (1) and (2), no council is required to submit the same matter to the electors more than once in any period of 12 months.
- (4) If a proposed bylaw is approved by a majority of the persons voting whose ballots are not rejected, the council shall pass the bylaw within four weeks after the voting takes place.
- (5) If a proposed bylaw is not approved with the majority required in subsection (4), the council is not required to pass the bylaw, but if the council determines to pass it, it shall do so within four weeks after the voting takes place.
- (6) No bylaw may be passed pursuant to this section until the expiration of two weeks after the result of the voting has been declared or, if within that period an order for scrutiny has been made, until the result of the scrutiny has been certified by a judge.

1983-84, c.U-11, s.88; 1988-89, c.61, s.15; 1993, c.41, s.11; 1994, c.48, s.7; 1996, c.67, s.9.

Requirements for petition

88.01(1) A petition presented to council pursuant to section 88 must consist of one or more pages, each of which must contain:

- (a) an identical statement of the purpose of the petition; and
 - (b) a statement to the effect that by signing the petition, the petitioner is attesting that he or she is an elector of the urban municipality and has not previously signed the petition.
- (2) The petition must include, for each petitioner:
- (a) the petitioner's surname and given name or initials, legibly printed or typed;
 - (b) the petitioner's signature;
 - (c) the petitioner's residential or postal address, or, in the case of a petitioner who resides outside the urban municipality, the street address or legal description of the land located within the urban municipality on which the petitioner's right to be an elector is based; and
 - (d) the date on which the petitioner signed the petition.
- (3) The petition must be submitted to council within 90 days of the date on which the first signature is obtained on the petition.

1996, c.67, s.10.

Verification of petition

88.02(1) Where a petition is presented to council pursuant to section 88, the clerk shall:

- (a) count or cause to be counted the number of names that have been included on the petition pursuant to clause 88.01(2)(a); and

- (b) determine whether the petition complies with section 88.01 and any other requirement imposed by this Act.
- (2) No name may be added to or removed from a petition after it is received by the council.
- (3) In counting the number of names on a petition, a person must be excluded if:
 - (a) the person's name appears on a page of the petition that does not contain the statements required pursuant to subsection 88.01(1);
 - (b) anything required with respect to the person pursuant to subsection 88.01(2) is not included or is incorrect; or
 - (c) the person is, for any reason, not qualified to sign the petition.
- (4) Within 30 days of the day a petition is received by the clerk, the clerk shall report to council whether the petition is sufficient or insufficient.
- (5) The clerk's determination as to sufficiency or insufficiency is final.

1996, c.67, s.10.

Submission of conflicting bylaws

88.1 Where the council:

- (a) pursuant to section 88, is required to submit two or more bylaws to a vote of the electors; or
- (b) pursuant to section 88, is required to submit one or more bylaws to a vote of the electors and, pursuant to section 87, proposes to submit at the same time one or more proposed bylaws to a vote of the electors;

and the effect of the bylaws or proposed bylaws in the opinion of the council would conflict, in whole or in part, the council may submit the bylaws or proposed bylaws to a vote of the electors and, subject to sections 88.2 to 88.6, sections 87 and 88 apply with any necessary modification.

1990-91, c.30, s.2.

Preliminary question

88.2(1) Where any bylaws or proposed bylaws are submitted to the electors pursuant to section 88.1, the council shall submit to the electors a preliminary question whether the electors are in favour or not of any of the bylaws or proposed bylaws that are being submitted to the electors.

- (2) An elector shall indicate his or her answer to the preliminary question mentioned in subsection (1) in the affirmation or the negative.

1990-91, c.30, s.2.

Directions for voting

88.3 Where an elector indicates on the ballot:

- (a) an affirmative answer to the preliminary question mentioned in section 88.2, the elector shall then vote for the bylaw or proposed bylaw of his or her choice; or

(b) a negative answer to the preliminary question mentioned in section 88.2, the elector shall not vote for any of the bylaws or proposed bylaws being submitted to the electors.

1990-91, c.30, s.2.

Rejected ballots

88.4 Where an elector:

- (a) votes in the affirmative to the preliminary question mentioned in section 88.2 and votes for more than one of the bylaws or proposed bylaws being submitted to the electors;
- (b) votes in the negative to the preliminary question mentioned in section 88.2 and votes for one or more of the bylaws or proposed bylaws being submitted to the electors; or
- (c) fails to vote in the affirmative or the negative to the preliminary question mentioned in section 88.2;

the ballot is a spoiled ballot and shall be rejected.

1990-91, c.30, s.2.

Results of votes

88.5 Where a majority of the electors whose ballots are not rejected vote:

- (a) in the affirmative to the preliminary question mentioned in section 88.2, the bylaw or proposed bylaw being submitted to the electors that receives the greatest number of votes of the electors whose ballots are not rejected is the bylaw or proposed bylaw that is approved by the electors; or
- (b) in the negative to the preliminary question mentioned in section 88.2, none of the bylaws or proposed bylaws being submitted to the electors is deemed to have been approved by the electors.

1990-91, c.30, s.2.

Passing of bylaw

88.6(1) Subject to subsection (2), where a bylaw or proposed bylaw is approved, the council shall pass the bylaw or a bylaw in the terms of the proposed bylaw within six weeks after the voting takes place.

(2) No bylaw may be passed pursuant to this section until the expiration of two weeks after the result of the voting has been declared or, if within that period an order for scrutiny has been made, until the result of the scrutiny has been certified by a judge.

1990-91, c.30, s.2.

Council may amend or repeal

88.7 A council may amend or repeal a bylaw or a provision of a bylaw passed in accordance with a vote of the electors:

- (a) if the proposed amendment or repeal has been advertised twice, not less than seven days apart, in a newspaper circulated in the urban municipality, and at least three years have passed from the date that the bylaw was passed; or
- (b) at any time, if:
 - (i) the majority of the electors vote in favour of the proposed amendment or repeal; or
 - (ii) there is an imminent danger to the health or safety of the residents of the urban municipality if the amendment or repeal is not passed.

1994, c.48, s.8.

Procedural bylaws

89 No bylaw relating to the procedure of a council may be repealed, amended or suspended when the council is in session, except insofar as the terms of the bylaw themselves permit, unless it is done:

- (a) by bylaw unanimously passed at a regular or special meeting of the council at which all the members of the council are present; or
- (b) by bylaw passed at a regular meeting of the council pursuant to a notice in writing given at the preceding regular meeting of the council, and setting out the effect of the proposed repeal, amendment or suspension.

1983-84, c.U-11, s.89.

Quashing bylaws re technical irregularities

90(1) Any elector of an urban municipality may, within two months after the passing of a bylaw or resolution of the council, apply to a judge to quash the bylaw or resolution in whole or in part for illegality due to any lack of substance or form in the bylaw or resolution or in the proceedings prior to its passing or in the time or manner of its passing or to quash a bylaw that has been procured to be passed through or by means of a violation of section 3 or 4 of *The Controverted Municipal Elections Act*, and the judge may quash the bylaw or resolution in whole or in part and may award costs for or against the urban municipality and determine the scale of costs.

(2) If no application is made pursuant to subsection (1) on the grounds described in that subsection to quash a bylaw or resolution within two months after its final passing, the bylaw or resolution is valid and binding, notwithstanding any lack of substance or form in the bylaw or resolution or in the proceedings prior to its passing or in the time or manner of its passing.

1983-84, c.U-11, s.90.

Validity of bylaws and resolutions

91(1) No bylaw or resolution is invalid merely because it was beyond the legislative jurisdiction of the council at the time it was enacted if it now conforms to this Act or any other Act, and every such bylaw or resolution and any agreement entered into pursuant to any such bylaw or resolution is, if otherwise legal and operative, deemed to be valid and binding according to its purport.

(2) A bylaw or resolution passed by a council, in accordance with, and in the exercise of the powers conferred by this Act and in good faith, is not open to question nor may it be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of any of its provisions.

1983-84, c.U-11, s.91.

Penalties re contravention of bylaws

92(1) A council may pass bylaws for imposing a maximum fine for breach of any of the bylaws of the urban municipality passed pursuant to this or any other Act of not more than:

- (a) \$2,000 in the case of an individual;
- (b) \$5,000 in the case of a corporation;

and may, in so doing:

- (c) impose a different maximum with respect to a first, second or subsequent conviction;
 - (d) provide for a maximum daily fine in the case of a continuing offence.
- (2) When a maximum daily fine is provided for in accordance with clause (1)(d), the total of the accumulated daily fines is not limited by the maximum imposed in accordance with clause (1)(a) or (b).
- (3) A council may, by bylaw, provide that fines may be paid by a person contravening a bylaw to the clerk or another designated municipal employee within a stated period of time and that, on payment as so provided, that person is not liable to prosecution for the offence.
- (4) When the amount of a fine is fixed by a bylaw, a council may, by bylaw, provide for a discount of the fine for payment by the person committing the breach to a designated municipal employee within a stated period of time, and, on payment as so provided, that person is not liable to prosecution for the offence.
- (5) Every person who contravenes any provision of any bylaw of an urban municipality is guilty of an offence and liable on summary conviction:
- (a) to the penalty specified in the bylaw or in another bylaw providing for a penalty with respect to the contravention of that bylaw; or
 - (b) if no penalty is provided for by bylaw, to a fine of not more than:
 - (i) \$2,000 in the case of an individual;
 - (ii) \$5,000 in the case of a corporation.

(6) If no other provision is made respecting it, a fine pursuant to a bylaw of a council belongs to and forms part of the general revenue of the urban municipality.

(7) Notwithstanding any other Act but subject to subsections (7.2) and (9) of this section, when a person is convicted or fined for a violation within the urban municipality of any provision of any Act or any regulation made pursuant to any Act on the information of a citizen, a member of a municipal police force or of a police force under contract to the urban municipality or any other municipal employee paid by the urban municipality and not a member of a force directly or indirectly employed and paid by the Government of Saskatchewan, the fine imposed belongs to the urban municipality, subject to subsection (7.11), and the convicting judge shall dispose of the fine accordingly.

(7.1) In subsections (7.11) to (7.13) and subsection 333(2), “**fiscal year**” means any period commencing on April 1 in one year and ending on March 31 in the following year.

(7.11) Where prisoner escort services or prisoner security services are not provided by the police force of or under contract to an urban municipality, the Government of Saskatchewan:

(a) may, in each fiscal year, deduct, from the fine revenues due to that urban municipality pursuant to subsection (7), the cost to the Government of Saskatchewan, as determined in accordance with subsection (7.12) or (7.13), of providing for that urban municipality in the previous fiscal year one or both of the services that were not provided by the police force; and

(b) shall deposit the amount deducted in the general revenue fund.

(7.12) For the fiscal years 1986-87 to 1991-92, the cost to the Government of Saskatchewan of providing prisoner escort services and prisoner security services in the previous fiscal year is deemed to be \$320,000 annually for each urban municipality to which subsection (7.11) applies.

(7.13) For the fiscal year 1992-93, and every subsequent fiscal year, the cost to the Government of Saskatchewan of providing prisoner escort services or prisoner security services in the previous fiscal year for any urban municipality to which subsection (7.11) applies is the sum of the expenditures, made by the Government of Saskatchewan to provide either or both of those services, as the case may be, for that urban municipality, that are prescribed in the regulations.

(7.2) In addition to any amount deducted pursuant to subsection (9), an amount prescribed for the purpose by regulations made pursuant to *The Summary Offences Procedure Act, 1990* of the fine imposed may be deducted from fine revenues due to the urban municipality and paid to the Government of Saskatchewan to compensate the Government of Saskatchewan for administering summary offence proceedings and enforcing the payment of fines.

(8) **Repealed.** 2003, c.41, s.22.

(9) If a person is imprisoned as a result of a conviction for a contravention of a bylaw, the urban municipality shall pay that part of the expenses paid by the Government of Saskatchewan for the transport of that person to jail, and for his maintenance while there, that may be designated by the Lieutenant Governor in Council.

Enforcement of bylaws

93(1) Any bylaw of an urban municipality may be enforced, and the contravention of any provision of the bylaw restrained, by any court on action brought by the urban municipality, whether or not any penalty is imposed for the contravention.

(2) Conviction of a person for a contravention of any provision of a bylaw does not relieve him from compliance with the bylaw, and the convicting judge or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the contravention of the bylaw.

(3) A person who fails to comply with an order made pursuant to subsection (2) within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

1983-84, c.U-11, s.93.

Bylaw enforcement officers

94(1) A council may, by bylaw, appoint any bylaw enforcement officers that it considers necessary and define their duties and fix their remuneration.

(2) Bylaw enforcement officers appointed under the authority of a bylaw passed pursuant to subsection (1) may represent the urban municipality before a justice of the peace or judge of the Provincial Court of Saskatchewan in the prosecution of anyone who is charged with a contravention of a bylaw.

1983-84, c.U-11, s.94.

Warrant re entry and inspection

95 A justice who is satisfied by information on oath that there is reasonable ground to believe that there is in a building, receptacle or place:

(a) anything on or in respect of which any contravention of this Act or of a bylaw of an urban municipality has been or is suspected to have been committed; or

(b) anything that there is reasonable ground to believe will afford evidence with respect to the contravention of this Act or of a bylaw of an urban municipality;

may at any time issue a warrant under his hand authorizing a person named in the warrant to search the building, receptacle or place for any such thing, and to seize and carry it before the justice who issued the warrant or some other justice for the same territorial division to be dealt with by him according to law.

1983-84, c.U-11, s.95; 1986, c.38, s.3.

GENERAL PROVISIONS RELATING TO LICENSING POWERS**Powers implicit in power to license**

96 When a power to license with respect to an activity is granted to a council, the power includes the power:

(a) to prohibit carrying on or engaging in the activity without a licence;

- (b) to impose penalties on unlicensed persons;
- (c) to fix the fees to be paid for licences, which fees may not exceed the cost to the urban municipality for administration and regulation of the activity, and to enforce payment of the fees;
- (d) to determine when and the manner in which a person may apply for a licence and the time during which the licence remains in force; and
- (e) to suspend or revoke or provide for the suspension or revocation of licences;

and applies whether or not business premises are used in connection with the activity.

1983-84, c.U-11, s.96.

Suspension, etc., of licences

97(1) Subject to subsection (3), when a council has power to grant or suspend a licence pursuant to this or any other Act, the council may grant, refuse, suspend or revoke the licence in its absolute discretion, but it shall give reasons for any refusal, suspension or revocation and, except as provided in subsection (4), its actions are not open to question or review by any court.

(2) The power of a council to refuse, suspend or revoke a licence is to be exercised in good faith, without discrimination and in the public interest.

(3) A council shall not suspend or revoke a licence until the licensee has been given full opportunity to be heard by the council.

(4) If a council fails to comply with subsection (2) or (3), an appeal lies to a judge from the decision of the council, and the procedure on the appeal, including the time within which the appeal may be instituted, is the same as in the case of an appeal from a decision of a judge of the Provincial Court of Saskatchewan to the court.

(5) The costs of an appeal pursuant to subsection (4) are in the discretion of the judge hearing the appeal.

(6) An appeal lies to the Court of Appeal from a decision of a judge pursuant to subsection (4), if leave to appeal is granted by a judge of the Court of Appeal.

(7) The council may reinstate a suspended licence if it is satisfied that the licensee is complying with the bylaw the contravention of which gave rise to the suspension.

1983-84, c.U-11, s.97.

98 Repealed. 1997, c.52, s.9.

Refund of licence fee

99 When a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which the licence was granted.

1983-84, c.U-11, s.99.

c. U-11**URBAN MUNICIPALITY, 1984****Provincial licence required**

100 The issuing of a licence to a person by an urban municipality does not relieve that person of the responsibility of obtaining any provincial licence that may be required by law.

1983-84, c.U-11, s.100.

Proof of carrying on activity

101 If, in a prosecution or proceeding under a bylaw providing for the licensing of a person or an activity, it is alleged that a person carried on or engaged in the activity without having first obtained a licence to do so, proof of one transaction in the activity is sufficient to establish that the person carried on or engaged in that activity.

1983-84, c.U-11, s.101.

Provision of information re licences

102(1) Every person carrying on or engaged in any activity in respect of which a licence is required pursuant to this Act shall, on the request of a person authorized by the urban municipality to ensure compliance with the licensing provisions of this Act and the bylaws of the urban municipality, give to the person all information necessary to enable him to carry out his duties.

(2) A person who fails to comply with subsection (1) within 10 days after the day on which the request is made is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

1983-84, c.U-11, s.102.

LICENSING OF BUSINESSES**Concurrent licensing and taxation permitted**

103(1) An urban municipality may license, regulate and control all persons who carry on a business.

(2) The imposing or collecting of licence fees does not prevent:

- (a) the assessment of land or improvements held or used by a licensee for business purposes; or
- (b) the collection of taxes lawfully imposed on the land or improvements mentioned in clause (a).

1983-84, c.U-11, s.103; 1984-85-86, c.88, s.16;
1996, c.67, s.11; 2000, c.32, s.15.

General power to license

104(1) A council may, by bylaw, classify, control, regulate and license all businesses carried on or to be carried on within the urban municipality whether or not the business is specifically mentioned in this Act.

(2) In a bylaw passed pursuant to subsection (1), the council may do all or any of the following:

- (a) define any area of the urban municipality for the purposes of this subsection;

- (b) prohibit a business or a class of business from operating in a defined area of the urban municipality;
 - (c) limit the number of businesses in a particular class of business that may operate in a defined area of the urban municipality;
 - (d) specify a minimum distance that two or more businesses or two or more classes of business must be separated from one another in a defined area of the urban municipality;
 - (e) determine the manner in which licences are to be allocated in the urban municipality or in any area of the urban municipality.
- (3) Notwithstanding the passage of a bylaw pursuant to this section, any business operating in the urban municipality on the day on which the bylaw comes into force pursuant to a valid licence issued by the urban municipality may continue to operate until the expiration of that licence.

1983-84, c.U-11, s.104; 2001, c.46, s.17.

Special business licences

105(1) A council may, by bylaw:

- (a) classify, regulate and provide for the licensing of transient traders and establish a schedule of licence fees to be paid by transient traders, which fees may vary between the different classifications;
 - (b) classify, license, regulate and establish a schedule of fees, which may vary as between different classifications, to be paid by persons who:
 - (i) go from place to place carrying on a business, trade or calling;
 - (ii) carry on a business, trade or calling at the residence or premises of customers; or
 - (iii) have no advertised business premises;
 - (c) provide for the classification and licensing of contractors with or without premises in the urban municipality who enter into contracts for the construction, alteration, repair or removal of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the urban municipality, establish a schedule of licence fees to be paid by contractors, which fees may vary between the different classifications, and require contractors to pay the fee established as a condition of commencing to carry out a contract.
- (2) If a licence fee imposed by a bylaw passed for the licensing of contractors pursuant to clause (1)(c) is unpaid, an authorized municipal employee may give notice in writing to any person by whom the contractor is employed, and shall send a copy of the notice to the contractor, requiring that person to pay the licence fee out of moneys payable by him to the contractor and, on receipt of the notice by that person, the amount of the licence fee is, to the extent of the moneys so payable, a debt due by that person to the urban municipality and may be recovered in the same manner as taxes may be recovered.

(3) Notwithstanding clause 96(c), licence fees imposed by a bylaw passed pursuant to this section may exceed the cost to the urban municipality for administration and regulation of the activity with respect to which the licence relates.

(4) A council may, by bylaw:

(a) classify, regulate, control and license home-based businesses or a class or classes of home-based businesses; and

(b) adopt a scale of licence fees for home-based businesses consistent with clause 96(c).

(5) Subsection (3) does not apply to a scale of licence fees adopted pursuant to subsection (4).

1983-84, c.U-11, s.105; 1995, c.35, s.7; 1996, c.67, s.12; 2000, c.32, s.16; 2001, c.46, s.18.

BUSINESS IMPROVEMENT DISTRICTS

Interpretation

106 In sections 107 to 117:

(a) **“board”** means a board of management established pursuant to section 108;

(b) **“business improvement district”** means an area designated as a business improvement district pursuant to subsection 107(1).

1983-84, c.U-11, s.106.

Establishment of districts

107(1) A council may, by bylaw:

(a) designate any area within the urban municipality as a business improvement district; or

(b) enlarge the area of any existing business improvement district.

(2) A council shall send a notice of its intention to pass a bylaw pursuant to subsection (1) by ordinary mail to every person whom the council identifies as:

(a) operating a business in the area proposed to be designated or enlarged pursuant to subsection (1);

(b) occupying land or improvements used for business purposes in the area mentioned in clause (a); or

(c) owning land or improvements that are used or intended to be used for business purposes in the area mentioned in clause (a).

(2.1) The bylaw mentioned in subsection (1) may not be passed if, within 60 days after the day on which the last notice is mailed, the clerk receives a petition signed by:

(a) at least one-third of the persons who are entitled to a notice pursuant to subsection (2), representing at least one-third of the total land or improvements used or intended to be used for business purposes in the area; or

- (b) any number of persons who are entitled to a notice pursuant to subsection (2), representing at least one-half of the total land or improvements used or intended to be used for business purposes in the area.
- (3) The clerk shall determine and certify the sufficiency of a petition submitted pursuant to subsection (2.1), and the clerk's determination is final.
- (4) If a council is prevented from passing a bylaw by reason of a petition mentioned in subsection (2.1), the council may, on the expiration of two years from the day on which that petition is received, again proceed under subsection (1) to designate an area as a business improvement district.

1983-84, c.U-11, s.107; 2000, c.32, s.17.

Board of management

108(1) A council shall, by bylaw, establish a board of management for each business improvement district.

- (2) A board is a body corporate.
- (3) A board consists of:
 - (a) at least one person who is a member of the council; and
 - (b) any number of other persons:
 - (i) who are electors of the urban municipality; and
 - (ii) who:
 - (A) are assessed for land or improvements used or intended to be used for business purposes in the business improvement district;
 - (B) occupy for business purposes land or improvements in the business improvement district; or
 - (C) are nominees of corporations that own land or improvements used or intended to be used for business purposes in the business improvement district or that occupy for business purposes land or improvements in the business improvement district.
- (4) All members of the board are to be appointed by a resolution of the council.
- (5) The council may, by resolution, remove any person appointed pursuant to subsection (4) and appoint another person to replace that person.
- (6) Unless sooner removed from office, a member of the board:
 - (a) holds office:
 - (i) until the first meeting of the council after the next general election; and
 - (ii) until a successor is appointed; and
 - (b) is eligible for reappointment.

1983-84, c.U-11, s.108; 2000, c.32, s.18.

108.1 Repealed. 2000, c.32, s.19.

c. U-11**URBAN MUNICIPALITY, 1984****Powers of board**

109 Subject to any limitations that may be set out in the bylaw establishing it, a board may:

- (a) improve, beautify and maintain publicly-owned lands, buildings and structures in the business improvement district, in addition to any improvement, beautification or maintenance that is provided at the expense of the urban municipality at large;
- (b) acquire, by purchase, lease or otherwise, any land and buildings necessary for its purposes and improve, beautify, maintain or dispose of that land and buildings;
- (c) promote the business improvement district as a business or shopping area;
- (d) undertake improvement and maintenance of any land for use as parking and may subsequently dispose of that land by sale, lease, exchange or otherwise for public or private redevelopment for commercial purposes at a price not less than its fair market value;
- (e) conduct any studies or prepare any designs that may be necessary for the purposes of this section;
- (f) contribute moneys to the urban municipality in which it is located for the purposes of a downtown revitalization project described in sections 118 to 120.

1983-84, c.U-11, s.109.

Estimates of board

110 A board shall submit to the council for its approval the revenue and expenditure estimates of the board for the current year, at the time and in the form required by the council, and shall set out in the estimates:

- (a) the amounts to be contributed to a board by the council from moneys collected from the urban municipality at large;
- (b) any amounts contributed to a board by the council pursuant to section 114;
- (c) the amounts of grants to be received by a board from other than municipal sources; and
- (d) the amounts to be received by a board from the disposal or conveyance of land and buildings.

1983-84, c.U-11, s.110.

Uniform rate or amount

111(1) In this section:

- (a) **“area”** means the floor space of a structure or building and the land appurtenant to it that is occupied by a business or businesses;
- (b) **“rent”** means the consideration paid as base rent for the use or occupation of property, but does not include the cost of utilities, leasehold improvements, taxes, or other payments incidental to the use or occupation of the property, or payments identified as a percentage of sales or revenues.

(2) A council may, by bylaw, authorize a levy or charge on all land and improvements used or intended to be used for business purposes within a business improvement district that the council considers sufficient to raise the amount required for the purposes of the proposed expenditures included in the approved estimates of the board, less any revenues to be received by the board pursuant to clauses 110(a) to (d).

(3) A levy or charge imposed pursuant to subsection (2) must be of:

- (a) a uniform rate; or
- (b) a uniform amount.

(4) A levy or charge imposed pursuant to subsection (2) may include an allowance for abatements or payments not made pursuant to subsections (7) and (10).

(5) A levy or charge imposed pursuant to subsection (2) may be collected in the same manner and with the same remedies as provided in this Act for the collection of taxes on land and improvements used or intended to be used for business purposes.

(6) Notice of any levy or charge imposed pursuant to subsection (2):

- (a) is to be substantially in the form of and may be included in the tax notice mentioned in section 282; and
- (b) is to be mailed by ordinary mail or delivered to owners of land and improvements in the business improvement district that are used or intended to be used for business purposes.

(7) The council may provide that, where a levy or charge is imposed pursuant to subsection (2) and a portion of the land, improvements or both is not used for business purposes, a portion of the levy or charge, which is not required to be paid, is to apply to that portion of the land, improvements or both based on one of the following:

- (a) rent that is or would be paid as a portion of all rents;
- (b) area that is or would be occupied as a portion of all areas.

(8) The council may adopt a scheme by which any levy or charge imposed pursuant to subsection (2) is apportioned between and payable by tenants, and where the council does so:

- (a) the council may base the portion of the levy or charge payable by each tenant with respect to the land, improvements or both from which the tenant operates his or her business:
 - (i) on the proportion that the tenant's rent bears to the total of all rents payable by tenants who operate businesses in the business improvement district to the same landlord with respect to the same land, improvements or both;
 - (ii) on the proportion that the tenant's area bears to the total of all area that is, or would be, occupied by tenants who operate businesses in the business improvement district from the same land, improvements or both; or
 - (iii) on a combination of subclauses (i) and (ii);

- (b) the landlord is deemed to be the urban municipality's agent for the collection of the amount, and shall promptly pay over to the urban municipality all amounts collected;
 - (c) notwithstanding the provisions of any lease, the landlord shall collect a levy or charge imposed pursuant to subsection (2) and calculated pursuant to clause (a) of this subsection, in addition to any amounts payable pursuant to the lease, and the tenant shall pay the amount of the levy or charge to the landlord;
 - (d) the landlord shall provide information to the urban municipality disclosing the apportionment of the levy or charge among the tenants and any portion of the levy or charge not collected because there is no tenant; and
 - (e) the landlord who provides information pursuant to clause (d) may mark the information as confidential financial information for the purposes of clause 18(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- (9) The council may provide that, where a business operated by a landlord occupies premises on the land or improvement or both used for business purposes:
- (a) the landlord is deemed to be a tenant for the purposes of clause (8)(a); and
 - (b) the landlord is required to pay a portion of the levy or charge imposed pursuant to this section based on:
 - (i) the rent that would be paid if the space the landlord occupies were leased; or
 - (ii) the area that would be available to another tenant were it not for the landlord's occupation or use of that area.
- (10) Subject to an abatement of any amount of a levy or charge that is paid but not required to be paid pursuant to subsection (7), any levies or charges payable pursuant to this section are payable at the same time as municipal taxes.
- (11) Where the council adopts a scheme pursuant to subsection (8) and where a levy or charge has not been paid by a landlord to the urban municipality and the urban municipality has reasonable grounds to believe that the tenant has paid the levy or charge to the landlord pursuant to subsection (8), the urban municipality may:
- (a) add the amount of the outstanding levy or charge to the taxes for the land and improvements on which the assessment of the levy or the charge is based; and
 - (b) collect the amount of the outstanding levy or charge in the same manner by which taxes may be collected.
- (12) Where the council determines that any levy or charge imposed pursuant to subsection (2) is to be apportioned among the tenants on the basis of area, notwithstanding, and as an alternative to, any other provision of this section, the council may:
- (a) maintain a list of the operators of businesses in the business improvement district and a schedule of the levies or charges payable by each;

- (b) for the purposes of the schedule maintained pursuant to clause (a), apportion the amount of the levy or charge payable among the tenants who operate businesses in the business improvement district with respect to the same land, improvements or both, in proportions equal to the proportion that a tenant's area bears to the total of all area that is or would be occupied for business purposes; and
 - (c) provide a notice of the levy or charge, collect the levy or charge and enforce payment of the levy or charge in the same manner as is provided for in this Act for a business licence fee, with any necessary modification.
- (13) A bylaw made pursuant to subsection (2) may exempt any property or class of property from any levy or charge imposed pursuant to subsection (2).

2000, c.32, s.20.

Payments to board in advance of levy

112 Subject to the other provisions of this Act, after the budget has been approved by council and prior to the remittance of the levy, the council shall pay the cost of any claims for approved works which may be submitted by the board for payment, and the urban municipality shall recover any such payments from the levy.

1983-84, c.U-11, s.112.

Expenditures by board

113(1) The board shall expend only those moneys included in the estimates approved by the council and no member of the board shall authorize the expenditure of funds not previously approved by the council.

(2) No board shall incur indebtedness extending beyond the current year.

1983-84, c.U-11, s.113.

Contribution of payments in lieu of parking facilities

114 A council may contribute funds to a board from moneys collected as payments in lieu of the provision of the off-street parking facilities required by section 81 of *The Planning and Development Act, 1983* and the board shall expend those funds for the acquisition, construction, operation or maintenance of parking facilities on land that does not form part of a street.

1983-84, c.U-11, s.114.

Records, etc.

115 A board may:

- (a) appoint one of its members;
- (b) hire any person; or
- (c) by agreement with the council, arrange for the urban municipality;

to assume responsibility for maintaining any books, documents, records of transactions, minutes and accounts and for making and receiving payments.

1983-84, c.U-11, s.115.

c. U-11**URBAN MUNICIPALITY, 1984****Annual report**

116 On or before March 1 in each year, a board shall submit its annual report for the preceding year to the council together with a complete audited and certified financial statement of its affairs, with a balance sheet and revenue and expenditure statements.

1983-84, c.U-11, s.116.

Disorganization of district

117(1) The board of management of a business improvement district ceases to exist once the bylaw designating the district is repealed, and its undertakings, assets and liabilities are thereupon vested in the urban municipality.

(2) A council may repeal a bylaw designating a business improvement district to take effect on December 31 in the year in which the repealing bylaw is passed.

(3) Subsection 107(2) does not apply to a bylaw repealing a bylaw designating a business improvement district.

1983-84, c.U-11, s.117.

DOWNTOWN REVITALIZATION PROJECTS**Power to undertake**

118 A council may undertake a project for the purpose of revitalizing the downtown area of the urban municipality.

1983-84, c.U-11, s.118.

Land

119(1) In addition to any other power vested in an urban municipality to dispose of land, any land of the urban municipality may be exchanged for other land, and the council may impose on the other party to the exchange any conditions regarding the improvement of the land given in exchange that the council considers expedient.

(2) Notwithstanding any other provision of this Act, an urban municipality may lease, sell or otherwise dispose of land at a price less than its fair market value in order to carry out a downtown revitalization project, and the proceeds of any such disposition may be applied by the urban municipality to:

- (a) retire any debt incurred by the urban municipality in connection with the downtown revitalization project;
- (b) pay any costs associated with:
 - (i) the preparation of any land for building;
 - (ii) the relocation of services or other improvements related to the downtown revitalization project; or
- (c) if no debt or costs described in clauses (a) and (b) are outstanding, any purpose determined by the council.

1983-84, c.U-11, s.119; 2001, c.46, s.19.

Effect on maximum long-term debt

120 No long-term debt incurred by an urban municipality in connection with a downtown revitalization project is to be considered by the Saskatchewan Municipal Board in determining the maximum authorized long-term debt of the urban municipality.

1983-84, c.U-11, s.120; 1989-90, c.5, s.10.

STORE HOURS**Interpretation**

121(1) In sections 121.1 to 121.8:

- (a) **“closed”** means not open for:
 - (i) the serving of customers or the receiving of orders from customers;
 - (ii) admitting members of the public or any category of the public;
- (b) **“day”** means any twenty-four hour period commencing at 12:00 midnight;
- (c) **“holiday”** means New Year’s Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and any day or part of a day:
 - (i) prescribed as a holiday by any other Act or an Act of the Parliament of Canada;
 - (ii) declared as a holiday by the Lieutenant Governor in Council;
 - (iii) proclaimed as a civic holiday pursuant to section 179;
- (d) **“open”** means open for:
 - (i) serving of customers or the receiving of orders from customers;
 - (ii) admitting members of the public or any category of the public;
- (e) **“store”** means any building or portion of a building, booth, stall or other place where goods are exposed or offered for sale or auction;
- (f) **“week”** means a period of seven consecutive days commencing on Sunday.

1988-89, c.61, s.16.

Bylaw to close stores, exception

121.1(1) A council may, by bylaw, with respect to the whole or any designated part of the year, require the owner or operator of a store, or of a store within any class or classes of stores, to ensure the store is closed:

- (a) during the whole or any portion of any two days of the week;
- (b) prior to 5:00 a.m. or after 6:00 p.m. on any day;
- (c) prior to 5:00 a.m. and after 6:00 p.m. on any day.

- (2) For the purposes of a bylaw pursuant to subsection (1), a council may:
- (a) exempt any stores or class or classes of stores, designated as to physical size, type, location or number of persons employed, from any of the provisions of the bylaw;
 - (b) designate by type the goods that may be sold or offered for sale or auction or any services provided in any store or class or classes of stores, exempted pursuant to clause (a) and regulate the hours of operation of the store or class or classes of stores during the hours when other stores are required to be closed pursuant to a bylaw pursuant to subsection (1);
 - (c) exempt any store or class or classes of stores from the provisions of any bylaw passed pursuant to clause (1)(b) or (c) for the purpose of allowing the store or stores to carry out a special promotional sales arrangement and regulate the hours of operation of any of those stores or class or classes of stores;
 - (d) define any word or expression used in the bylaw which is not defined in this Act.
- (3) A bylaw pursuant to subsection (1) requiring an owner or operator of any store, or of a store within any class or classes of stores, to ensure the store is closed on a Sunday or for a period that includes a Sunday does not apply to the owner or operator of a store in respect of the Sunday where:
- (a) the owner or operator closed the store during a day other than a holiday or day during which the store was required to be closed by the bylaw during the period of six days immediately preceding the Sunday because of the dictates of his religion;
 - (b) the physical size of the store is less than 500 square metres; and
 - (c) the hours the store is open on the Sunday fall within the period of hours that the store could have been open on the day on which the owner or operator closed the store because of the dictates of his religion.

1988-89, c.61, s.16.

Holidays

121.2(1) Except as otherwise provided in a bylaw passed pursuant to subsection (2), the owner or operator of a store shall ensure that the store is closed on holidays.

- (2) A council may, by bylaw:
- (a) exempt any store or class or classes of stores from the application of subsection (1) designated by physical size, type, location or number of persons employed;
 - (b) designate by type the goods that may be sold or offered for sale or auction or any services provided in any store or class or classes of stores exempted pursuant to clause (a) and regulate the hours of operation of any of those stores or class or classes of them;

- (c) exempt any store or class or classes of stores from the application of subsection (1) for the purpose of allowing the store or stores to carry out a special promotional sales arrangement and regulate the hours of operation of any of those stores or class or classes of them;
- (d) define any word or expression used in the bylaw which is not defined in this Act.

1988-89, c.61, s.16.

Determination of physical size

121.3 For the purpose of a bylaw pursuant to section 121.1 or 121.2 that classifies a store by designation of physical size, the physical size of any store or class or classes of stores shall, in the absence of any bylaw of the municipality describing the method of determining the physical size of stores, be determined by the permanently affixed walls of the stores or of any class or classes of the stores whether or not more than one person is carrying on business within that space.

1988-89, c.61, s.16.

Areas exempted

121.4 For the purpose of an exemption pursuant to subsection 121.1(2) or 121.2(2), a council may designate one or more areas of any store or class or classes of stores to which the exemption shall apply.

1988-89, c.61, s.16.

Permitted sales

121.5 Nothing in section 121.2 or in a bylaw pursuant to section 121.1 applies to:

- (a) the sale of any article required for immediate use by reason of an emergency;
- (b) any store kept open for the sale of products grown by the operator of the store in the urban municipality and no goods other than those products are offered for sale in the store;
- (c) the sale of liquor in a place where liquor may lawfully be sold pursuant to *The Alcohol and Gaming Regulation Act, 1997*.

1988-89, c.61, s.16; 2003, c.41, s.23.

Prohibitions respecting certain sales

121.6(1) During the hours when any class of stores in which goods are offered for sale by retail are required to be closed by section 121.2 or by a bylaw passed pursuant to section 121.1, no goods of the kind ordinarily sold in stores of that class are to be offered for sale by public auction or by a transient trader.

- (2) Subsection (1) does not apply to used or second-hand goods.

1988-89, c.61, s.16.

Offence and penalty

121.7 When a contravention of section 121.2 or 121.6 or of a bylaw pursuant to section 121.1 occurs, the owner or operator of the store is guilty of an offence and liable on summary conviction to a fine:

- (a) for the first offence, of not more than \$10,000;
- (b) for a second or subsequent offence, of not less than \$1,000 and not more than \$20,000;

and the convicting judge of the Provincial Court of Saskatchewan shall order that in default of payment of a fine imposed pursuant to this section, the store in respect of which the offence took place shall be closed until the fine is paid.

1988-89, c.61, s.16.

Agreements respecting opening of stores

121.8(1) Where an owner or operator of a store is operating the store on premises occupied by him pursuant to a lease or other agreement, whether entered into before or after the coming into force of this section, no provision of the lease or other agreement which requires the owner or operator to open the store more than:

- (a) six days in a week; or
- (b) three days after 6:00 p.m. on any day and prior to 5:00 a.m. the next day in a week;

is enforceable against the owner or operator to the extent that the provision requires the owner or operator to open the store in excess of the periods described in clause (a) or (b).

(2) No owner or operator of a store shall be in breach of the lease or other agreement entered into by him by reason alone of him not opening the store in excess of the periods described in clause (1)(a) or (b).

(3) Nothing in this section affects the operation of section 121.2 or of a bylaw passed pursuant to section 121.1 in respect of a store.

1988-89, c.61, s.16.

BUILDINGS

Location of buildings, etc.

122 A council may, by bylaw:

- (a) regulate the distances of buildings, fences, erections or structures from the street line, the minimum space to be allowed between buildings and the lines of the lots on which they are constructed and the levels at which they are constructed;
- (b) prohibit the placing of any building, fence, erection or structure except in conformity with a bylaw made pursuant to clause (a) and unless authorized by a location permit;
- (c) provide for the issue of location permits and set the fees for their issuance;

(d) provide for the inspection, by a municipal employee authorized pursuant to clause (e), of all buildings, fences, erections or structures during the progress of their placement;

(e) notwithstanding section 95, authorize municipal employees to enter at all reasonable times on any land to ascertain whether the provisions of any bylaw respecting the placement of buildings, fences, erections or structures are obeyed and, if entry is refused, suspend the location permit issued until entry is permitted;

(f) authorize the pulling down, removal, alteration or repair of any building, fence, erection or structure that is placed in contravention of any bylaw respecting the placement of buildings, fences, erections or structures, and the cost of the work is to be added to, and forms part of, the taxes on the land on which the building, fence, erection or structure is or was situated.

1993, c.18, s.30.

Building bylaws

123(1) Subject to *The Uniform Building and Accessibility Standards Act*, a council may, by bylaw, regulate the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building.

(2) A council may, by bylaw, regulate the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal or use of any fence, erection or structure.

1993, c.18, s.30.

Nuisances

124(1) In this section:

(a) **“building”** includes any fence, scaffolding, structure or erection;

(b) **“order”** means an order of a council described in subsection (3).

(2) A council may declare any building to be a nuisance if, because of its ruinous or dilapidated state or its faulty construction, or for any other reason, the council is of the opinion that the building:

(a) is dangerous to the public safety or health; or

(b) substantially depreciates the value of other land or improvements in the vicinity.

(3) When a building has been declared to be a nuisance and after the council has given at least 14 days' written notice to the owner and to all persons who appear by the records of the Land Titles Registry and by the last revised assessment roll of the municipality at the time the notice is prepared to have an interest in the land stating:

(a) the date, time and place of a meeting of the council at which the making of an order will be considered; and

(b) that the owner and those persons appearing to have an interest in the land will be given an opportunity to be heard at the meeting before an order is made;

the council may order the owner, within the time specified in the order, which time is required to be not less than 45 days from the day on which the order is made:

(c) to demolish or remove the building and to fill in any open basement or excavation remaining on the site of the building after its demolition or removal or to take any other measures with respect to the basement or excavation that may be described in the order; or

(d) to remedy the condition of the building in the manner and to the extent described in the order.

(3.1) Where the council has made an order pursuant to subsection (3), the council shall serve:

(a) a copy of the order on the owner and all persons who appear by the records of the Land Titles Registry and by the last revised assessment roll of the municipality at the time the order was made to have an interest in the land; and

(b) a notice on the owner and the other persons mentioned in clause (a) of their right to a review of the order by a judge pursuant to subsection (4).

(3.2) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (3) in the Land Titles Registry against the title to the parcels of land to which the order applies.

(3.3) Where an interest has been registered against a title pursuant to subsection (3.2), the order runs with the land and is binding on the owner and any subsequent owner.

(3.4) Where an interest has been registered against a title pursuant to subsection (3.2) and the order made pursuant to subsection (3) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest.

(4) An owner of a building affected by an order or any other person having a registered interest in the building who considers himself or herself aggrieved by the order may, within 45 days after the order is served, apply to a judge for a review of the matter, and the judge may set aside, vary or modify the order on any terms as to costs and otherwise that the judge considers just, if the judge is satisfied:

(a) that the council has acted in a manner contrary to the intent and meaning of this section; or

(b) that the procedure prescribed by this section has not been followed.

(5) If an owner does not comply with an order within the time specified in the order, the council may placard the building to protect the public and may proceed to have any work done that it considers necessary for the purpose of carrying out the order, and the cost of the work is to be added to, and thereby forms part of, the taxes on the land on which the building is or was situated.

(6) When the council proceeds pursuant to subsection (5) and the building is occupied, the council may, if it is of the opinion that the work cannot be conveniently carried out while the building is occupied, by written notice require the person occupying the building to vacate the building within one month.

(7) If a person to whom a notice has been given pursuant to subsection (6) fails to vacate the building within one month after receiving the notice, the council may apply *ex parte* to a judge for an order requiring that person to deliver up possession of the land on which the building is situated and of the building to a nominee of the council, and the judge may make any order, including an order as to costs, that he considers just.

(8) If the council proceeds pursuant to subsection (5) and removes or demolishes the building, it may sell or otherwise dispose of the building or the materials from the building, at any price that it considers reasonable, and shall pay the proceeds of the sale or other disposition, after deducting the amount of the cost of the work, any costs awarded to the council pursuant to subsection (7) and any taxes owing in respect of the building or the land on which it is situated, to the owner, mortgagee or other person entitled to the proceeds.

(9) An order, a copy of an order or a notice pursuant to this section may be served on the owner or other person to be served by personal service or by sending it to him by registered mail at his address as shown by the last revised assessment roll or by the records of the Land Titles Registry, or, if the owner or other person to be served is deceased or his address is unknown, a copy of the notice or order is to be published in at least two issues of a newspaper circulating in the urban municipality.

(10) No action lies against the urban municipality, the council, any member of the council or any municipal employee or agent with respect to any matter or thing done pursuant to this section.

1983-84, c.U-11, s.124; 1984-85-86, c.88, s.18;
1986, c.5, s.14; 1988-89, c.61, s.17; 1993, c.41,
s.13; 2000, c.L-5.1, s.543.

Danger to public safety

125(1) When, in the opinion of the council, an unoccupied building is damaged and is an imminent danger to the public safety, the council may take any reasonable emergency action that is required to secure the building and eliminate the danger, and the cost of that work is to be added to, and thereby forms part of, the taxes on the building on which the work is done and on the land on which the building is situated.

(2) When emergency action is taken pursuant to subsection (1), the clerk shall immediately send by registered mail to the owner of the building on which the work was done and of the land on which the building is situated a notice:

(a) advising him of the action of the urban municipality and of its intention to charge the cost of the work against the land and buildings; and

- (b) inviting him or his agent to appear before the council if he is in disagreement with the need for the action of the urban municipality or the cost of the work, on a specific date stated in the notice, for the purpose of making representations with respect to the need for the action or the intention of the urban municipality to charge the costs of the emergency action against the land and buildings.
- (3) On the recommendation of the medical health officer, the council may declare any occupied residential building to be dangerous to the health of the occupants of the building and may order the owner, his agent, the lessee or the occupant of the building to repair the building in the manner determined by the council within the time after service of the order that is specified in the order.
- (4) If an order made pursuant to subsection (3) is not complied with within 14 days after the time specified for completion of the work in the order, the urban municipality may undertake the necessary work to repair the building.
- (5) Any amounts expended by an urban municipality pursuant to this section are to be added to, and thereby form part of, the taxes on the building on which the work is done and on the land on which the building is situated.

1983-84, c.U-11, s.125.

MAINTENANCE OF PRIVATE LAND AND BUILDINGS

Maintenance bylaw

126(1) A council may, by bylaw:

- (a) establish minimum standards:
 - (i) of fitness for human habitation for all buildings;
 - (ii) relating to the state of repair and maintenance of the physical condition of the exterior of buildings or structures;
 - (b) prohibit the occupancy or use of buildings that do not conform to the minimum standards;
 - (c) require buildings that do not conform to the minimum standards to be repaired and maintained to conform with the minimum standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - (d) post notices on or placard buildings that do not conform to the minimum standards;
 - (e) prohibit the removal of any notice or placard until the buildings are repaired or maintained to conform to the minimum standards.
- (2) If, after inspection, the council or an authorized municipal employee is satisfied that in some respect a building does not conform to the minimum standards established in a bylaw passed pursuant to subsection (1), the council or employee shall serve on the owner of the building and of the land on which the building is situated and any person shown by the records of the Land Titles Registry to have any interest in the land or buildings, a notice specifying the particulars of nonconformity and may, at the same time, provide all occupants with a copy of the notice.

(3) Any person served with a notice provided for by subsection (2) has an opportunity within 30 days of receipt of the notice to appear before council and make representations.

(4) On the expiration of the period provided in subsection (3), the council or an authorized municipal employee may make and serve on the owner an order containing:

- (a) the street address and the legal description of the buildings and the land on which the buildings are situated;
- (b) the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) the time by which the terms and conditions of the order are to be complied with, which time is required to be not less than 90 days after the day on which the order is made;
- (d) a statement that, if the required repair or clearance is not done within the time specified in the order, the urban municipality may carry out the repair or clearance at the expense of the owner; and
- (e) the date and place at which an appeal from the order may be made.

(5) A notice or order mentioned in subsection (2) or (4) is deemed to be sufficiently served if it is posted in a conspicuous place on the building or land on which the building is situated.

(5.1) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (4) in the Land Titles Registry against the title to the parcels of land to which the order applies.

(5.2) Where an interest has been registered against a title pursuant to subsection (5.1) the order runs with the land and is binding on the owner and any subsequent owner.

(5.3) Where an interest has been registered against a title pursuant to subsection (5.1) and the order made pursuant to subsection (4) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest.

(6) An owner who is affected by an order pursuant to this section may, within 90 days after the order is served, appeal to the local Development Appeals Board established pursuant to *The Planning and Development Act, 1983* or, if no such board is established, directly to the Saskatchewan Municipal Board, in accordance with the procedures set out in that Act for appeals to the board.

(7) The Development Appeals Board may confirm, reverse, vary or delay an order issued pursuant to this section, subject to a further appeal to the Saskatchewan Municipal Board pursuant to the provisions of *The Planning and Development Act, 1983* whose decision is final.

(8) Appeals may be granted by the local Development Appeals Board or the Saskatchewan Municipal Board in cases in which the maintenance bylaw has been misinterpreted or misapplied or contravenes this Act, but no appeal is to be granted that:

- (a) grants to the applicant a special privilege inconsistent with standards or requirements for neighbouring lands and buildings within the urban municipality or an area of it defined in the bylaw; or
 - (b) amounts to a relaxation of the provisions of the maintenance bylaw that would be contrary to its purposes and intent or would injuriously affect neighbouring lands and buildings.
- (9) If an owner fails to comply with an order as confirmed or modified by an appeal, subsections 124(5) to (10) apply *mutatis mutandis*.

1983-84, c.U-11, s.126; 1984-85-86, c.88, s.19;
1989-90, c.5, s.12; 1993, c.41, s.14; 2000,
c.L-5.1, s.544.

Agreement to provide service

126.1(1) An urban municipality, on the request of any owner of land inside or outside the urban municipality, may:

- (a) carry out any work or perform any service on that land that the council may agree to; and
 - (b) require the owner requesting the work or service to deposit an amount, agreed on by the council and the person, before the urban municipality undertakes the work or service.
- (2) The urban municipality shall charge the amount for the work or service at the rate and on the terms and conditions agreed on by the council and the owner requesting the work or service.
- (3) The amount due with respect to any work or service performed under subsection (1) is a lien on any land owned by the person for whom the work or service was performed.
- (4) The urban municipality may recover the amount mentioned in subsection (3) from the person by suit or by distress of his or her goods and chattels.
- (5) Section 302 applies, with any necessary modification, to the recovery of the amount mentioned in subsection (3).
- (6) The urban municipality may, at the end of a year in which work or services were performed pursuant to subsection (1), add to any arrears of taxes on land owned by a person inside the municipality any amount with respect to any work or service performed pursuant to subsection (1) for that person that remains unpaid at the end of the year or may provide that the amount is to be added to, and thereby form part of, the taxes owed on the land.
- (7) Section 296 applies, with any necessary modification, to the amounts that are added to unpaid taxes pursuant to subsection (6).

1992, c.79, s.6; 1996, c.67, s.15.

NUISANCES

Insects and plants

127 A council may:

- (a) provide for the protection of plants on private land from insect pests and disease and for entering on private land for the purpose of protecting, treating or removing plants and for charging the cost of the protection, treatment or removal to the owner of the land according to a schedule of fees established by the council;
- (b) subject to *The Pest Control Act*, initiate or participate in programs and measures designed to control or eliminate Dutch Elm disease, including programs and measures relating to the quarantine, destruction and chemical or other treatment of plants infected or suspected of being infected with Dutch Elm disease and for charging the costs of so doing to the owner of the land on which the plants are situated according to a schedule of fees established by the council;
- (c) subject to the provisions of *The Noxious Weeds Act, 1984*, other than sections 11 and 12, subsection 17(1) and clauses 17(2)(a) and (b) of that Act, provide for the control or eradication of dandelions and noxious weeds or plants.

1983-84, c.U-11, s.127; 1988-89, c.61, s.18;
1992, c.32, s.5; 1994, c.48, s.9.

Noise

128 A council may, by bylaw:

- (a) prohibit, regulate or abate noise from whatever source, on any public or private place, and, without restricting the generality of the foregoing, may establish permissible noise levels or may provide that no one shall make any unnecessary or unreasonable noise for all or varying periods of the day within the urban municipality or within any specified area of the urban municipality;
- (b) prohibit and regulate the use of loudspeakers or other devices for the amplification of sound on any street or other public or private place or in any building.

1983-84, c.U-11, s.128.

Barbed wire

129 A council may, by bylaw, prohibit, regulate or control the use of barbed wire within the whole or any portion of the urban municipality.

1983-84, c.U-11, s.129.

Untidy or unsightly lands or buildings

130(1) A council may control or regulate untidy or unsightly lands or buildings.

(2) A council or an authorized municipal employee may declare any land or buildings untidy or unsightly and may in writing order the occupant or owner of the land or buildings to remedy the untidiness or unsightliness within 10 days after the date of service of the order or, in the case of an appeal to council, from the date of council's decision or any longer time specified in the order.

- (3) An order mentioned in subsection (2) is required:
- (a) to state that if the owner or occupant knows of any reason why the work ordered to be performed should not be proceeded with he may, within 10 days, give notice to the clerk of his intention to appear before the council at its next meeting to dispute the order or otherwise to show cause why the work should not be proceeded with;
 - (b) to be served on the owner or occupant:
 - (i) either personally or by registered mail; or
 - (ii) if the owner or occupant is deceased or the address of the owner is unknown, by publication in two issues of a newspaper circulating in the urban municipality.
- (4) If the owner or occupant appears before and satisfies the council that all or part of the work should not be proceeded with, the council may rescind or amend the order.
- (5) If the owner or occupant:
- (a) fails, neglects or refuses to remedy the condition or to carry out the work specified in the order; and
 - (b) has not given notice to the clerk within the time set out in the order of his intention to appear before the council at its next meeting;
- the council or the authorized municipal employee may proceed to have the work done by the urban municipality and the cost of so doing is to be added to, and thereby forms part of, the taxes on the land or buildings on which the work was done.
- (6) Any land that is over grown with grass is deemed to be untidy for the purposes of this section.

1983-84, c.U-11, s.130; 1988-89, c.61, s.19.

Businesses

- 131(1)** A council may, by bylaw, prohibit the carrying on within the urban municipality of any class of business that the council considers liable to become or give rise to a nuisance.
- (2) No council shall give a bylaw proposed to be passed pursuant to this section more than one reading at any one meeting of the council.
- (3) A notice of the intended prohibition of any class of business is to be published in a newspaper circulating in the urban municipality at least two weeks prior to the date of the meeting of the council at which time third reading of the bylaw is scheduled to occur.
- (4) A bylaw passed pursuant to this section takes effect after the expiration of a period of 90 days after the day on which the bylaw is given third reading by the council and after a notice of the prohibition is advertised in a newspaper circulating in the urban municipality.

(5) If a bylaw passed pursuant to this section prohibits the continued maintenance of a business already in existence in the urban municipality, the urban municipality shall compensate the owner of the business for any loss that he may suffer in consequence of the prohibition.

(6) A claim for compensation pursuant to subsection (5) is to be filed with the clerk within 90 days after the day on which the bylaw becomes effective, and, if not mutually agreed on, is to be determined by arbitration pursuant to *The Municipal Expropriation Act* and the provisions of that Act with respect to the ascertaining of damages for lands and buildings injuriously affected by the urban municipality's exercise of any of its powers apply, insofar as applicable and not inconsistent with the express terms of this section, to the claim and arbitration.

1983-84, c.U-11, s.131.

Junked vehicles

132(1) In this section, “**junked vehicle**” means any automobile, tractor, truck, trailer or other vehicle that:

- (a) either:
 - (i) has no valid licence plates attached to it; or
 - (ii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
- (b) is located on private land, but that:
 - (i) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the urban municipality in which the land is situated; and
 - (ii) does not form a part of a business enterprise lawfully being operated on that land.

(2) A council may serve a notice on the owner or occupant of land who keeps a junked vehicle on the land setting out the time and place of a council meeting at which the owner or occupant may appear to show cause why the junked vehicle should not be removed from the land and destroyed, sold or otherwise disposed of, or its condition remedied within the time specified in the notice.

(3) A notice mentioned in subsection (2) is to be served on the owner or occupant not less than three days before the day fixed for the meeting mentioned in the notice.

(4) If a junked vehicle is located on unoccupied land and the address of the owner is unknown to the council, the notice mentioned in subsection (2) may be served by publishing the notice in one issue of a newspaper circulating in the urban municipality not less than three days before the day fixed for the meeting mentioned in the notice.

(5) If the owner or occupant:

- (a) does not appear before the council; or

(b) appears before the council and fails to satisfy the council that the junked vehicle should not be removed from the land and destroyed, sold or otherwise disposed of, or its condition remedied;

and the junked vehicle is not removed or its condition remedied within the time specified in the notice, the council may remove the junked vehicle from the land and destroy, sell or otherwise dispose of it, and the cost of so removing and destroying, selling or otherwise disposing of the junked vehicle, less any amount received by the urban municipality from selling or otherwise disposing of it may be added to, and thereby forms part of, the taxes on the land and buildings.

(6) If the owner or occupant appears before the council and satisfies the council that the junked vehicle should not be removed or that its condition need not be remedied, the council may withdraw the notice.

(7) The council is the sole judge as to whether or not an automobile, tractor, truck, trailer or other vehicle is a junked vehicle.

(8) No action lies against an urban municipality or any municipal employee or agent of the urban municipality for any reasonable or necessary acts committed in connection with the removal, destruction, sale or other disposition of a junked vehicle in accordance with this section.

1983-84, c.U-11, s.132; 1996, c.67, s.16; 2002, c.39, s.9.

Litter

133 When food, refreshments or tobacco products are sold by a business and cartons, containers or papers are discarded in its vicinity, a council may require the owner or operator of the business to keep his premises and all adjoining public and private lands, streets and sidewalks, within the distance from the business that is specified in the bylaw or resolution, free of discarded cartons, containers or papers by collecting and disposing of them at times and in a manner satisfactory to the council.

1983-84, c.U-11, s.133.

Excavations

134(1) A council may declare any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure in or on any private land or in or about any building or structure a nuisance and dangerous to the public safety or health and may order that the basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupant in the manner determined by the council and within the time after the service of the order that is specified in the order.

(2) An order made pursuant to subsection (1) is to be posted at or near the nuisance and served on the owner of the land or, if the owner is deceased or if his address is unknown, published in two issues of a newspaper circulating in the urban municipality.

(3) If the owner does not comply with an order made pursuant to subsection (1) within the time specified in the order, the council may proceed to have the work done that it considers necessary for the purpose of carrying out the order, and the cost of the work is to be added to, and thereby forms part of, the taxes on the land on which the work is done.

1983-84, c.U-11, s.134.

Penalty for noncompliance

134.1(1) A council may pass bylaws imposing a maximum fine for failing to comply with an order issued pursuant to section 124, 126 or 130 or a notice issued pursuant to section 132 of not more than:

- (a) \$2,000 in the case of an individual; and
 - (b) \$5,000 in the case of a corporation.
- (2) Any bylaw passed pursuant to subsection (1) may provide for:
- (a) a different maximum with respect to a first, second or subsequent offence; and
 - (b) a maximum daily fine in the case of a continuing failure to comply with a notice or an order.
- (3) The provisions of subsections 92(2), (3) and (4) apply, with any necessary modification, to bylaws passed pursuant to subsection (1).
- (4) Every person who fails to comply with an order issued pursuant to section 124, 126 or 130 or a notice issued pursuant to section 132 is guilty of an offence and liable on summary conviction to the penalty provided for in a bylaw enacted pursuant to this section.

1993, c.41, s.15.

Inspection and enforcement procedures

134.2(1) As an alternative to exercising authority pursuant to any or all of sections 124, 125, 126, 130, 132 and 134, the council of an urban municipality may, by bylaw, provide for standard requirements and procedures regarding the matters provided for in any of those sections, with respect to:

- (a) inspections;
- (b) notices;
- (c) compliance orders;
- (d) time requirements;
- (e) appeal processes and appeal bodies;
- (f) enforcement;
- (g) penalties; and
- (h) general procedural matters.

- (2) A bylaw made pursuant to this section may provide for:
- (a) any matters mentioned in subsection (1) with respect to bylaws mentioned in section 33 of *The Fire Prevention Act, 1992*;
 - (b) any other matters relating to buildings and property that any other Act provides may be dealt with pursuant to this section.
- (3) A copy of any bylaw made pursuant to this section, and any amendment to the bylaw, is to be delivered to the minister within 30 days of being made.
- (4) Failure to comply with subsection (3) does not affect the validity of the bylaw or amendment.
- (5) A bylaw made pursuant to this section must provide mechanisms that permit prompt action in situations involving an imminent danger to public health and safety, and, for that purpose, an order made pursuant to the bylaw may be enforced before expiration of the period in which the order may be appealed.
- (6) Any words, terms or expressions used in a bylaw made pursuant to this section that are defined in this Act have the same meaning in the bylaw as in this Act.
- (7) A bylaw made pursuant to this section may permit the urban municipality to assign inspection or enforcement duties pursuant to the bylaw to an employee or agent of the urban municipality.
- (8) A bylaw made pursuant to this section may contain reasonable provisions:
- (a) permitting inspectors and experts accompanying inspectors to enter buildings, structures or premises other than private dwellings at reasonable times and without the consent of the owner or occupant;
 - (b) permitting an inspector to perform tests and take samples; and
 - (c) providing penalties for obstructing an inspector who is performing his or her duties.
- (9) A bylaw made pursuant to this section must contain reasonable provisions for giving notice to owners and other persons affected by the operation of the provisions of the bylaw, or reasonable provisions concerning the circumstances in which notice may be dispensed with in the interest of protecting public safety.
- (10) A bylaw made pursuant to this section must provide for reasonable times in which orders made pursuant to the bylaw are to be complied with, or if an inspector or other person is given the authority to set times, must provide that those times are to be reasonable.
- (11) A bylaw made pursuant to this section must provide that:
- (a) an order made pursuant to the bylaw may be appealed to a local appeal board established or designated by the urban municipality; and
 - (b) an order made by the local appeal board may be appealed to the Saskatchewan Municipal Board within 30 days after the date of the order.
- (12) An appeal pursuant to this section does not operate as a stay of the order appealed from unless the local appeal board, on an application by the appellant, decides otherwise.

(13) On an appeal pursuant to subsection (11), the local appeal board or Saskatchewan Municipal Board as the case may be, may confirm, modify or repeal the order or decision appealed from, or substitute its own order or decision for the order or decision being appealed from.

(14) Notwithstanding section 33 of *The Municipal Board Act*, a decision made by the Saskatchewan Municipal Board pursuant to clause (11)(b) may be appealed to the Court of Queen's Bench on a point of law or jurisdiction only within 30 days after the date the decision is made.

(15) On an appeal pursuant to subsection (14), the Court of Queen's Bench may confirm, modify or repeal the order or decision appealed from or order the matter to be returned to the Saskatchewan Municipal Board to be dealt with in light of the court's decision on the question of law or jurisdiction.

(16) A bylaw made pursuant to this section may contain reasonable provisions for:

- (a) the performance by the urban municipality of any work ordered pursuant to the bylaw that has not been performed by the owner within the time specified in the order, subject to a stay if the order is appealed;
- (b) the payment by the owner of the costs of the work; and
- (c) the addition to the owner's taxes of any costs incurred pursuant to clause (b) that have not been paid by the owner.

(17) Section 134.1 applies to any bylaws made pursuant to this section.

1995, c.35, s.8; 1997, c.52, s.11; 2001, c.46, s.20.

PUBLIC HEALTH AND WELFARE

Animals

135(1) A council may, by bylaw:

- (a) license any animal or class of animal;
- (b) regulate and control persons owning or harbouring any animal or class of animal, or prohibit the harbouring of any animal or class of animal within the urban municipality or any specified portion of the urban municipality;
- (b.1) declare any animal or class or classes of animals to be dangerous and establish requirements to keep it under proper control with which the owner of any animal declared to be dangerous shall comply;
- (b.2) prohibit the keeping, possessing or harbouring of any animal or class or classes of animals declared to be dangerous pursuant to clause (b.1);
- (c) restrict, within the urban municipality or any specified portion of the urban municipality:
 - (i) the number of animals or of any class of animal that may be kept by any person;
 - (ii) the number of animals or of any class of animal that may be kept in or about any dwelling unit or class of dwelling units, as defined in the bylaw;

- (d) regulate establishments for the breeding or boarding of any animal or class of animal within the urban municipality or any specified portion of the urban municipality;
 - (e) classify animals for licensing purposes, establish a schedule of fees to be paid by persons owning or harbouring animals, which fees may vary as between the different classifications of animals, and require a person owning or harbouring an animal to disclose the number and class of animals kept on or in his land or buildings;
 - (f) regulate or prohibit the being at large of animals or any class or classes of animals in the whole or any part of the urban municipality, prohibit any person who owns any animal from allowing it to be at large and for that purpose require the person who owns the animal to restrain it on a leash or otherwise;
 - (g) provide for the seizing, impounding and destruction or other disposition of animals found at large in the urban municipality and determine the compensation to be allowed for carrying out the provisions of the bylaw and for services rendered with respect to, and sustenance supplied for, animals seized, impounded, destroyed or otherwise disposed of;
 - (g.1) designate a person within a category of persons prescribed by regulations made pursuant to section 135.9 as a judge for the purposes of section 135.2;
 - (g.2) designate a municipal official for the purposes of section 135.8;
 - (h) provide for the sale, destruction or other disposition of animals impounded or seized if they are not claimed within a time specified in the bylaw or if the claimant does not comply with any conditions respecting payment of costs, expenses and removal within that time;
 - (i) define or enlarge the meaning of any word or expression used in this section.
 - (i.1) provide that sections 135.1 to 135.9 apply, with any necessary modification, to any domestic animal or class of domestic animals within the urban municipality;
 - (j) **Repealed.** 1988-89, c.61, s.20.
- (1.1) Any provision of subsection (1) which empowers a council to exercise its powers with respect to an animal or class of animals includes the right to exercise its powers with respect to any subclass of animals.
- (1.2) A council may enter into an agreement with the council of any adjacent municipality providing for the extension and application of this section and any bylaw passed pursuant to this section to the whole or any portion of that municipality.
- (2) **Repealed.** 1988-89, c.61, s.20.
- (3) **Repealed.** 1988-89, c.61, s.20.

1983-84, c.U-11, s.135; 1984-85-86, c.88, s.20;
1988-89, c.61, s.20; 2002, c.39, s.10.

Interpretation

135.1(1) In sections 135.2 to 135.8:

(a) **“judge”** means a judge of the Provincial Court of Saskatchewan, a justice of the peace or a person designated in a bylaw passed pursuant to clause 135(1)(g.1);

(b) **“owner”** includes:

(i) a person who keeps, possesses or harbours a dog;

(ii) the person responsible for the custody of a minor where the minor is the owner of a dog;

but does not include:

(iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease of or an injury to the dog;

(iv) an urban municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operating pursuant to *The Animal Protection Act*, with respect to an animal shelter or impoundment facility operated by any of them.

(2) In sections 135.2 and 135.3, **“provocation”** means an act done intentionally for the purpose of provoking a dog.

1988-89, c.61, s.21; 1989-90, c.15, s.3; 1993, c.41, s.16.

Dangerous dogs

135.2(1) Subject to subsection (2), if a complaint is made that a dog in an urban municipality is dangerous, a judge shall on hearing the complaint declare the dog to be dangerous where it proved that:

(a) the dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;

(b) the dog has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;

(c) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;

(d) the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

(1.1) For the purposes of proceedings pursuant to this section and section 135.3, a dog is presumed not to have been provoked, in the absence of evidence to the contrary.

(2) A council may, by bylaw require that any complaints made pursuant to subsection (1) be made to and be heard by a person designated in a bylaw passed pursuant to clause 135(1)(g.1).

(3) No dog shall be declared dangerous where an action described in clause (1)(a), (b) or (c) occurred while the dog was:

- (a) acting in the performance of police work; or
- (b) working as a guard dog on commercial property:
 - (i) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
 - (ii) defending that property against a person who was committing an offence.

(4) The owner of a dog complained of, if known, shall be served with notice of a hearing pursuant to subsection (1), but the judge may make an order pursuant to subsection (5) in the absence of the owner if he fails to appear.

(5) Where a judge declares a dog to be dangerous, the judge shall make an order embodying all of the following requirements:

- (a) the owner shall keep the dog in an enclosure which complies with prescribed criteria;
- (b) if the owner removes the dog from the enclosure, he shall muzzle and leash it in accordance with prescribed criteria and keep it under his direct control and supervision;
- (c) the owner shall obtain and keep in effect liability insurance in the prescribed amount to cover damage or injury caused by the dog;
- (d) the owner shall display a sign, in the prescribed form and manner, on his or her property warning of the presence of the dog and shall continue to display that sign in good condition so long as the dog is present on the property;
- (e) the owner shall comply with the regulations and the *Animal Disease and Protection Act* (Canada), as amended from time to time, with respect to the detection and control of rabies;
- (f) where a bylaw pursuant to paragraph 135(1)(g.1) is in effect in the urban municipality, the owner shall report a sale or other disposition of the dog to the person appointed for the purpose in the bylaw;
- (g) where the dog is moved to a different municipality, the owner shall notify the clerk of that municipality;
- (h) where the dog is to be sold or given away, the owner shall:
 - (i) notify any prospective owner that the dog has been declared dangerous, before it is sold or given away; and
 - (ii) notify the clerk of the municipality or person designated by the municipality of the name, address and telephone number of any new owner of the dog.

(5.1) An order issued pursuant to this section continues to apply if the dog is sold or given to a new owner or is moved to a different municipality.

(6) An order pursuant to subsection (5) may also include any or all of the following terms:

- (a) the owner shall have the dog tattooed in the prescribed manner;
- (b) the owner shall have the dog spayed or neutered;
- (c) the owner shall take any other measures the judge considers appropriate.

(7) Notwithstanding subsection (5), where the judge is a judge of the Provincial Court for Saskatchewan or a justice of the peace, he may, in the alternative, order that the dog be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.

(8) Where an order has been made pursuant to subsection (5) against an owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause (5)(c) be waived.

(9) On an application pursuant to subsection (8), the judge may waive compliance with clause (5)(c), on any terms and conditions that he considers reasonable, where he is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than his financial circumstances.

(10) An owner or complainant who feels aggrieved by an order made pursuant to subsection (5) or (7) may appeal the order:

- (a) to a judge of the Provincial Court of Saskatchewan by way of a trial de novo where the order was made by a person designated in a bylaw passed pursuant to clause 135.2(g.1) or by a justice of the peace; or
- (b) on the grounds that it:
 - (i) is erroneous in point of law;
 - (ii) is in excess of jurisdiction; or
 - (iii) constitutes a refusal or failure to exercise jurisdiction;

to the court where the order was made by a judge of the Provincial Court of Saskatchewan.

(11) A person desiring to appeal an order pursuant to subsection (10) shall, within seven days of the order being appealed from, file a notice of appeal with the judge or court being appealed to and the provisions of Part XXVII of the *Criminal Code*, as amended from time to time, apply *mutatis mutandis* to the appeal.

(12) A person who feels aggrieved by a decision of a judge of the Provincial Court of Saskatchewan made in respect of an appeal pursuant to clause (10)(a) may appeal the decision to a judge on any grounds set out in clause (10)(b) and the provisions of subsection (11) apply to the appeal.

Offences and penalties, destruction etc., of dogs

135.3(1) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence.

(1.1) Any person who displays a prescribed sign warning of the presence of a dangerous dog and who is not acting on an order made pursuant to subsection 135.2(5) or has not received the permission of a council to display the sign is guilty of an offence.

(2) Any person who does not comply with any part of an order made against him or her pursuant to subsection 135.2(5), (6) or (7) is guilty of an offence.

(3) Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.

(4) A person who is guilty of an offence pursuant to this section is liable on summary conviction to:

- (a) a fine of not more than \$10,000;
- (b) imprisonment for not more than six months;
- (c) an order imposing the requirements of subsections 135.2(5) and (6);
- (d) an order that the person's dog be destroyed or otherwise disposed of in accordance with the terms and conditions ordered by the judge; or
- (e) a penalty consisting of any combination of clauses (a) to (d).

(5) A person desiring to appeal an order or conviction pursuant to this section shall, within seven days of the order or conviction being appealed from, file a notice of appeal with the Provincial Court of Saskatchewan or the court, as the case may be, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.

1988-89, c.61, s.21; 1993, c.41, s.18.

Destruction order

135.4(1) Unless the owner otherwise agrees, every order for destruction of a dog shall state that it shall not be implemented for eight days.

(2) Where an appeal is taken against an order for the destruction of a dog, the application of the order is stayed pending the disposition of the appeal.

1988-89, c.61, s.21.

Return of dog

135.5 Where the judge on appeal overturns the order for destruction of the dog, the dog shall be released to the owner after the owner has paid the costs of impoundment of the dog pending the hearing.

1988-89, c.61, s.21.

Actions for damages

135.6 In an action brought to recover damages for injuries to persons or property caused by a dog, it is not necessary for the person injured to prove that the dog is, or that the owner knew that the dog was, of a dangerous or mischievous nature or is accustomed to doing acts causing injury.

1988-89, c.61, s.21.

Destruction by peace officers

135.7(1) A peace officer as defined by the *Criminal Code*, as amended from time to time, may destroy any dog that he finds injuring or viciously attacking a person or domestic animal.

(2) Where he acted in good faith, a peace officer who destroys a dog pursuant to subsection (1) is not liable to the owner for the value of the dog.

1988-89, c.61, s.21.

Entry and search

135.8(1) Where a peace officer as defined by the *Criminal Code*, as amended from time to time, or a municipal official designated in a bylaw passed pursuant to clause 135(1)(g.2) has reasonable and probable grounds for believing that a dog is dangerous or has been ordered to be destroyed and is:

- (a) in or on any premises other than a dwelling house; or
- (b) in any vehicle or other chattel;

the peace officer or official may, with or without a warrant and by force if necessary, enter the premises, vehicle or chattel, search for the dog and impound it or, if there is an order to destroy or otherwise dispose of the dog, deliver the dog to the person appointed in the order to destroy or otherwise dispose of it.

(2) Where it appears to a judge, on information laid before him on oath, that there are reasonable and probable grounds for believing that a dog that has been ordered to be destroyed or otherwise disposed is in any dwelling place or any other premises or vehicle or chattel, the judge may issue a warrant authorizing a peace officer to enter, by force if necessary, the dwelling place or other premises or vehicle or chattel specified in the warrant and search for the dog, and the peace officer may impound and deliver the dog to the person appointed by the judge to destroy or otherwise dispose of it.

1988-89, c.61, s.21.

Charges may be added to property taxes

135.81 If a dog has been the subject of a complaint or hearing pursuant to sections 135.1 to 135.8 and the dog has been impounded, declared dangerous, ordered to be destroyed or otherwise disposed of, or has been returned to the owner pursuant to section 135.5 and the owner of the dog does not pay the costs of impoundment or destruction or disposal of the dog, the costs:

- (a) are a debt due to the municipality;
- (b) may be recovered as a debt due to the municipality or may be added to the owner's property taxes;

- (c) are a lien on the land that has priority over all other liens or charges except for those of the Crown; and
- (d) are a charge on the goods and chattels of the owner of the dog and may be levied and collected in the same manner as taxes are recoverable.

1993, c.41, s.19.

Regulations

135.9 The Lieutenant Governor in Council may make regulations:

- (a) prescribing a category of persons for the purpose of a bylaw pursuant to clause 135(1)(g.1);
- (b) prescribing a period within which a dog that has bitten a person or domestic animal shall not be destroyed;
- (c) providing for any other matter or thing he considers necessary or advisable to carry out the intent of sections 135.2 to 135.8.

1988-89, c.61, s.21.

Fire protection

136(1) A council may:

- (a) by bylaw establish a fire department or one or more fire brigades, and may by contract or otherwise provide for the prevention and suppression of fires and provide for services of any kind at the site of an emergency, including but not limited to:
 - (i) fire prevention and protection;
 - (ii) emergency response services;
 - (iii) inspections of premises for conditions that may cause a fire, increase the danger of fire or otherwise increase danger to persons or property;
 - (iv) inspections for compliance with municipal fire prevention bylaws and *The Fire Prevention Act, 1992*;
 - (v) emergency services related to dangerous goods and the protection of persons and property from injury or damages that may result from an emergency involving dangerous goods;
 - (vi) rescue, including the use of forcible entry techniques and tools; and
 - (vii) assistance in response to other classes of circumstances that may cause harm to persons or damage to property, as specified by bylaw;
- (b) purchase, lease or otherwise acquire fire-fighting and any other vehicles, equipment and apparatus required to carry out the services described in this section;
- (c) make provision for appointing a fire chief and as many fire-fighters and other assistants as the council may consider necessary and fix their salaries and remuneration, if any;

- (d) provide for constructing, operating and maintaining fire halls or any other facilities required to carry out the services described in this section.
- (2) A council may, by bylaw:
- (a) provide for entering into agreements with any other municipality or municipal government in another jurisdiction, department, organization or agency of the Government of Saskatchewan or the Government of Canada, Indian band, person or other properly constituted authority, organization or agency for:
 - (i) the furnishing or receiving of fire fighting or fire prevention services or emergency services; and
 - (ii) the use of fire-fighting or other emergency response equipment or facilities;
- inside or outside the municipality or a specified area on any terms that may be agreed on, including the setting and payment of charges;
- (b) provide and charge for any fire fighting, fire prevention or emergency service, or use of equipment or facilities outside the municipality where no agreements exist, if a request for the services, use of equipment or facilities is made by any other municipality, a municipal government in another jurisdiction, department, organization or agency of the Government of Saskatchewan or Government of Canada, Indian band, person or other properly constituted authority, organization or agency.
- (3) A council may, by bylaw, provide for the prevention and extinguishment of fires and for the preservation of life and property from destruction by fire and, in particular, for:
- (a) prohibiting, regulating or controlling the storage of inflammable liquids in or about any buildings or class of buildings;
 - (b) regulating the use, possession, storage or handling of any class of explosives or other highly inflammable matter, and prohibiting the use, possession, storage or handling of such matter except by permit authorized by a resolution of the council;
 - (c) regulating the installation of fireplaces, stoves and stove pipes or other apparatus that may be dangerous in causing or promoting fires, and enforcing the proper cleaning of chimneys, flues and stove pipes;
 - (d) requiring buildings and yards to be kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident and compelling the building of fire walls;
 - (e) regulating the manner of disposal of ashes or combustible refuse and requiring the placing or keeping of ashes and combustible refuse in fire-resistant containers;
 - (f) regulating the conduct of persons at or near fires and compelling them to assist in the fighting of fires and in the prevention of the spread of fire;

- (g) pulling down or demolishing buildings or other erections when considered necessary to prevent the spread of fire and providing compensation for loss or damage sustained by reason of the pulling down or demolishing in any amount equal to the amount of insurance to which the owner would have been entitled had the building been burned;
 - (h) preventing the obstruction of the halls, aisles, passageways, alleys or approaches in or to any church, theatre, hall or other place of public meeting while occupied for a public assemblage.
- (4) For the purposes of subsection (3), a council may, by bylaw, declare that all or any part of the National Fire Code of Canada or a fire prevention code adopted by *The Fire Prevention Act, 1992* is in force in the urban municipality with any revisions, variations or modifications that may be specified in the bylaw.
- (5) If, in the opinion of a local assistant or municipal inspector within the meaning of *The Fire Prevention Act, 1992*, there is a contravention of a municipal bylaw adopted pursuant to subsection (3) or (4) or section 138, the local assistant or municipal inspector may issue to the owner, operator or occupant of the building, structure, premises, or land in or on which the contravention is occurring a written order in which the local assistant or municipal inspector:
- (a) shall specify:
 - (i) the contravention;
 - (ii) the civic address and the legal description of the building, structure, premises or land in or on which the contravention is occurring;
 - (iii) any terms and conditions to be complied with to remedy the contravention; and
 - (iv) the date by which the terms and conditions of the order are to be complied with;
 - (b) shall provide:
 - (i) a statement that if the terms and conditions of the order have not been complied with within the time specified in the order, the local assistant may carry out the remedy at the expense of the owner;
 - (ii) the date and place at which and the process by which an appeal from the order pursuant to subsection (10) may be made; and
 - (iii) a statement that filing an appeal does not stay the order but that the appellant may apply to the fire commissioner for a stay of the order pursuant to section 25 of *The Fire Prevention Act, 1992*; and
 - (c) may direct the owner, operator or occupant to do one or more of the following within the time limit set out in the order:
 - (i) remedy the contravention of the bylaw, including doing anything in relation to the building, structure or premises that the local assistant or municipal inspector considers necessary to remedy the non-compliance;
 - (ii) repair, alter, remove or demolish the building, structure or premises;
 - (iii) alter the use or occupancy of the building, structure or premises;

- (iv) replace materials used in the construction of buildings, structures and premises;
 - (v) remove or change the manner of use, storage, handling or disposal of inflammable and combustible liquids, inflammable and combustible materials, and explosives;
 - (vi) clean, repair, remove or replace equipment, apparatus or fire protection devices that are faulty or considered dangerous;
 - (vii) install or correct the faulty installation of fire safeguards, equipment or fire protection devices; and
 - (viii) clear or remove any obstruction to public access for a building used for public assemblage.
- (6) For the purposes of ensuring compliance with any order made pursuant to subsection (5), the provisions of sections 18 and 24 of *The Fire Prevention Act, 1992* apply with any necessary modification.
- (7) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (5) in the Land Titles Registry against the title to the parcels of land to which the order applies.
- (8) Where an interest has been registered against a title pursuant to subsection (7), the order runs with the land and is binding on the owner and any subsequent owner.
- (9) Where an interest has been registered against a title pursuant to subsection (7) and the order made pursuant to subsection (5) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest.
- (10) Sections 25, 26, 27 and 34 of *The Fire Prevention Act, 1992* and section 18.1 of *The Municipal Board Act* apply to orders issued pursuant to subsection (5).
- (11) A local assistant or municipal inspector may request the assistance of a peace officer to assist in carrying out the provisions of this section.

1983-84, c.U-11, s.136; 1993, c.41, s.20; 1997, c.52, s.12; 2000, c.L-5.1, s.545.

Firefighter liability

- 136.1(1)** For the purposes of this section, “**firefighter**” means a person performing duties for an urban municipality, whether for wages or otherwise, pursuant to section 136 or *The Fire Prevention Act, 1992* or regulations made pursuant to that Act.
- (2) No action lies or shall be instituted against a firefighter for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the firefighter while performing his or her duties as a firefighter.

(3) A firefighter shall be indemnified by the urban municipality for reasonable legal costs incurred:

- (a) in the defence of a civil action arising out of the performance of his or her duties, if the firefighter is found not liable;
 - (b) in the defence of a criminal prosecution arising out of the performance of his or her duties, if the firefighter is found not guilty;
 - (c) with respect to any other proceeding in which the firefighter's performance of his or her duties is in issue, if the firefighter acted in good faith.
- (4) In cases where the indemnification of the legal costs of firefighters is provided for in an agreement, indemnification is to be made pursuant to the terms of the agreement, and subsection (3) does not apply.

1995, c.35, s.9.

Firearms

137 A council may, by bylaw, prohibit, regulate or control the discharge or use of any class of guns, firearms or other devices that are designed for or capable of discharging projectiles of any type in the whole or any specified part of the urban municipality.

1983-84, c.U-11, s.137.

Fireworks

138 A council may, by bylaw:

- (a) classify fireworks;
- (b) prohibit, regulate or control the sale of fireworks or of any specified class of fireworks in the urban municipality and determine the minimum age of persons to whom fireworks may be sold;
- (c) prohibit, regulate or control the setting off in the urban municipality or in any specified part of the urban municipality of fireworks or any specified class of fireworks;
- (d) establish conditions under which a display of fireworks or any specified class of fireworks may be held in the urban municipality or in any specified part of the urban municipality.

1983-84, c.U-11, s.138.

Health

139 Subject to *The Public Health Act, 1994* and any other Act pertaining to public health matters and any regulations made pursuant to those Acts, a council may, by bylaw:

- (a) provide for the cleaning or flushing of streets and regulate the parking of vehicles that might interfere with the cleaning or flushing;
- (b) establish, operate and regulate public markets and public weigh scales and impose fees with respect to the use of the market or weigh scales; and

(c) subject to any Act of the Parliament of Canada, prohibit, control or regulate, for the purposes of public safety, any recreational or other activity carried out in, on or near any public body of water within the urban municipality, including swimming, wading and boating.

1997, c.52, s.13.

Minors

140(1) A council may, by bylaw, regulate the time after which and age under which minors shall not be in a public place at night without proper guardianship except for some unavoidable cause.

(2) Any minor found in a public place after the time appointed may be warned by a peace officer to go home, and if, after the warning, the minor is found loitering in a public place, he may be taken by the peace officer to the home of the minor.

(3) Any parent or guardian who permits his child or ward to contravene a bylaw passed pursuant to subsection (1) is guilty of an offence and liable to the penalty specified in that bylaw.

(4) A council may, by bylaw, determine the age at which and the conditions under which minors may purchase, pledge, sell, barter or exchange any materials, goods or articles from dealers in junk or in pawnshops, junk stores and second-hand stores.

1983-84, c.U-11, s.140.

Refuse and waste control

141(1) Subject to *The Environmental Management and Protection Act* and to the regulations made pursuant to that Act, a council may, by bylaw, provide for the collection, removal or disposal of solid wastes and other refuse and, without restricting the generality of the foregoing, the council may, by bylaw:

(a) define, enlarge or restrict the meaning of the terms “**solid wastes**” and “**refuse**”;

(b) classify solid wastes and refuse;

(c) establish and maintain a system for the collection, removal or disposal of all or any solid wastes or other refuse on any terms and conditions that the council considers expedient;

(d) contract with any person for the collection, removal or disposal by or for him of all or any solid wastes or other refuse on any terms and conditions that the council considers expedient;

(e) establish a schedule of charges payable by owners or occupants of land or buildings to the urban municipality for the collection, removal or disposal of solid wastes or other refuse, and compel the payment of the charges so established;

(f) compel owners or occupants to provide receptacles for solid wastes or other refuse of any standard, at any locations and in any manner specified in the bylaw;

(g) require the owners or occupants of lands or buildings, or any designated class of lands or buildings, to remove and dispose of solid wastes or other refuse that originates on those lands or buildings;

- (h) provide for the acquisition and maintenance of waste disposal grounds or sanitary landfill sites, and regulate and control their use;
 - (i) provide for the construction, acquisition, maintenance and operation of any buildings, machinery and plants that are considered necessary for the collection, removal or disposal of solid wastes and other refuse;
 - (j) provide that the whole or any part of a sum payable to the urban municipality for the collection, pursuant to a bylaw passed pursuant to this section, removal or disposal of solid wastes and other refuse that remains unpaid on December 31 of the year in which the sum became payable is to be added to, and thereby forms part of, the taxes on the land and buildings in respect of which the collection, removal or disposal is done;
 - (k) prohibit, regulate or control the placing of any solid waste or refuse designated in the bylaw on any street, lane, park, public place or watercourse and compel its removal by the person who put it there to a place designated in the bylaw;
 - (l) prohibit the handling of, interfering with or removal of solid wastes or refuse or any receptacle for solid wastes or refuse by persons not authorized or required by the bylaw to do so.
- (2) Subject to *The Air Pollution Control Act*, a council may, by bylaw:
- (a) provide for the construction, acquisition, maintenance and operation of incinerators for the disposal of solid wastes or other refuse;
 - (b) prohibit, regulate, control or require the incineration of solid wastes or refuse of any defined class.

1983-84, c.U-11, s.141; 1986, c.3, s.4.

Smoking

142(1) In this section, “**public place**” means a place to which the public has access as a right or by express or implied invitation, whether or not a fee is charged for entry and includes, without limiting the generality of the foregoing:

- (a) outdoor patios;
 - (b) entry ways;
 - (c) outdoor sports facilities and stadiums; and
 - (d) common areas of residential buildings.
- (2) A council may, by bylaw, prohibit, control or regulate the following activities in any public place or public transit vehicle:
- (a) the lighting of any cigar, cigarette, pipe or other smoking device;
 - (b) the carrying or smoking of any lighted cigar, cigarette, pipe or other smoking device.
- (3) For the purposes of subsection (2), the power to prohibit, control or regulate includes the power to do all or any of the following:
- (a) to establish categories and subcategories of public places and public transit vehicles;

- (b) to establish different prohibitions, controls or regulatory requirements for different categories and subcategories;
- (c) to exempt any public place, public transit vehicle or category or subcategory of public places or public transit vehicles from all or any part of a bylaw.

2004, c.51, s.22.

Swimming pools

143 A council may, by bylaw, provide for the control and regulation of the construction, erection, maintenance, repair or demolition of private swimming pools and may specify, regulate and enforce the use of safety measures in connection with private swimming pools.

1983-84, c.U-11, s.143.

Water

144 Subject to *The Environmental Management and Protection Act, 2002* and *The Saskatchewan Watershed Authority Act, 2005*, a council may, by bylaw, regulate and control the use of wells and other sources of supply of water for the urban municipality, make provisions for a supply of water for the urban municipality, regulate the use of water and prevent the contamination of any stream of water flowing through or past the urban municipality.

1983-84, c.U-11, s.144; 1984-85-86, c.16, s.41;
1989-90, c.63, s.3; 2002, c.S-35.02, s.152; 2005,
c.S-35.03, s.117.

Fire and security alarm systems

144.1(1) A council may, by bylaw, establish prohibitions, restrictions, requirements or conditions respecting any or all of the following:

- (a) fire alarm and security alarm systems in the urban municipality;
 - (b) the installation, operation, maintenance and repair of fire alarm and security alarm systems in the urban municipality.
- (2) A council may, by bylaw, impose fees or charges on any category of persons or property:
- (a) for services or activities provided by or on behalf of the urban municipality respecting fire alarm and security alarm systems; or
 - (b) for costs payable by the urban municipality for services or activities provided by or on behalf of any other municipality or association.
- (3) Any unpaid fees or charges established pursuant to subsection (2):
- (a) are a debt due to the urban municipality;
 - (b) may be recovered as a debt due to the urban municipality or may be added to the owner's property taxes;
 - (c) are a lien on the land that has priority over all other liens or charges except for those of the Crown; and
 - (d) are a charge on the goods and chattels of the owner of the land and are recoverable in the same manner as other taxes that are a lien on land.

2002, c.39, s.11.

145 to 148 Repealed. 1986, c.25, s.6.

CULTURE AND RECREATION

Public entertainment

149 A council may, by bylaw:

- (a) subject to *The Film and Video Classification Act*, license and regulate all places of amusement or entertainment or exhibitions held or kept for hire or profit;
- (b) license, regulate or prohibit automatic vending machines or other mechanical or electronic machines, instruments, games or devices kept for hire or profit;
- (c) determine the age at which and the conditions under which a minor or class of minors may be permitted to enter, play games in, be employed in or remain or loiter in or about any place of public amusement or entertainment or place in which any of the items mentioned in clause (b) are kept for hire or gain, and prohibiting minors under the age determined in the bylaw from entering any such place;
- (d) control, regulate or prohibit sparring exhibitions, boxing matches or wrestling matches.

1983-84, c.U-11, s.149; 1989-90, c.63, s.4.

Culture and recreation

150 A council may, by bylaw:

- (a) provide for financial or other assistance to be given to a corporation that is incorporated for the purpose of promoting, managing or conducting any regional, provincial, interprovincial, national or international sports, athletic or cultural event within the urban municipality, if the corporation is one:
 - (i) that is not formed for the purpose of gain and which is prohibited from paying any dividends to its members or from distributing its assets among its members; and
 - (ii) whose charter or application for incorporation provides that, on completion of the event for which it is formed, any surplus which it has made together with all assets remaining after paying its liabilities are to be turned over to the urban municipality to be used for sports, athletic, recreational or cultural purposes or which has entered into an agreement with the urban municipality to the same effect;

which assistance may be provided by the council's:

- (iii) becoming a shareholder of the corporation;
- (iv) making payment out of the funds of the urban municipality for the purpose of meeting capital or operating costs either by way of a grant or on any terms as to repayment and with any security that may be agreed on;
- (v) conveying, leasing or otherwise disposing of land or buildings to the corporation by grant or gift or for any consideration that may be agreed on;

- (vi) making any facilities owned by the urban municipality available to the corporation without charge or on any terms that may be agreed on;
- (vii) guaranteeing the liabilities of the corporation and agreeing to assume any of its deficits;
- (viii) exempting the corporation from taxation in accordance with subsection 275(3);
- (b) establish, maintain or operate within or outside the urban municipality or regulate the use of public parks, forest areas, gardens, walks, conservatories, bicycle paths, athletic, cultural or recreational facilities or exhibition grounds or lease land or buildings dedicated for any such purpose to any association organized for the purpose of fostering an interest in athletics, culture or recreation and provide for a charge for admission, whether or not so leased;
- (c) establish, acquire, maintain or operate museums, zoos or wild animal parks within or outside the urban municipality;
- (d) provide for the construction, acquisition, operation, maintenance and regulation of cultural or recreational facilities, art galleries, civic centres, auditoriums, exhibitions, theatres, convention and other halls and places of amusement;
- (e) authorize the incorporation of a company, or providing for the acquisition of some or all of the shares of a corporation, formed for the purpose of constructing, acquiring, maintaining or operating civic auditoriums, exhibition grounds, zoos, wild animal parks, recreational or cultural facilities, including theatres, art galleries, museums or conservatories and providing for the carrying out of all related activities so long as the urban municipality has and retains controlling interest in the corporation;
- (f) provide for assistance to be given to a corporation operating pursuant to a bylaw passed pursuant to clause (e) by:
 - (i) making payment out of the funds of the urban municipality to the corporation for the purpose of meeting capital and operating costs either by way of grant or on any terms of repayment and with any security that council considers advisable;
 - (ii) conveying lands and buildings to the corporation by grant or for any consideration and on any terms of payment that council considers advisable;
 - (iii) without limiting the generality of any of the foregoing, exercising all privileges of ownership of any shares in the corporation to the same degree that would be permitted in the case of an individual owner.

1983-84, c.U-11, s.150; 2001, c.46, s.21.

Clubs and associations

151(1) A council may, by bylaw:

- (a) classify, license and regulate clubs and associations formed or maintained for social, commercial or recreational purposes;

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(b) require payment of licence fees of the same or different amounts by clubs or associations falling within the classifications established pursuant to clause (a).

(2) A council may, by bylaw, authorize itself to become a member of a co-operative association or a credit union by the purchase of one or more shares or otherwise and may hold additional shares of which it becomes the owner by application of dividends.

1983-84, c.U-11, s.151.

Operation of camps

152 A council may establish or acquire and operate a trailer camp or tourist camp or park, and may provide related services to any registered occupant of the camp or park.

1983-84, c.U-11, s.152.

Regional park services

152.1(1) Except for the powers and duties mentioned in sections 236 to 308, an urban municipality has no jurisdiction or authority for the provision of services or the exercise of powers and duties within a regional park, unless the park authority and the council of the urban municipality have entered into an agreement providing that the urban municipality is to provide the services or exercise the powers or duties notwithstanding subsection 328(4).

(2) Except for bylaws and resolutions passed pursuant to sections 236 to 308, bylaws and resolutions passed by a council pursuant to this Act do not apply within a regional park unless the park authority and the council have entered into an agreement providing that the bylaw or resolution is to apply notwithstanding subsection 328(4).

(3) A park authority and the council of an urban municipality may enter into an agreement to provide that a bylaw mentioned in section 181 applies within a regional park notwithstanding subsection 328(4).

1996, c.67, s.18; 1998, c.42, s.5.

STREETS AND PUBLIC PLACES**Control by urban municipality**

153(1) Subject to clause 4(1)(e), sections 11, 25, 35 and 69 of *The Highways and Transportation Act, 1997* and the regulations pursuant to that Act, sections 59, 68 and 69 of *The Highways and Transportation Act*, section 39 of *The Saskatchewan Telecommunications Act*, *The SaskEnergy Act* and *The Power Corporation Act*, every street in an urban municipality, including the air space above and the ground below, is under the direction, management and control of the council for the public use of the urban municipality, and the council has the power to lay out, construct, repair and maintain streets, sidewalks and culverts, but nothing in this section gives an urban municipality title to or control and management of mines or minerals.

(2) The Lieutenant Governor in Council may, by order, direct that the whole or any part of any highway or bridge not wholly within an urban municipality is subject to the direction, management and control of the council for the public use of the urban municipality.

1983-84, c.U-11, s.153; 1992, c.S-35.1, s.76;
1997, c.H-3.01, s.76.

Duty to keep in repair

154(1) An urban municipality shall keep every street or other place that is subject to the direction, management and control of the council, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done in or on such places by the urban municipality or by any person with the permission of the council, in a reasonable state of repair, having regard to the character of the street, place or work, and the locality in which it is situated or through which it passes, and, if an urban municipality fails to do so, it is civilly liable for all damage sustained by any person by reason of the default.

(1.1) No action may be brought pursuant to subsection (1) for the recovery of damages:

- (a) caused by the presence or absence or insufficiency of a wall, fence, guard-rail, railing or barrier; or
- (b) caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing, adjacent to or in, along or on the road right of way but not within the roadway.

(2) Subsection (1) does not apply to any street, crossing, sewer, culvert, approach, grade, sidewalk or other work made or laid out by a private person until it has been established as a public work by bylaw or otherwise assumed for public use by the urban municipality.

(3) Default pursuant to subsection (1) is not to be imputed to an urban municipality in any action without proof by the plaintiff that the urban municipality knew or should have known of the disrepair.

(4) An urban municipality is not liable for damages pursuant to subsection (1) unless the person claiming damages has suffered, by reason of the default of the urban municipality, a particular loss or damage beyond what is suffered by him in common with all other persons affected by the lack of repair.

(5) Nothing in this section imposes on an urban municipality any obligation or liability in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law and over which the urban municipality has no control, if the urban municipality is not a party to the acts or omissions and if the authority pursuant to which those persons proceed is not a bylaw, resolution or licence of the council.

(6) Subsections (2), (4) and (5) apply to all actions against an urban municipality occasioned by the presence of a nuisance on a street.

1983-84, c.U-11, s.154; 1984-85-86, c.88, s.21.

Temporary closure of streets

155(1) Notwithstanding *The Highways and Transportation Act, 1997*, a council, or any person or official designated by the council by bylaw, may regulate or prohibit vehicular or pedestrian traffic on a street or any portion of a street for a temporary period on any terms that may be set out in the bylaw:

- (a) for the purpose of a parade or any assembly of persons;
 - (b) to facilitate the moving of any building, structure, machine or other object;
 - (c) for the carrying out of street, sewer line or water line construction, repair or improvement, or any other work authorized pursuant to this or any other Act;
 - (d) for the construction, improvement, repair or demolition of a building or structure; or
 - (e) for any other purpose considered necessary by the council.
- (2) A council shall notify the Minister of Highways and Transportation in the manner set out in subsection (3) where the council proposes to exercise its powers pursuant to subsection (1) with respect to:
- (a) any portion of a provincial highway, as defined in *The Highways and Transportation Act, 1997*, that is within the urban municipality; or
 - (b) any street:
 - (i) that is within the urban municipality;
 - (ii) that provides continuity to a provincial highway; and
 - (iii) with respect to which there is a plan on file in the Department of Highways and Transportation.
- (3) For the purposes of subsection (2), the council shall notify the Minister of Highways and Transportation, in writing, of the proposed temporary closure:
- (a) at least 20 days before the effective date of the closure; or
 - (b) within any shorter period that the Minister of Highways and Transportation may allow.
- (4) Subject to subsection (4.1), a council may, by bylaw, set aside all or part of any street solely or principally as a mall for the use of pedestrians and prohibit the use of the street by vehicles or any class of vehicles to any extent and during any hours or for any periods that may be specified in the bylaw.
- (4.1) Where a council proposes to exercise its powers pursuant to subsection (4) with respect to any portion of a provincial highway or street mentioned in subsection (2), the council shall first obtain the written consent of the Minister of Highways and Transportation.
- (5) The council shall cause every street that is closed pursuant to this section to be marked with a sign indicating the street's closure and the hazards, if any, that would be encountered in its use.

(6) Any person using a street closed to traffic pursuant to this section does so at his own risk, has no right to recover damages in case of accident or injury and is liable for any damage or injury resulting from such use.

1983-84, c.U-11, s.155; 1984-85-86, c.88, s.22;
1988-89, c.61, s.22; 1997, c.H-3.01, s.76; 2001,
c.46, s.22.

Permanent closure of streets

156(1) A council may, by bylaw, provide for closing, selling or leasing:

- (a) any street the title to which is not vested in the Crown; or
 - (b) any street the title to which is vested in the Crown if the consent of the Minister of Highways and Transportation is first obtained.
- (2) No bylaw may be passed pursuant to subsection (1) unless:
- (a) the council gives at least two weeks notice of its intention to pass the bylaw by certified or registered mail to all persons who are registered owners of the lands and buildings abutting on the portion of the street proposed to be closed, sold or leased;
 - (b) the notice is advertised prior to the passing of the bylaw in a newspaper circulating in the urban municipality at least once each week for two successive weeks; and
 - (c) every person who claims his land will be injuriously affected by the proposed bylaw and petitions to be heard is afforded an opportunity to appear before council, either in person or by agent, to make his objection known.
- (3) A person whose land is injuriously affected by a bylaw passed pursuant to subsection (1) is entitled to be compensated for damages caused to his land by reason of anything done pursuant to the bylaw, and the compensation is determined in the same manner and subject to the same conditions as in cases provided for by *The Municipal Expropriation Act*.
- (4) Subsections (2) and (3) do not apply to that part of a street immediately adjacent to private land and known as a boulevard, not developed as a street or sidewalk and leased to the owner of that private land, but every such lease is deemed to contain a provision that access to any other land is not to be interfered with and that the lease is subject to any easement or right of way for the purpose of providing public utility services.

1983-84, c.U-11, s.156; 1997, c.52, s.14.

Streets and public areas

157 A council may, by bylaw:

- (a) acquire land or buildings for the opening, widening, altering or diverting of streets;
- (b) authorize the entering into of agreements for the improvement of the whole or any portion of a street outside the boundaries of the urban municipality;

- (c) control and regulate the use of all streets, sidewalks and other public places and may delegate those powers to the police or to a designated municipal employee in an emergency;
- (d) establish, control or regulate stands or places on any street for the exclusive use of a person engaged in the operation of a taxi service and make a charge for the use of such stands or places;
- (e) set aside part of any street for bus stops or traffic controls;
- (f) set aside part of any street for constructing medians or street light standards;
- (g) prevent the encumbering of streets and compelling the removal of any obstruction from a street by the person depositing it at his expense;
- (g.1) control or prohibit fishing from any bridge in the urban municipality.
- (h) control, regulate or prohibit the riding or driving of horses or other animals on streets;
- (i) provide for the licensing of bicycles and the control and regulation of the operation and parking of bicycles on streets and other public places, the impounding of bicycles for contravention of the bylaw for a period of not more than 30 days in addition to or in place of any fine or penalty that may be imposed, the impounding of unlicensed bicycles for a period of not more than 90 days or until the licence for the bicycle has been obtained and provide that bicycles impounded for 90 days or more may be dealt with as lost or unclaimed personal property;
- (j) provide for planting and protecting trees, hedges or shrubs along streets and other public places;
- (k) prohibit the planting of trees, hedges or shrubs on private land within 7.6 metres, or any lesser distance specified in the bylaw, from the property line, and require their removal or limit their height, whether planted before or after the passing of the bylaw;
- (l) name or number the streets or number the buildings and change the names and numbers of streets and buildings;
- (m) regulate or prohibit the use of sidewalks for newspaper stands, kiosks or similar structures;
- (n) compel all persons, or all persons within specified areas of the urban municipality, to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the land owned or occupied by them, and may provide for the clearing of sidewalks adjoining land of non-residents and all other persons who for 48 hours neglect to clear the sidewalks;
- (o) restrict the weight and dimensions of vehicles, or weight and dimensions of vehicles with their loads, using the streets or any specified streets of the urban municipality;
- (p) license, regulate, control or prohibit persons who solicit or collect gifts or charitable donations, or the promise of gifts or charitable donations, whether in the form of money, merchandise or otherwise, and prevent such soliciting or collecting on any street without a permit issued pursuant to the bylaw.

VEHICLES AND TRAFFIC CONTROL

Traffic control

158(1) A council may, by bylaw, provide for traffic control within the urban municipality.

(2) A bylaw passed pursuant to subsection (1) that is inconsistent with *The Highway Traffic Act* requires the approval of the Highway Traffic Board.

2001, c.46, s.23.

Traffic signs

159(1) A council may, by bylaw, provide for the erection and maintenance of any signs that the council may consider expedient for the control, warning, guidance, information and direction of traffic on any street or other public place, other than a provincial highway within the meaning of *The Highways and Transportation Act, 1997*.

(2) Every council shall maintain a schedule of all traffic sign locations in the urban municipality and shall ensure that the schedule is open to public inspection.

(3) No person shall remove, deface or damage a sign, notice or obstruction placed pursuant to the authority of this section on or near the whole or any part of a street.

1983-84, c.U-11, s.159; 1997, c.H-3.01, s.76.

Parking

160(1) A council may, by bylaw:

(a) prohibit, restrict, control or regulate:

(i) the parking of all or any class of vehicles on all or any streets;

(ii) the parking on all or any streets, or within a specified distance from any building, of vehicles used for carrying or transporting inflammable, explosive or dangerous goods or any classification of dangerous goods, whether loaded or unloaded;

(b) establish, control or regulate parking stands or places for vehicles or any classification of vehicle on any street or on any lands acquired by the urban municipality for parking purposes or designated in the bylaw as parking stands or places;

(c) establish a schedule of fees or charges to be paid by persons using established parking stands or places, which fees or charges may vary according to the location of the parking stands or places, the classification of vehicles for which the parking stands or places are intended, or as the council may otherwise determine, but the council may in its discretion grant free use of all or any parking stands or places for all or any class of vehicles for any period of time or during the hours specified in the bylaw;

(d) establish, control or regulate a parking meter system or provide in any other manner for the collection of fees or charges payable by persons using parking stands or places;

- (e) exempt vehicles operated by or carrying a physically disabled person, as defined in the bylaw, from any provision of a bylaw passed pursuant to this section for regulating the parking, standing or stopping of vehicles on any street;
- (f) prohibit or regulate the parking of vehicles on designated streets except vehicles owned or operated by persons who have obtained permits to park in those spaces, which the urban municipality may grant to persons whose dwelling place fronts on or is adjacent to that street or to persons operating or employed in a business that fronts on or is adjacent to that street on any terms and conditions and payment of any fees that the bylaw may require;
- (g) authorize members of the police force or any designated municipal employee to move or remove any vehicle that is unlawfully parked, placed, left or kept on any street, public parking place, other public place or municipally-owned property, to impound or store the vehicle and to release it to the owner on payment of the cost of removal and impounding or storage within a period of 30 days after the date of the removal of the vehicle, or within any longer time that may be specified in the bylaw, and provide for the recovery of the cost, if not paid within the specified period, from the owner of the vehicle by action in a court of competent jurisdiction or by sale of the vehicle at public auction and provide that vehicles impounded for 30 days or more may be dealt with as lost or unclaimed personal property;
- (h) prohibit the parking of any vehicle in any private parking place or on any private land by any person other than the owner, occupant, licensee or permittee of the parking place or private land except with the consent of the owner, occupant, licensee or permittee;
- (h.1) authorize members of the police service or any designated municipal employee on the request of the owner, occupant, licensee or permittee of a parking place or private land:
 - (i) to move or remove, or have moved or removed, any vehicle that is parked on the parking place or land contrary to a bylaw passed pursuant to clause (h);
 - (ii) to impound or store, or have impounded or stored, the vehicle; and
 - (iii) to release the vehicle to the owner on payment of the cost of removal and impoundment or storage within a period of 30 days after the date of the removal of the vehicle, or within any longer time that may be specified in the bylaw;
- (h.2) for the purposes of clause (h.1), provide for the recovery of the cost of removal and impoundment or storage, if not paid within the period specified in the bylaw, from the owner of the vehicle by action in a court of competent jurisdiction or by sale of the vehicle at public auction, and provide that vehicles impounded for 30 days or more may be dealt with as lost or unclaimed personal property;
- (i) prohibit the parking of vehicles in areas designated by the owner of a shopping centre on his land by means of clearly distinguishable signs and, if the owner of the shopping centre has in writing authorized the council to take action on his behalf, permit a member of the police force to cause vehicles to be removed from the designated area and impose, for the owners of the vehicles parked in prohibited areas, the same penalties as if the vehicles had been removed for being improperly parked on a street or other public place in the urban municipality.

(2) In subclause (1)(a)(ii), “**dangerous goods**” means any product, substance or organism included by its nature or by the regulations in the schedule to the *Transportation of Dangerous Goods Act* (Canada).

1983-84, c.U-11, s.160; 1988-89, c.61, s.23;
1994, c.48, s.10.

Impounding vehicles where fines unpaid

160.1(1) A council may, by bylaw, provide for the removal and impoundment of a vehicle that is found on a street, public parking place, other public place or municipality-owned property where:

- (a) the owner of the vehicle owes three or more outstanding fines to the urban municipality for parking offences;
- (b) the period for appealing against the imposition and amount of those fines has expired;
- (c) at least two notices, sent at least one week apart, that the fines are outstanding have been sent to the owner; and
- (d) a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned in clauses (a) to (c), has issued an order authorizing the removal and impoundment.

(2) Where a bylaw has been passed pursuant to subsection (1):

- (a) the municipality may retain the vehicle until the amount of the outstanding fines and the costs incurred in removing and impounding the vehicle have been paid, or may, if the fines or costs have not been paid within a period of 30 days, or a longer period specified in the bylaw, sell the vehicle at public auction;
- (b) in the event of an improper or unlawful impoundment, the municipality is liable for any damages suffered by the owner, and may be sued for those damages in a court of competent jurisdiction.

1994, c.48, s.11.

Vehicles

161(1) A council may, by bylaw:

- (a) control, regulate and license owners and drivers of taxicabs, buses or any vehicle or class of vehicles used for hire, establish the rates or fares to be charged by the owners or drivers of those vehicles for the conveyance of goods or passengers within the urban municipality, limit the number of such vehicles or any class of such vehicles and revoke any such licence;
- (b) regulate the speed of vehicles within the boundaries of the urban municipality;
- (c) classify vehicles for any and all purposes involving use of streets and other public places;

- (d) designate routes within the urban municipality that any vehicle or class of vehicles are required to follow in entering or traversing the urban municipality.
- (1.1) Notwithstanding clause 96(c), the council may, when it considers it appropriate, issue licences for owners of taxicabs, buses or any vehicle or class of vehicles used for conveyance of passengers issued pursuant to clause (1)(a) through a public tender process.
- (1.2) When a licence is issued pursuant to clause (1)(a), after this subsection comes into force, to the owner of a taxicab, bus or any vehicle or class of vehicles used for conveyance of passengers, the council may attach terms and conditions related to:
 - (a) accessibility of the vehicle to persons with physical disabilities or requiring the use of a wheelchair or other aids to mobility; and
 - (b) operation of the vehicle to meet the transportation needs of persons with physical disabilities.
- (1.3) Any terms and conditions imposed pursuant to subsection (1.2) shall remain with the licence even though the licence may be transferred to another owner.
- (2) The approval of the Highway Traffic Board is required with respect to a bylaw passed pursuant to subsection (1) that:
 - (a) is inconsistent with *The Highway Traffic Act*; or
 - (b) regulates the speed of vehicles or designates routes of vehicles pursuant to clause (1)(d), on any portion of the extension of a provincial highway, as defined in *The Highways and Transportation Act, 1997*, that lies within the boundaries of the urban municipality.

1983-84, c.U-11, s.161; 1984-85-86, c.88, s.23;
 1986, c.33, s.28; 1992, c.79, s.7; 1997, c.H-3.01,
 s.76.

Bicycles

161.1 A council may, by bylaw:

- (a) regulate the operation of bicycles within the urban municipality;
- (b) specify bicycle safety standards within the urban municipality; and
- (c) regulate the use of bicycle helmets within the urban municipality.

1997, c.52, s.15.

Abandoned vehicles

162(1) A council may, by bylaw, provide for the removal and disposal of abandoned vehicles.

(2) A vehicle is deemed to be abandoned if:

- (a) a bylaw has been passed pursuant to subsection (1);
- (b) the vehicle has been left or placed on a street, public place or land or building owned or controlled by the urban municipality for 10 days or more; and
- (c) after reasonable inquiry, the owner of the vehicle cannot be ascertained.

(3) The council may order that a vehicle that is deemed to be abandoned by virtue of subsection (2) be removed by the urban municipality from the place where it is abandoned and sold, destroyed or otherwise disposed of as the council may decide.

(4) If, pursuant to subsection (3), a council decides to sell, destroy or otherwise dispose of an abandoned vehicle, it shall, at least 14 days before doing so, publish a notice of its decision in a newspaper circulating in the urban municipality together with a description of the abandoned vehicle and shall make reasonable efforts to determine whether a security interest is registered against the vehicle and advise the holder of the security interest of the fact that the vehicle is abandoned.

(5) The council shall not sell an abandoned vehicle with respect to which a security interest is registered until after the expiration of 30 days after advising the holder of the security interest of the fact that the vehicle is abandoned.

(6) The holder of a security interest in an abandoned vehicle may, within the 30-day period described in subsection (5), redeem the vehicle by paying the costs incurred by the urban municipality in removing and impounding it.

(7) When an abandoned vehicle is sold pursuant to this section, the proceeds of the sale are to be applied against the cost of removal of the vehicle and any balance remaining forms part of the general funds of the urban municipality and, notwithstanding the provisions of any other Act, the purchaser of the vehicle obtains good title to the vehicle free and clear of all encumbrances.

(8) Notwithstanding any other Act, no action lies against a council that sells, destroys or otherwise disposes of a vehicle in compliance with this section.

1983-84, c.U-11, s.162.

Liability of owner or person in charge of vehicle

163(1) In this section:

- (a) **“authorized person”** means a person who is in charge of a vehicle with the express or implied consent of the owner of the vehicle;
 - (b) **“owner”** means, with respect to any vehicle, the person to whom a current certificate of registration or registration permit for a vehicle is issued;
 - (c) **“unauthorized person”** means a person who is in charge of a vehicle without the express or implied consent of the owner of the vehicle.
- (2) Where a vehicle is used in the commission of an offence against a bylaw made pursuant to sections 158 to 161, the owner of the vehicle is liable for the offence, as well as any other person who may have actually committed the offence, unless the owner proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- (a) was not being operated and had not been parked or left by the owner; and
 - (b) was not being operated and had not been parked or left by any authorized person in charge of the vehicle.

(3) Where, at the time of the commission of any offence against a bylaw made pursuant to sections 158 to 161 involving a vehicle, the vehicle was not being operated and had not been parked or left by the owner or by any authorized person in charge of the vehicle, the unauthorized person in charge of the vehicle is liable for the offence, as well as any other person who may have actually committed the offence, unless the unauthorized person in charge of the vehicle proves to the satisfaction of the court that, at the time of the offence, the vehicle:

- (a) was not being operated, and had not been parked or left by that unauthorized person in charge of the vehicle; and
- (b) was not being operated and had not been parked or left by any person in charge of the vehicle with the express or implied consent of that unauthorized person in charge of the vehicle.

1995, c.35, s.10.

RAILWAY LINES

Railway lines

164(1) Subject to any Act of the Parliament of Canada, any Act of the Legislature and any order of the Canadian Transport Commission, a council may, by bylaw:

- (a) sanction and permit the track of a railway or public transportation system to be laid in, on or along any street in the urban municipality;
- (b) provide compensation for any damage that may be done as a result of any bylaw passed pursuant to clause (a), and the amount of compensation is to be settled in the manner provided for by *The Municipal Expropriation Act*;
- (c) regulate the use of locomotive engines and of steam, diesel, electrical or other motive power on any or every portion of any railway within the urban municipality;
- (d) regulate the speed of railway trains, engines or cars on any and every part of any railway within the urban municipality and along or across any street in the urban municipality;
- (e) prevent the obstruction of any street by leaving, keeping or allowing any train engine or car to stand on a street for longer than five minutes at a time;
- (f) prevent the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the urban municipality;
- (g) prevent the blowing of whistles or ringing of bells while an engine is approaching or going along or across any street except under conditions specified in the bylaw.

(2) Any person who contravenes a bylaw passed pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

(3) In any proceedings relating to the contravention of a bylaw passed pursuant subsection (1), service of any necessary documents on any resident employee of the railway is deemed to be service on the owner of the railway.

(4) Any person in charge of a train, engine or car as well as the railway company is liable to the fine provided in the bylaw and proceedings may be taken against either or any of them.

1983-84, c.U-11, s.164.

Spur tracks

165 Subject to any Act of the Parliament of Canada, any Act of the Legislature respecting railways and any order of the Canadian Transport Commission, a council may, by bylaw, provide for the construction and operation of an industrial spur track or of a system of industrial spur tracks, and for that purpose may acquire a right of way.

1983-84, c.U-11, s.165.

Rail line relocation

166(1) In this section, “**rail line**” includes rail yards, station grounds, bridges, grade separated crossings, signal and protection systems, railway yard and station facilities and all lands and works incidental to the operation of a railway.

(2) Subject to any Act of the Parliament of Canada and to any Act of the Legislature but notwithstanding section 81, a council may, for the purpose of a rail line relocation project, by bylaw, establish a rail line relocation plan and, pursuant to an order of the Canadian Transport Commission, may:

- (a) provide for the relocation, removal or construction of rail lines within or outside the urban municipality and may, for that purpose, enter into an agreement, including an agreement with a railway company;
- (b) acquire any land and improvements within or outside the urban municipality;
- (c) sell, lease, transfer or otherwise dispose of any land, improvements or assets including a rail line constructed pursuant to the authority of this section.

1983-84, c.U-11, s.166; 2001, c.46, s.24.

MUNICIPAL LAND AND BUILDINGS

Aquisition and use of land or buildings

167(1) A council may purchase, lease or otherwise acquire any land or buildings within or outside the urban municipality that it considers expedient to acquire.

(2) Land or buildings acquired by an urban municipality may be held, improved, used and subdivided, and the council may, by bylaw, provide for the use and protection and for the regulation of the use of municipal land or buildings.

1983-84, c.U-11, s.167.

Disposition of land or buildings

168(1) Subject to subsection (3), a council may sell, lease, exchange or otherwise dispose of any municipal land or buildings or any interest the urban municipality has in any land or buildings.

(2) **Repealed.** 2001, c.46, s.25.

(3) No urban municipality shall in any manner dispose of lands used for park purposes without publishing a notice of its intention to do so in a newspaper circulating in the urban municipality once a week for two successive weeks prior to authorizing the disposal.

(4) The decision of the council as to the time when, the manner in which, the price for which or the person to whom any land or buildings of the urban municipality that the council may lawfully sell should be sold is not open to question, review or control by any court, if the purchaser is a person who may lawfully buy and the council acts in good faith.

1983-84, c.U-11, s.168; 2001, c.46, s.25.

Gifts

169 A council may accept in the name and on behalf of the urban municipality any bequest or gift of pictures, paintings or objects of art, money or other personal property or land or buildings.

1983-84, c.U-11, s.169.

Settlement of debts

170 A council may acquire, hold and dispose of land and improvements offered or transferred to it in partial or complete settlement or payment of, or as security for, any lien or charge or any right to a lien or charge on any taxes, licence fee or other indebtedness owing to the urban municipality and, if they are acquired in settlement of taxes, they are deemed to have been acquired in accordance with *The Tax Enforcement Act* and all the provisions of that Act relating to the sale and distribution of proceeds of the sale of real property apply.

1983-84, c.U-11, s.170.

Sewers and drains

170.1 The council may construct and maintain any sewers, drains and ditches, either within or outside of the urban municipality, as may be required to secure the proper drainage of the urban municipality.

1988-89, c.61, s.24.

Airports

171 Subject to the *Air Regulations* (Canada) and any other similar regulations that are made or approved by the Governor in Council, a council may, by bylaw, provide for the construction, improvement, extension or operation of an airport.

1983-84, c.U-11, s.171.

Cemeteries

172(1) A council may, by bylaw, acquire, maintain, regulate and control and establish a schedule of fees for the use of a cemetery, columbarium or crematorium within or outside the urban municipality and prevent or regulate the burial of the dead, and, in each cemetery owned by the urban municipality, the urban municipality shall provide plots for the burial of destitute persons or unclaimed bodies.

(2) Notwithstanding clause 96(c), licence fees imposed by a bylaw passed pursuant to this section may exceed the cost to the urban municipality for administration and regulation of the activity with respect to which the licence relates.

1983-84, c.U-11, s.172.

Memorials

173 A council may, by bylaw, provide for erecting, equipping and maintaining as a public memorial, any building, statue, bridge, monument, park or any public work situated either wholly within the urban municipality or, if it is a joint undertaking with any other municipality, situated within that other municipality.

1983-84, c.U-11, s.173.

Public accommodation

174(1) A council may, by bylaw, acquire, establish or operate any land or buildings for the purpose of providing public accommodation and may enter into an agreement with any person or agent of the Crown for that purpose.

(2) In this section, “**public accommodation**” includes, but is not limited to, hotels, motels, hostels and related services such as restaurants considered necessary by the council.

1983-84, c.U-11, s.174; 1995, c.35, s.11.

MISCELLANEOUS POWERS OF COUNCILS**Agreements**

175(1) A council may enter into agreements with respect to any matter within the jurisdiction of the council with:

- (a) any person or association or Indian band;
- (b) the Government of Saskatchewan or its agents;
- (c) the Government of Canada or its agents.

(1.1) A council may delegate to its clerk, or any other designated employee, the responsibility for entering into agreements with any person or association for providing routine services necessary to administer operations of the municipality, and provide for the extent of and the carrying out of that responsibility.

- (2) A council may enter into agreements with:
- (a) councils of other urban municipalities, other municipal councils or the boards of any such councils;
 - (b) the boards of education of school divisions;
 - (b.1) the conseils scolaire;
 - (c) any regional health authority or any other board or organization constituted for the purpose of managing, operating or coordinating any health care service;
 - (d) library boards;
 - (d.1) the Government of Canada;
 - (d.2) regional park authorities constituted or continued pursuant to *The Regional Parks Act, 1979*;
 - (d.3) Indian bands;
 - (e) the Government of Saskatchewan; or
 - (f) any Crown corporations or agencies of Crown corporations;
 - (f.1) any person or properly constituted authority, organization or agency;
- for the purposes of:
- (g) carrying out jointly or managing any work, service or purpose:
 - (i) in which the contracting parties have a common interest; and
 - (ii) that each or either of them could lawfully carry out alone within its own jurisdictional limits;
 - (h) creating a joint committee or board that is to be a body corporate responsible for managing and organizing any work, facility, service or purpose described in clause (g).
- (2.1) Where a joint committee or board is established pursuant to subsection (2), the parties to the agreement:
- (a) shall, in the agreement, set out the constitution, duties, powers, including any power to hire, suspend or dismiss employees, and functions of the committee or board;
 - (b) may, in the agreement, provide for any plan of insurance mentioned in clause 59(1)(b) or, subject to *The Municipal Employees' Superannuation Act*, a plan of superannuation or a benefit fund for the benefit of the employees of the committee or board, and may make participation in any such plan compulsory or optional; and
 - (c) may, subject to this Act and *The Municipal Board Act*, incur any debts not payable within the current year as the council considers expedient for the purpose of carrying out the agreement.

- (3) A council considers to be of significance to the urban municipality and that agreement is to provide for matters that will facilitate the implementation and operation of the project in a manner that will mutually benefit the urban municipality and the proponent.
- (4) A council may enter into an agreement with Saskatchewan Telecommunications providing for the joint use by the urban municipality and the corporation of any poles belonging to or to be erected by either party, and may erect poles suitable for their use.
- (5) A council may enter into agreements with Indian bands with respect to the following matters:
- (a) the payment of compensation to the urban municipality for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the urban municipality being set apart as an Indian reserve;
 - (b) the application, enforcement and compatibility of the bylaws of the urban municipality and the bylaws of the Indian band;
 - (c) the provision of municipal services to an Indian band or to persons on an Indian reserve;
 - (d) mechanisms for resolving disputes that may arise between the urban municipality and an Indian band with respect to any matter.
- (6) A council may enter into an agreement with the council of any other municipality to share municipal taxes or municipal grants in lieu of taxes that are paid or payable to the municipalities.

1983-84, c.U-11, s.175; 1984-85-86, c.18, s.14; 1992, c.79, s.8; 1993, c.T-20.1, s.8; 1993, c.41, s.21; 1993, c.55, s.194; 1994, c.48, s.12; 1995, c.35, s.12; 1997, c.52, s.16; 1999, c.11, s.4; 2002, c.R-8.2, s.98 and c.39, s.12.

Billboards and posters

176 A council may, by bylaw:

- (a) regulate or prohibit throughout the whole or any portion of the urban municipality, or on any land, building or structure owned by or under the control of the urban municipality, the posting of signs or posters and the erection and use of billboards, signboards or other advertising devices of any kind, whether the notices are printed or otherwise displayed;
- (b) require a licence from the urban municipality as a condition of posting signs or posters or of erecting or continuing the use of any signboard, billboard or other advertising device;
- (c) authorize the removal and destruction of signboards or billboards or other advertising devices erected or maintained without a licence;
- (d) prohibit the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed;
- (e) prohibit the defacing of private or other land, buildings or other structure by printed or other notices.

1983-84, c.U-11, s.176.

Broadcasting

176.1 A council may, by bylaw:

- (a) establish a broadcasting board responsible for providing radio or television services, or both;
- (b) authorize the council to provide or to enter into an agreement with any person, association or corporation for the provision of radio or television services;
- (c) fix a reasonable rent or service charge for users of radio or television services;
- (d) fix the times when and the places where rents or service charges are payable;
- (e) provide discounts, if any, for prepayment of the rents or service charges and providing surcharges, if any, on non-current or past due rents or service charges;
- (f) adopt a penalty for default of payment of rents or service charges when the arrears arising out of the default exceed three months and provide a method of enforcement of the penalty or proceed with any necessary prosecution;
- (g) direct the terms and conditions of installation and use of the necessary equipment in the residences, premises or buildings of the users of radio or television services.

1984-85-86, c.85, s.4.

Census

177 A council may provide for the taking of a census within the boundaries of the urban municipality.

1983-84, c.U-11, s.177.

Grants and expenditures

178(1) A council may make expenditures of any sum that may be required to meet the cost of:

- (a) membership in any association;
 - (b) the reception and entertainment of guests;
 - (c) sending municipal employees, members of council or other persons to attend conventions or meetings related to any municipal matter;
 - (d) travelling or other expenses incurred related to the business of the urban municipality;
 - (e) honouring persons who, in the opinion of the council, have served or brought honour to the urban municipality.
- (2) A council may make grants to or provide goods or services in aid of any person or organization within or outside the urban municipality for any purpose, including the health, well-being or benefit of the residents of the urban municipality.

(3) A council may make grants subject to any terms and conditions that it considers necessary.

(4) Money payable as a grant pursuant to the authority of this section is exempt from attachment.

1983-84, c.U-11, s.178.

Holidays

179 A council may, by bylaw, authorize the mayor to declare any day, or part of any day, except Sunday to be a civic holiday.

1983-84, c.U-11, s.179.

Lost personal property

180(1) An urban municipality shall retain in its possession for 90 days all lost and unclaimed personal property.

(2) If personal property that is unclaimed is perishable, the property may be disposed of as soon as practicable after receipt by the urban municipality.

(3) If personal property is not claimed within the time limit specified in this section, it becomes the property of the urban municipality, and the urban municipality may dispose of the personal property:

- (a) by donating it to any person or organization; or
- (b) by offering it for sale at a public auction.

(3.1) Any personal property offered for sale at a public auction pursuant to clause (3)(b) and not sold may be disposed of in any manner that the council directs.

(4) The purchaser of the personal property becomes the owner of the personal property and any claim of the earlier owner is converted into a claim for the proceeds of the sale, after the charges have been deducted for hauling, storage and other necessary expenses, including the cost of sale, that have been incurred by the urban municipality.

(5) If no claim is made for the proceeds within one year from the date of sale, the proceeds form part of the general funds of the urban municipality.

1983-84, c.U-11, s.180; 2001, c.46, s.26.

Mobile homes, etc.

181(1) A council may, by bylaw:

- (a) classify trailers and mobile homes that are used for residential purposes within the urban municipality;
- (b) determine forms and procedures for the registration of trailers and mobile homes described in clause (a) with the clerk or with a licensed operator of a trailer or mobile home park or camp;
- (c) license and provide for a schedule of fees to be paid for licences by occupants of trailers and mobile homes described in clause (a);

but no bylaw passed pursuant to this subsection applies to a person who occupies a trailer or mobile home for a period of less than 30 days.

(2) A council may, by bylaw:

(a) license and regulate the operators of trailer or mobile home parks or camps;

(b) authorize and require the operator and every owner or occupant of land who permits two or more trailers or mobile homes used as living quarters to be located on the land to register the occupants on forms provided by the urban municipality and to collect from the occupants any licence fees that are imposed by a bylaw passed pursuant to clause (1)(c) and to pay to the urban municipality the licence fees collected.

(3) Notwithstanding clause 96(c), licence fees imposed by a bylaw pursuant to clause (1)(c) may exceed the cost to the urban municipality for administration and regulation of the activity with respect to which the licence relates.

1983-84, c.U-11, s.181.

Security

182 When power is given to an urban municipality pursuant to this or any other Act to perform services or sell goods, lands or buildings, it is deemed to have the same right as an individual to take security for any debt owing to it arising out of matters transacted in the exercise of that power.

1983-84, c.U-11, s.182.

PART IX Public Utilities

Establishment

183(1) A council may establish:

(a) works for the supply, collection, treatment, storage and distribution of water;

(b) works for the collection, transmission, treatment and disposal of sewage or storm drainage;

(c) a heating production or distribution system;

(d) a public transit system;

(e) an electric light or power production or distribution system;

(f) a gas production system;

(f.1) systems for the provisions of radio or television services, or both; or

(g) any other service approved by the Saskatchewan Municipal Board.

(2) If a council establishes a service pursuant to subsection (1), it shall operate the service as a public utility service in accordance with this Part.

1983-84, c.U-11, s.183; 1984-85-86, c.85, s.4;
1989-90, c.5, s.10; 1992, c.S-35.1, s.76.

Bylaw powers

184 Subject to the other provisions of this Part, a council may, by bylaw:

- (a) purchase, lease, construct, operate, maintain and dispose of anything necessary for the provision of a public utility service;
- (b) contract with consumers for the provision of public utility services;
- (c) set the terms and conditions under which public utility services are supplied;
- (d) set, collect and enforce the collection of fees for a public utility service;
- (e) control, supervise and manage a public utility service.

1983-84, c.U-11, s.184.

Land

185(1) Subject to *The Municipal Expropriation Act*, if a council has passed a bylaw pursuant to section 184, the council may, by the same or another bylaw, lease, on any terms and conditions it considers appropriate, or purchase any lands, buildings, waters, privileges or patents or other rights that, in the opinion of the council, may, at any time, be necessary or expedient for the purposes of supplying a public utility service.

(2) A council may sell, lease or otherwise dispose of:

- (a) anything acquired by the urban municipality for the purposes of providing a public utility service when no longer necessary for those purposes;
- (b) any product, refuse or residue resulting from the provision of the public utility service.

(3) When a council disposes of anything pursuant to subsection (2), it shall ensure that it is free of any charge or lien on account of any mortgage, bond or security issued by the urban municipality.

(4) **Repealed.** 2001, c.46, s.27.

(5) Where a council holds proceeds from any disposition pursuant to subsection (2) on capital account, the council may appropriate the income derived from the investment of the proceeds as if it were money raised by general rate for general municipal purposes.

1983-84, c.U-11, s.185; 1989-90, c.5, s.10; 2001, c.46, s.27.

Supply of services

186(1) If a council has passed a bylaw pursuant to section 184, the council may, by the same or another bylaw, enter into a contract with any person to supply a public utility service, or to supply goods or services necessary for the provision of a public utility service, for a period of not more than 10 years.

(2) If a council has passed a bylaw pursuant to section 184, the council may, by the same or another bylaw, authorize the payment of a sum of money to Saskatchewan Power Corporation to meet all or any portion of the cost of construction of a power transmission line to connect the urban municipality with the corporation's system, of a system of street lights or a power distribution system within the urban municipality, and may assess or levy the amount of such payment in one or more years as the council may determine.

(3) An urban municipality may supply any person outside the urban municipality with a public utility service, subject to the consent of the municipality in which the person resides, and may exercise all other powers necessary to the carrying out of its agreement with that person.

1983-84, c.U-11, s.186.

Access to land

187(1) For the purpose of providing a public utility service, an urban municipality may enter on and survey or conduct tests of any land, whether within or outside the urban municipality, if it provides reasonable advance notice of its intention to do so to the owner or occupant of the land.

(2) For the purposes of maintenance, repair, examination or removal of a public utility service, an urban municipality may, after having made a reasonable effort to notify the owner or occupant of the land:

- (a) enter and pass on any lands, dig up the land and lay down pipes, excavate ditches, erect poles and wires through the land;
- (b) subject to subsections (3) and (4):
 - (i) break up, dig and trench any public highway;
 - (ii) lay down pipes, erect poles and wires in, on, through, over and under any street.

(3) No urban municipality shall dig up or interfere with any street under the control of another municipality, nor shall it carry in, on, through, over or under any such street any pipes, poles or wires without the consent of that municipality.

(4) No urban municipality shall dig up or interfere with any street under the control of the Government of Saskatchewan, nor shall it carry in, on, through, over or under any such public highway any pipes, poles or wires without the consent of that government.

(5) Any person authorized by the urban municipality is entitled to free access at all reasonable times to all parts of any lands or buildings on production, if demanded, of evidence of his authority to the owner or occupant of the lands or buildings to which a public utility service is provided for the purpose of:

- (a) reading meters;
- (b) erecting or installing meters or appliances and removing, altering or replacing any of them as circumstances require;
- (c) conducting sampling tests;
- (d) inspecting any service lines, connections, meters or appliances; or
- (e) maintenance and repair.

(6) If a customer discontinues the use of any public utility service provided by an urban municipality or if the urban municipality lawfully refuses to continue to provide it, any person authorized by the urban municipality may at all reasonable times enter the lands or buildings in or on which the customer was supplied with the public utility service for the purpose of removing any fitting, wire, machine, apparatus, meter, pipe or other thing for the provision of the public utility service that is the property of the urban municipality and may remove it from the lands or buildings.

(7) If any person authorized by the urban municipality to enter premises for the purposes of subsection (5) or (6) is denied access, the urban municipality may apply *ex parte* to a judge for an order requiring the owner of the lands or buildings or any other person to comply with the law and grant free access.

(8) The urban municipality, its agents and employees and the employees of any board, association, commission or other organization established pursuant to this Act by a council shall do as little damage as possible in the execution of the powers granted to it by this Part and shall make reasonable and adequate repairs, restoration or compensation without delay to the owners, occupants or other persons interested in the lands, improvements, waters, rights or privileges entered on, taken or used by the urban municipality or injuriously affected by the exercise of its powers.

(9) In the case of disagreement, the compensation for damages is to be ascertained in the manner provided in similar cases by *The Municipal Expropriation Act*.

1983-84, c.U-11, s.187; 1984-85-86, c.18, s.15;
1984-85-86, c.88, s.24.

Control and repair of service lines

188(1) All water or sewer service lines from the mains to the outer line of the street and from the outer line of the street to the interior face of the outer walls of the building supplied, and all related parts, fittings and meters, are under the control of the urban municipality.

(2) The urban municipality is responsible for the repair and maintenance of any water or sewer service line or service pipe from the mains to the outer line of the street.

(3) If a water or sewer service line or service pipe requires repair or maintenance between the outer line of the street and the inner surface of the wall of the building supplied with the public utility service, the owner or occupant of the land on which the building is situated shall immediately repair it to the satisfaction of the urban municipality.

(4) If an owner or occupant fails to make the repairs mentioned in subsection (3) to the satisfaction of the urban municipality, the urban municipality may enter on the lands and buildings where the service line or pipe is situated, make the necessary repairs and charge the cost to the owner of the land or buildings.

(5) On the expiration of the lifetime of a water or sewer service line or service pipe, as specified by the municipal engineer at the time the work was constructed, the council may repair, maintain, replace or reconstruct the water or sewer service line or service pipe at the expense of the urban municipality, as a local improvement, or charge the actual cost of the water or sewer service line or service pipe to the owner of the land serviced by it.

(6) All electrical service lines and connections owned by an urban municipality are under its control, and any repair, maintenance or replacement of such lines is to be done at the expense of the urban municipality, unless such repair, maintenance or replacement is required as a result of any action or omission by the owner or occupant of the land or buildings on which they are located, in which case the urban municipality shall charge the owner or occupant the cost of the repair, maintenance or replacement.

1983-84, c.U-11, s.188; 1986, c.5, s.14.

Damage to public utility service

189(1) Any person who causes any loss, damage or injury to any public utility service or to any land, buildings or personal property used in providing the public utility service, whether owned by the urban municipality or not, is liable to the owner for that loss, damage or injury.

(2) An urban municipality is not liable for damages resulting from:

- (a) any interference with the supply of a public utility service if:
 - (i) the interference is necessary for the repair and proper maintenance of the public utility service; and
 - (ii) a reasonable attempt is made to notify the owners or occupants of land or buildings affected by the intended interference; or
- (b) the breaking or severing of a service pipe, service line or attachment.

1983-84, c.U-11, s.189.

Prohibitions

190(1) A council may, by bylaw, prohibit any user of a public utility service:

- (a) from lending, selling or disposing of the public utility service;
- (b) from giving away the public utility service or permitting it to be taken;
- (c) from using the public utility service other than for his own use and benefit;
- (d) from increasing the usage of the public utility service beyond that authorized by the urban municipality or agreed on with the urban municipality; or
- (e) from wrongfully or improperly wasting the public utility service.

(2) Subject to *The Environmental Management and Protection Act, 2002*, *The Saskatchewan Watershed Authority Act, 2005* and any regulations made pursuant to those Acts but notwithstanding any other Act or agreement, a council may, by bylaw, make provision for all or any of the following purposes:

- (a) preventing or restricting, controlling and regulating the discharge into any drain, sewer or sewerage system operated by the urban municipality of any harmful matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property or that would injure, pollute or damage any stream, watercourse, drain, sewer, sewerage system or sewage treatment plant;

- (b) providing for and regulating and controlling the preliminary treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any drain, sewer or sewerage system operated by the urban municipality;
 - (c) compelling owners or occupants of land or buildings to construct and properly maintain any works that the council may consider necessary for the proper treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any drain, sewer or sewerage system operated by the urban municipality and preventing any such discharge where such works have not been so constructed or are not so maintained.
- (3) A bylaw passed pursuant to subsection (1) or (2) may provide that the service of any person who contravenes the bylaw may be discontinued and may impose a maximum fine for breach of the bylaw of not more than \$5,000.

1983-84, c.U-11, s.190; 1984-85-86, c.16, s.41;
2002, c.S-35.02, s.153; 2005, c.S-35.03, s.117.

Offences

191 Any person who:

- (a) wilfully or maliciously hinders or interrupts an urban municipality in the exercise of any of the powers conferred on it with respect to the provision of public utility services;
- (b) wilfully or maliciously discharges water, gas, electricity or heat so that it is wasted;
- (c) without the authorization of a council or its designate, willfully opens or closes any hydrant or obstructs free access to any hydrant;
- (d) causes any harmful or offensive matter to be added to or deposited into or on the water or waterworks or source of supply for such waterworks or in any way fouls the water or commits any wilful damage or injury to the works or pipes;
- (e) wilfully tampers with a meter connected to a service conduit within or outside a building or place so as to alter the amount of water, gas, electricity or heat registered by the meter, unless that person is authorized by the urban municipality;
- (f) attaches any line or pipe to the property of the urban municipality or obtains or uses a public utility service without the consent of the urban municipality; or
- (g) wilfully, and without authority, hinders, interrupts or cuts off the supply of a public utility service;

is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

1983-84, c.U-11, s.191; 1984-85-86, c.18, s.16.

Discontinuing service

192 A council may, by bylaw, provide for enforcing the terms and conditions under which a public utility service is supplied in:

- (a) the general bylaw pursuant to which the public utility service is supplied or in another bylaw; or
- (b) any agreement made between the urban municipality as supplier and the consumer of the public utility service;

by discontinuing service until the consumer complies with the terms and conditions.

1983-84, c.U-11, s.192.

Rates

193(1) A council may, by bylaw:

- (a) set, in connection with the provision of public utility services, any rates, charges, tolls, fares or rents and the times, places where and manner in which they will be payable and provide for any discount that the council considers expedient for prepayment or punctual payment or for an additional percentage that is specified in the bylaw of the rates, charges, tolls, fares or rents in arrears to be charged for failure to pay them until after the date fixed for payment;
- (b) classify sewage according to its nature, the land or buildings drained according to their size and character, the uses to which they are put or the nature of the business conducted on the premises, and may fix different sewer service rates for different classes;
- (c) provide for the lease or sale of fittings, equipment, meters or other things leased or sold to consumers;
- (d) provide for collecting the rates, charges, tolls, fares or rents in connection with any public utility service;
- (e) in addition to any other remedy, provide for enforcing payments of rates, charges, tolls, fares or rents, in case of default, by discontinuing the public utility service being supplied to the consumer.

(2) The following are subject to the approval of the Saskatchewan Municipal Board:

- (a) the rates, charges, tolls or rents set by a council for the use of water or sewer services;
- (b) any discounts or additional amounts or percentages to be charged for arrears relating to the rates, charges, tolls or rents mentioned in clause (a).

(3) The rates, charges, tolls or rents approved by the Saskatchewan Municipal Board are in force from the date of approval and the board may at any time inquire into the rates and may vary them in any manner that it considers advisable.

1983-84, c.U-11, s.193; 1984-85-86, c.88, s.25;
1989-90, c.5, s.10; 1993, c.41, s.22; 2003, c.41,
s.24.

Special charges

194(1) A council may, by bylaw, define any class of buildings that may be erected or enlarged after the effective date of the bylaw and that impose or may impose a heavy load on one or more of the sanitary or storm sewer systems or the water system of the urban municipality by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that, in the opinion of the council, would not otherwise be required, and the bylaw may impose a special charge on each building within the class, over and above all other charges, to pay for all or part of the cost of providing the additional capacity.

(2) A special charge imposed by a bylaw passed pursuant to subsection (1) is required to refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

(3) A council may:

- (a) prescribe the time when and the manner in which a special charge is to be paid;
- (b) determine that section 295 applies with respect to the collection of special charges.

(4) The special charge imposed by a bylaw passed pursuant to subsection (1) does not apply to:

- (a) a building on land not liable to taxation for local improvements;
- (b) a residential building having not more than two dwelling units; or
- (c) that portion of a building, other than a residential building, with a gross floor area of not more than 279 square metres that does not contain dwelling units.

(5) The owner or occupant of a building with respect to which a special charge is imposed has a right of appeal against the special charge to the board of revision established pursuant to section 252 and from the board of revision to the Saskatchewan Municipal Board, whose decision is final with respect to any finding of fact, and the procedure contained in this Act respecting appeals against assessments applies, insofar as is possible, to such appeals.

1983-84, c.U-11, s.194; 1989-90, c.5, s.13.

Liens

195(1) If the person to whom a public utility service is supplied is the owner of the land or building to which a public utility service is supplied, the sum payable by him for the public utility service and all rates and costs imposed pursuant to any bylaw passed pursuant to this Part are a lien on the land and building which has priority over all other liens or charges save that of the Crown and are a charge on the goods and chattels of the debtor and may be levied and collected in the same manner as taxes are recoverable.

(2) If the person to whom a public utility service is supplied is a person other than the owner of the land or building to which the public utility service is supplied, the sum payable by him for the public utility service and all rates and costs imposed pursuant to any bylaw passed pursuant to this Part are a debt due by him and are a lien on his goods and chattels and may be levied and collected with costs by distress.

(3) A distress and sale for rates, charges or rents pursuant to this section is to be conducted in the same manner as distresses and sales are conducted for arrears of taxes, and the costs chargeable are those payable pursuant to *The Distress Act*.

(4) An attempt to collect any rates, charges or rents pursuant to this section does not in any way invalidate any lien the urban municipality is entitled to on land, buildings or goods and chattels by virtue of this section.

(5) If any rate, charge or rent owed by an owner of land or a building is in arrears after December 31 of the year in which it becomes payable, the amount of the rate, charge or rent may, at the discretion of the council, be added to, and thereby forms part of, the taxes on the land or buildings of the owner with respect to which the public utility service was provided.

1983-84, c.U-11, s.195; 1984-85-86, c.18, s.17;
1984-85-86, c.88, s.26; 1988-89, c.61, s.25.

Reserve funds

196(1) An urban municipality may set up a reserve fund to be held on capital account for the purpose of financing the acquisition of land, improvements or assets for the provision of a public utility service, and may pay funds from the general operating fund of the urban municipality or funds generated from the operation of the public utility service into the reserve fund.

(2) No expenditure from a reserve fund established pursuant to subsection (1) may be made without the approval of the Saskatchewan Municipal Board except to acquire land, improvements or assets for the provision of the public utility service.

1983-84, c.U-11, s.196; 1989-90, c.5, s.10.

Agreements

197(1) A council may, pursuant to a bylaw of an adjacent municipality relating to the provision of a public utility service, exercise the same powers within the adjacent municipality as it may pursuant to this Act on its own behalf, on any terms that may be agreed on, and the adjacent municipality may require to be paid, or may pay, a sum in gross or annually for such provision.

(2) A council may, by bylaw, enter into an agreement with the council of a rural municipality to provide for the use of ditches along roads in the rural municipality, other than provincial highways, for drainage of effluent from sewage lagoons owned by the urban municipality.

(3) A dispute between an urban municipality and another municipality in connection with any construction work relating to the provision of a public utility service that is proposed or is being carried on within the boundaries of the other municipality may be submitted by either party to a mediator to be resolved pursuant to section 325.1.

(4) A dispute between an urban municipality and another municipality in connection with the operation, rates, tolls or charges relating to the provision of a public utility service pursuant to an agreement made pursuant to subsection (1) or (2) may be submitted by either party to a mediator to be resolved pursuant to section 325.1.

(5) **Repealed.** 2001, c.46, s.28.

(6) **Repealed.** 2001, c.46, s.28.

1983-84, c.U-11, s.197; 1989-90, c.5, s.10; 2001, c.46, s.28.

Joint undertakings

198(1) If a council has passed a bylaw pursuant to section 184, the council may, by the same or another bylaw, manage or operate the public utility service either separately as a distinct undertaking or in conjunction with other similar works as one entire undertaking.

(2) Any funds generated from the operation of a public utility service in excess of total expenditures may be transferred to the general operating fund of the urban municipality at the end of each year.

1983-84, c.U-11, s.198; 2001, c.46, s.29.

Financial reports

199(1) The treasurer of the urban municipality shall annually submit to council a financial report of the operation of each public utility service provided by the urban municipality.

(2) The auditor shall examine the books, accounts and records of each public utility service provided by the urban municipality.

1983-84, c.U-11, s.199.

Public utility financial reporting

199.1 The Lieutenant Governor in Council may make regulations respecting the supply of public utility services in urban municipalities, including:

- (a) prescribing performance measurements and accountability requirements for public utility operations or any class of public utility operations in urban municipalities;
- (b) prescribing financial reporting requirements for public utility operations or any class of public utility operations in urban municipalities;
- (c) prescribing public disclosure requirements for public utility operations or any class of public utility operations in urban municipalities;
- (d) prescribing requirements for the adoption and reporting of rate policies and investment strategies for public utility operations or any class of public utility operations in urban municipalities;
- (e) requiring public utility operations or any class of public utility operations and urban municipalities to comply with any regulations made pursuant to this section.

2002, c.39, s.13.

PART X
Financial Matters in Urban Municipalities
 GENERAL

Financial year

200 The financial year of an urban municipality is the calendar year.

1983-84, c.U-11, s.200.

Funds

201 A council shall establish a general operating fund and a capital fund and may establish any other funds provided for in this Act.

1983-84, c.U-11, s.201.

Service fees

201.1(1) Except as otherwise provided in this Act, a council may, by bylaw:

- (a) set fees in connection with any services provided by the urban municipality;
- (b) set times by which, places where, and the manner in which the fees are to be paid;
- (c) set terms and conditions in connection with the fees and the services provided; and
- (d) provide for enforcing the terms and conditions and the payment of the fees by discontinuing service until the terms and conditions have been complied with or the fee has been paid.

(2) Any fee set pursuant to subsection (1) that is payable with respect to services supplied to lands or improvements that are exempt from taxation pursuant to this or any other Act shall:

- (a) apply uniformly on the same basis to lands or improvements that are exempt from taxation as to those that are not exempt from taxation; and
- (b) apply at the same rate to all lands and improvements that are exempt from taxation that receive the services to which the fee applies.

1995, c.35, s.13.

BUDGET

Preparation and adoption of budget

202(1) As soon as practicable in each year, a council shall prepare a budget containing the estimated revenues and expenditures for the current year including:

- (a) the sums necessary to meet instalment payments with respect to all debts of the urban municipality falling due within the year including any amounts required to be raised for sinking funds;
- (b) the sums required to meet expenditures for ordinary municipal purposes including any estimated deficits with respect to the operation of a public utility service for the current year;

- (c) the sums necessary to meet contributions to:
 - (i) a reserve fund pursuant to section 196;
 - (ii) reserve funds pursuant to a bylaw passed pursuant to the authority of section 232;
 - (iii) a capital trust fund pursuant to a bylaw passed pursuant to the authority of section 233;
 - (d) the amount of any operating deficit incurred in the last previous year;
 - (e) all amounts that will be required or expended in that year for capital purposes;
 - (f) sums that the urban municipality, by statute, is required to raise by levying taxes;
 - (g) due allowance for the costs of collection of taxes, the abatement of and discounts on taxes and taxes that may not be collected; and
 - (h) the probable revenue of the urban municipality to be derived from:
 - (i) government grants;
 - (ii) surplus of any previous year that will be appropriated for current year's expenditures; and
 - (iii) all other sources of revenue.
- (2) The council shall determine the amount of taxes required to be levied to at least meet the estimated expenditures, having regard to estimated revenues from other sources, and shall adopt the budget and set a mill rate.
- (3) If revenues exceed expenditures for a year, the excess forms part of the general operating funds of the urban municipality and may be used by the council in any manner it sees fit unless otherwise specially appropriated.

1983-84, c.U-11, s.202; 1986, c.5, s.14; 1992, c.79, s.9.

Capital works plans

- 203(1)** As soon as is practicable in each year, but no later than September 1, the council shall prepare and adopt a capital works plan for a period of not less than five years, including the current year, showing the estimated capital cost of and the proposed sources of financing for each capital work for each year of the plan.
- (2) On the request of the minister, the council shall promptly forward to the minister a copy of the capital works plan mentioned in subsection (1).

1993, c.41, s.23; 2001, c.46, s.3.

Saskatchewan Municipal Board approval

- 204(1)** If, in the opinion of the minister, the financial position of an urban municipality with a population of 1,000 or less warrants such action, the Saskatchewan Municipal Board, on the request of the minister, may require the urban municipality to submit the budget, proposed mill rate and capital works plan of the urban municipality for the then current year and capital works plan for any additional number of years that the board may require to that board for approval.

(2) If the budget, proposed mill rate and capital works plan of an urban municipality are required to be submitted to the Saskatchewan Municipal Board pursuant to subsection (1):

(a) no bylaw or resolution of the urban municipality respecting the budget, mill rate or capital works plan has any effect unless the bylaw or resolution is approved by the board;

(b) the board may, in approving the budget, mill rate and capital works plan, impose any conditions related to those matters that it considers advisable, and the urban municipality shall comply with those conditions;

(b.1) the board may, in approving the budget, mill rate and capital works plan, make any alterations, variations, increases or decreases in the budget or mill rate that it considers advisable, and the urban municipality and its council shall comply with those alterations, variations, increases or decreases; and

(c) the council shall not amend the budget and shall not incur any expenditures in excess of those provided in the budget without the approval of the board.

(3) If the budget, proposed mill rate and capital works plan of an urban municipality are required to be submitted to the Saskatchewan Municipal Board pursuant to subsection (1), the Saskatchewan Municipal Board may require the urban municipality to adjust any mill rate factors that it has set pursuant to section 279.3.

(4) If the budget, proposed mill rate and capital works plan of an urban municipality are required to be submitted to the Saskatchewan Municipal Board pursuant to subsection (1):

(a) the urban municipality shall submit any proposed mill rate factors to be set pursuant to section 279.3, or any proposed changes to mill rate factors set pursuant to section 279.3, to the Saskatchewan Municipal Board for its approval;

(b) the Saskatchewan Municipal Board may approve or vary the proposed mill rate factors; and

(c) the urban municipality and its council shall comply with any variations made pursuant to clause (b).

1983-84, c.U-11, s.20; 1989-90, c.5, s.10; 1995, c.35, s.14; 1996, c.67, s.20.

EXPENDITURES

Application of capital funds

205 No money borrowed for capital expenditure or in the hands of an urban municipality as capital funds is to be applied towards current expenses.

1983-84, c.U-11, s.205.

Use of proceeds

206(1) In this section, “**land or buildings**” means land or buildings acquired by an urban municipality other than land or buildings acquired through tax process or in settlement of the urban municipality’s claim for taxes.

(2) The net proceeds of the sale of any land or buildings by an urban municipality may be:

- (a) held by the council on capital account and invested in accordance with subsection 234(1);
- (b) used by the council for the capital purposes of any public utility service provided by the urban municipality or for any other capital expenditure, on any terms that the council may authorize; or
- (c) used by the council for general municipal purposes.

(3) Subsection (2) applies to any moneys paid to an urban municipality pursuant to a policy of insurance for any damage to land or buildings of the urban municipality.

(4) The council may appropriate all income derived from the investment of the net proceeds of a sale mentioned in subsection (2) or from moneys paid pursuant to a policy of insurance mentioned in subsection (3) as if the income were money raised by general mill rate for general municipal purposes.

(5) If securities have been issued for a capital purpose and if, on fulfilment of that capital purpose or as a result of the partial abandonment of the capital purpose, there remains an unexpended balance, a council may amend the original bylaw pursuant to which the securities were issued to use the unexpended balance for another capital purpose.

2001, c.46, s.31.

TEMPORARY DEBT

Current expenditures

207(1) A council may, by bylaw, authorize the mayor and the treasurer to incur debt obligations for the current year at any time, with any person, bank, credit union or corporation and for any sums that the council considers necessary to meet, until the taxes levied or to be levied for the year can be collected, the current operating or short-term capital expenditures of the urban municipality, including:

- (a) amounts required for sinking funds;
- (b) principal and interest payments falling due within the year on any debt of the urban municipality;
- (c) amounts required for any municipal board, association, commission or other municipal organization;
- (d) amounts required for the provision of any public utility service; and
- (e) amounts required for any other purposes for which the urban municipality is required by law to provide.

- (2) An urban municipality may:
- (a) give, as security for any debt obligation incurred pursuant to subsection (1), promissory notes, or other forms of obligation which bind the urban municipality, signed by the mayor and the treasurer, or by any persons authorized by bylaw to sign in place of the mayor or treasurer, and sealed with the corporate seal of the urban municipality; and
 - (b) during the year in which a debt obligation is incurred and during the two succeeding years, by bylaw, extend the period over which the debt obligation is payable and renew or extend the promissory notes or other obligations.
- (3) The total amount of debt, including the use of an overdraft or finance lease, that may be incurred at any one time for the purposes mentioned in subsection (1), together with the total of any similar debts that have not been repaid, may not exceed 2.0 times the total of the estimated revenues, as stated in the estimates adopted for the year, from:
- (a) the municipal taxes levied; and
 - (b) the unconditional provincial or federal grants receivable.
- (4) Until the estimates for the current year are adopted, the limitations on the debt incurred as set out in subsection (3) are to be calculated on the estimated revenues of the urban municipality as stated in the estimates adopted for the previous year.
- (5) A council may, by bylaw, provide, or authorize the mayor and treasurer to provide, by agreement that all or any debt obligations incurred for all or any of the purposes mentioned in this section are, with interest on the debt obligations, a charge on the whole or any part of the revenues of the urban municipality for the current year and for any preceding years as and when the revenues are received and are subject to any prior charge then existing in favour of any other lender.
- (6) Any agreement entered into pursuant to subsection (5) is required to be sealed with the seal of the urban municipality and signed by the mayor and the treasurer.

1983-84, c.U-11, s.207; 1989-90, c.5, s.10; 2001, c.46, s.32.

Re certain investments

- 208(1)** A council that has invested surplus funds in accordance with subsection 234(1), may, by resolution, authorize the mayor and treasurer to incur debt obligations with any person, bank, credit union or corporation in any amount that the council considers necessary and to pledge or mortgage the securities as security for the debt obligation.
- (2) A resolution passed pursuant to subsection (1) is required to regulate the amount to be borrowed and the rate of interest to be paid.
- (3) A debt obligation incurred pursuant to this section may be secured by a promissory note signed by the mayor and the treasurer of the urban municipality, or by any persons authorized by bylaw to sign in place of the mayor or treasurer, and sealed with the seal of the urban municipality.

(4) A debt obligation secured pursuant to this section is not a charge on the revenues of the urban municipality.

(5) The power of a council to incur debt obligations pursuant to this section is in addition to the power to incur debt obligations contained in section 207.

1983-84, c.U-11, s.208.

Internal debt obligations

209 A council may utilize any surplus moneys in any of its funds for current operating or short-term capital expenditures but shall treat any surplus moneys used for those purposes as a debt obligation owing to the fund from which the surplus moneys were derived.

1983-84, c.U-11, s.209.

LONG-TERM DEBT

Long-term expenditures

210(1) Subject to the other provisions of this Act and to *The Municipal Board Act*, a council may, by bylaw, incur debt obligations for any purpose within the jurisdiction of the urban municipality, provide for the creation of a debt not payable within the current year, whether pursuant to this or any other Act, and may issue securities for the debt in the form of debentures, promissory notes or any other form approved by the Saskatchewan Municipal Board.

(2) A bylaw passed pursuant to subsection (1) has no effect until it is approved by the Saskatchewan Municipal Board.

(3) Every bylaw passed pursuant to subsection (1) is required to be in the form required by the Saskatchewan Municipal Board.

1983-84, c.U-11, s.210; 1988-89, c.46, s.16;
1989-90, c.5, s.10; 1995, c.35, s.15; 2003, c.41,
s.25.

Maximum amount

211(1) The amount of the long-term debt of an urban municipality outstanding at any time may not exceed the amount authorized by the Saskatchewan Municipal Board.

(2) In authorizing an amount for the purposes of subsection (1), the Saskatchewan Municipal Board shall consider and take into account the factors set out in subsection 23(2) of *The Municipal Board Act*.

1983-84, c.U-11, s.211; 1989-90, c.5, s.10; 2001,
c.46, s.33.

Approval by Saskatchewan Municipal Board

212(1) A council may apply to the Saskatchewan Municipal Board for authorization of a proposed long-term debt by submitting:

- (a) a certified copy of a resolution requesting authorization; or
- (b) a certified copy of a bylaw to incur a long-term debt that has received first reading.

(2) If the Saskatchewan Municipal Board authorizes the council to pass a bylaw to incur a long-term debt and subject to any conditions imposed by the board, the council may finally pass the bylaw.

(3) A council shall forward the bylaw passed pursuant to subsection (2) to the Saskatchewan Municipal Board and, on receipt of the bylaw, the board may approve the bylaw and shall advise the council in writing.

(4) Notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of a bylaw to incur a long-term debt or in the bylaw itself, the Saskatchewan Municipal Board may grant its approval if, in its opinion, the provisions of the Act under the authority of which the bylaw is assumed to be passed have been substantially complied with.

(5) Every bylaw approved by the Saskatchewan Municipal Board and every security issued or to be issued in conformity with the bylaw, is valid and binding on the urban municipality and on the land and buildings liable to the rate imposed by or pursuant to the authority of the bylaw, and neither the validity of the bylaw nor that of any such security is open to question in any court on any ground whatever.

(6) The chairperson of the Saskatchewan Municipal Board or the chairperson's designate may sign the securities that are issued or that may be issued pursuant to the authority of a bylaw approved pursuant to this section and the signing is conclusive proof of the validity of the securities, the legality of their issue and that the bylaw pursuant to the authority of which the securities are issued has been approved in accordance with this section, and any securities so signed are binding on the urban municipality and on the land and buildings liable to the rate imposed by or pursuant to authority of the bylaw.

1983-84, c.U-11, s.212; 1989-90, c.5, s.10; 2001, c.46, s.34.

212.1 Repealed. 2003, c.41, s.26.

Manner of payment

213(1) A bylaw to incur a long-term debt may provide that:

- (a) the indebtedness is payable:
 - (i) so that the principal and interest are combined and made payable in, as nearly as possible, equal annual instalments during the term of the securities;
 - (ii) so that, without combining principal and interest, the aggregate amount payable for principal and interest in each year is as nearly as possible the same;
 - (iii) so that the principal is repaid in equal annual instalments, with interest annually or semi-annually on the balance from time to time remaining unpaid;
 - (iv) so that the principal is repayable at the end of the period of years during which the securities are to run, together with interest on the securities to be paid annually or semi-annually, in which case the securities are to be known as sinking fund securities; or

- (v) in any other manner approved by the Saskatchewan Municipal Board;
 - (b) securities may be issued and made payable as to principal and interest at any place in Canada or in any other country in lawful money of Canada or in the money of the country where they are issued and made payable.
- (2) If a bylaw to incur a long-term debt so provides, a statement may be inserted in the securities issued pursuant to the authority of the bylaw reserving the right to the urban municipality to redeem the securities prior to their maturity, and in that case the securities are required to state the manner in which notice of intention to redeem is to be given.

1983-84, c.U-11, s.213; 1989-90, c.5, s.10; 1995, c.35, s.17; 2003, c.41, s.27.

Issue of securities

214(1) Subject to subsection (2), securities authorized to be issued pursuant to the authority of a bylaw to incur a long-term debt may:

- (a) be issued either all at one time or in instalments, at any times that the council considers expedient, within a period of four years after the final passing of the bylaw;
 - (b) bear any date that is within a period commencing six months prior to, and ending four years after, the date of the final passing of the bylaw.
- (2) On the application of a council, either before or after the expiration of four years after the final passing of a bylaw authorizing securities to be issued, the Saskatchewan Municipal Board may extend the time for issuing those securities, and in that case the securities may:
- (a) be issued within the extended period;
 - (b) bear any date that is within a period commencing six months prior to the date of the final passing of the bylaw and ending at the expiration of the time for issuing the securities as extended by the Saskatchewan Municipal Board.

(2.1) **Repealed.** 2003, c.41, s.28.

(3) Any special assessments imposed in accordance with a bylaw to incur a long-term debt after its final passing and not required to repay the security or any portion of it, including interest, issued pursuant to the authority of the bylaw may be used for the purpose of meeting the cost, including interest, of the work authorized by the bylaw.

1983-84, c.U-11, s.214; 1989-90, c.5, s.10; 1995, c.35, s.18; 2003, c.41, s.28.

Consolidation of long-term debt

215(1) A council may, by bylaw, consolidate the amount of the long-term debt to be created pursuant to two or more existing bylaws.

(2) No bylaw made pursuant to subsection (1) takes effect until it is approved by the Saskatchewan Municipal Board.

2003, c.41, s.29.

Amendment of bylaws re long-term debt

216(1) Subject to the approval of the Saskatchewan Municipal Board, a council may amend or repeal a bylaw to incur long-term debt if no securities have been issued, but the amendment or repeal does not take effect until the Saskatchewan Municipal Board gives its approval in writing.

(2) A bylaw to amend or repeal a bylaw to incur long-term debt is required to state the facts on which it is founded and may provide for the treasurer to withdraw from the sinking fund amounts that may have been paid into the sinking fund in respect of securities that are not to be issued.

(3) Subject to the approval by the Saskatchewan Municipal Board, if the securities issued pursuant to the authority of a bylaw to incur a long-term debt are owned by the urban municipality that issued them or the holder of the securities requests the amendment, the council may amend the bylaw:

- (a) to authorize the cancellation of the securities and the issue of one or more new securities in substitution for the cancelled securities;
- (b) to make the new securities payable by the same or a different mode;
- (c) to make the new securities payable at the same or different places;
- (d) to change the interest from annual to semi-annual or vice versa or in any other manner;
- (e) to provide that the securities may be issued in a different currency or from that of the cancelled security;
- (f) to provide that the interest rate be reduced;

but the period over which the indebtedness was originally spread or the term at the end of which the indebtedness was made payable, or the rate of interest, is not to be increased and the amount of the principal of the new securities is not to exceed the amount of the principal remaining owing on the cancelled security.

(4) The council of an urban municipality with a population of 1,000 or more may, in the original bylaw to incur long-term debt, delegate to the treasurer any of the powers conferred in clauses (3)(a), (c) or (f).

(5) **Repealed.** 2003, c.41, s.30.

1983-84, c.U-11, s.216; 1989-90, c.5, s.10; 1995, c.35, s.20; 2003, c.41, s.30.

Replacement of securities

217 A council may, by bylaw, provide for the replacing of a security that is defaced, lost or destroyed on the payment of a fee and on any terms as to evidence and indemnity that the bylaw may provide for.

1983-84, c.U-11, s.217.

Form of securities

218 Securities, including debentures and any coupons attached to them, that are issued by an urban municipality pursuant to the authority of a bylaw to incur a long-term debt are to be in the form that may be required by the Saskatchewan Municipal Board.

2003, c.41, s.31.

Seal

219 A security is to be sealed with the seal of the urban municipality.

1983-84, c.U-11, s.219.

Signature

220(1) A security is to be signed either by the mayor, or by a person authorized by bylaw to sign in his place, and by the treasurer, or by a person authorized by bylaw to sign in his place.

(2) The signatures on securities, except the signature of the treasurer for the purpose of certifying to the registration of the securities in the security register of the urban municipality, and the signature on coupons attached to securities may be reproduced by lithographing or printing or any other method of mechanical reproduction.

1983-84, c.U-11, s.220.

Securities Register

221(1) The treasurer shall maintain a book, to be known as the Securities Register, in which he shall enter particulars of every bylaw authorizing the issue of securities and of all securities issued pursuant to the bylaw or section 221.1, and every security issued is to have written, printed or stamped on it a memorandum, completed and signed by the treasurer, in a form approved by the Saskatchewan Municipal Board, to the effect that the security has been registered in the Securities Register.

(2) Every security registered in the Securities Register is valid and binding in the hands of the urban municipality or of any bona fide purchaser for value, notwithstanding any defect in form or substance.

(3) A certificate, signed by the treasurer and sealed with the seal of the urban municipality, that a security has been duly registered in the Securities Register is prima facie proof of its registration without any further or other proof.

1983-84, c.U-11, s.221; 1988-89, c.61, s.26;
1989-90, c.5, s.10.

Exchange of municipal debentures

221.1 The treasurer, at the request of the owner of a security, and subject to the payment of a fee set by the council and the receipt of one or more securities from the owner, may issue in exchange for the security or securities, to the owner or any person that the owner directs, one or more securities having the same aggregate principal amount and terms and conditions as the original security or securities tendered for exchange.

1995, c.35, s.22.

Transfer of securities

222 The treasurer, on receipt of a security accompanied by a transfer purporting to be signed by the owner, and which signature is guaranteed by:

- (a) a bank or credit union;
- (b) a member of the Investment Dealers' Association of Canada;

(c) a notary public; or

(d) any other guarantor approved by the Saskatchewan Municipal Board;

shall register the transfer in accordance with the request, and in so doing neither the treasurer nor the urban municipality incurs any liability to the true owner for any loss caused by the transfer, if the transfer was not signed by him.

1983-84, c.U-11, s.222; 1989-90, c.5, s.10.

Transmission

223(1) If a transmission of registered securities issued by an urban municipality pursuant to this or any other Act takes place by virtue of any testamentary act or instrument or in consequence of an intestacy, there is to be produced to and deposited with the treasurer:

(a) the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy of the notarial will duly certified in accordance with the laws of Quebec, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, or a copy of it or extract from it, purporting to be granted by any court of authority in Canada, the United Kingdom of Great Britain and Northern Ireland, any other of Her Majesty's dominions, any of Her Majesty's colonies or dependencies or the United States of America and certified under the seal of such court of other authority, without any proof of the authenticity of the seal or other proof whatever; and

(b) a certificate by the Minister of Finance that all succession duties payable to Saskatchewan in respect of the securities have been paid, together with any other documents that the urban municipality's own practice or rules may require.

(2) The production and deposit pursuant to subsection (1) is sufficient authority to the treasurer, after obtaining any consent required pursuant to any relevant federal or provincial law with respect to the payment of estate tax or succession duty, to pay the amount or value of any coupon, security or obligation, or to transfer or consent to the transfer of any security or obligation, in pursuance of and in conformity with the probate, letters of administration or other document.

1983-84, c.U-11, s.223.

Repurchase of securities

224 An urban municipality purchasing its own securities out of current funds or from the proceeds of the sale of land or buildings pursuant to subsection 206(1) may cancel the securities so purchased and the whole or any portion of the levies required for their repayment and shall advise the Saskatchewan Municipal Board of the cancellation.

1983-84, c.U-11, s.224; 1989-90, c.5, s.10.

Fiscal agents

225(1) A council may appoint one or more fiscal agents and enter into agreements with them as to the services to be performed in connection with securities and the rate of compensation to be allowed for their services.

(2) No person employed in the registration, transfer, management or redemption of any of the securities of the urban municipality, or in payment of any interest on the securities, is bound to see to the execution of any trust, whether express or implied, to which the securities are subject.

1983-84, c.U-11, s.225.

SINKING FUNDS**Sinking fund account**

226(1) If an urban municipality issues sinking fund securities, the treasurer shall keep separate accounts so as to exhibit at all times the state of every debt for which sinking fund securities are issued and the amount of moneys raised, obtained and appropriated for payment of the annual sinking fund requirements.

(2) The treasurer shall deposit all moneys allocated for the purpose of a sinking fund in a separate account in a bank, credit union or trust company, and that account may be used for any number of sinking fund accounts.

(3) The treasurer shall prepare and lay before the council each year before the striking of the annual mill rate a statement showing the amount that will be required to be raised for the sinking fund during the year.

1983-84, c.U-11, s.226.

Investment

227(1) Subject to subsection (3), a council shall invest the moneys to the credit of the sinking fund account in accordance with subsection 234(1) and the council may regulate the manner in which the investment is made.

(2) When acquiring its own securities, a council may apply the sinking fund to an amount equal to the amount of the securities, for the purposes to which the proceeds of the securities are properly applicable, and the council shall hold the securities as an investment on account of the sinking fund and deal with them accordingly.

(3) A council may, by bylaw, direct that any part of the sinking fund account, instead of being invested as provided for in this Act, be applied from time to time towards payment or redemption of any of the securities to which the sinking fund is applicable at the value agreed on between the council and the holders of the securities.

1983-84, c.U-11, s.227.

Surplus

228 If at any time there is a surplus above the amount required to be in the sinking fund account according to the provisions of the bylaw pursuant to which a debt of the urban municipality is created to the credit of the account of the debt, the council may provide for the application of the surplus to any or all of the following purposes:

- (a) the payment of the amount required to be raised for the sinking fund in any succeeding year;
- (b) the payment of the amount required to be raised in any succeeding year for the payment of interest on the debt;
- (c) the payment or redemption of any securities issued by the urban municipality, at a value that may be agreed on between the council or sinking fund trustees and the holders of the securities and may order the cancellation of the securities so redeemed and the cancellation of levies or any portion of levies required for their repayment;
- (d) **Repealed.** 2003, c.41, s.32.
- (e) any other purposes authorized by the Saskatchewan Municipal Board.

1983-84, c.U-11, s.228; 1989-90, c.5, s.10; 2001, c.46, s.36; 2003, c.41, s.32.

SINKING FUND TRUSTEES**Appointment of trustees**

229(1) A council may, by bylaw, provide for the appointment of sinking fund trustees to take charge of the sinking fund of the urban municipality, and in that case:

- (a) the council shall appoint not less than three nor more than seven trustees, at least one of whom is a member of the council, the treasurer, the commissioner or the manager;
- (b) the trustees shall invest the sinking fund account in the name of the urban municipality in accordance with subsection 234(1);
- (c) the trustees may require the treasurer to pay any sums that they require for investment from moneys to the credit of the sinking fund account, and all sums received by the treasurer from the temporary investment of the sinking fund account are to be applied in the manner and for the purposes specified in section 227;
- (d) the trustees may hold as many meetings as necessary and each trustee may be paid an amount fixed by the council for his attendance at each such meeting;
- (e) administrative, office and other expenses incurred by the trustees in the performance of their duties are to be paid from the general funds of the urban municipality;

- (f) the trustees, whenever required by the council, shall give a detailed statement in writing of the sinking fund and the manner in which it is invested;
 - (g) in no case may moneys to the credit of the sinking fund account be withdrawn without the consent of the trustees; and
 - (h) the trustees hold office until removed from office by the council.
- (2) The sinking fund trustees have the same power and authority to deal with the sinking fund as the council would otherwise have, and in particular they may:
- (a) invest and reinvest the fund in authorized securities, sell, assign or transfer them and call in and vary the investments for other authorized securities;
 - (b) collect the money due on the securities in which the whole or any portion of the fund is invested and take any steps considered proper for enforcing the securities and for the adjustment, compromise or collection of the debts due under the securities.
- (3) In lieu of providing for sinking fund trustees pursuant to subsection (1), the council may appoint a trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997*, and a trust corporation so appointed has all the power and authority conferred on sinking fund trustees by this Act, and the provisions of this Act, with respect to trustees apply *mutatis mutandis* insofar as they are applicable to the trust corporation.
- (4) A council may, by bylaw, direct the sinking fund trustees to invest any surplus moneys in any superannuation or benefit fund and to keep an account of the investment for and on behalf of the fund.

1983-84, c.U-11, s.229; 1997, c.T-22.2, s.90.

Sinking fund account

- 230**(1) The sinking fund trustees shall deposit all funds coming into their hands or under their control for the benefit of the sinking fund in a separate account in a bank, credit union or trust corporation, to be called the sinking fund account, but, if a trust corporation is appointed as a trustee pursuant to subsection 229(3), the fund may not be deposited with that corporation.
- (2) No part of the sinking fund account may be withdrawn except for the purpose of carrying out the trust and for the due and proper administration of the trust.
- (3) Withdrawals from the sinking fund account are required to be authorized by two or more trustees.

1983-84, c.U-11, s.230.

Powers of council

- 231**(1) A council may, by resolution, require the sinking fund trustees not to invest any part of the sinking fund in the manner provided in section 227 and to call in the investments already made and to collect and pay the amounts due on them into the sinking fund of the urban municipality.

(2) Once a resolution passed pursuant to subsection (1) is communicated to the trustees, they may not make any further investments until rescission of the resolution but shall proceed to call in and realize on those already made as they mature.

(3) A council that has passed a resolution pursuant to subsection (1) has no power to withdraw any moneys from the account except as provided in subsection (4) but may transfer the account from one bank, credit union or trust corporation to another.

(4) As outstanding securities mature, the sinking fund to the credit of the urban municipality is to be applied to the payment of them at the date of maturity or may be used in the purchase of the securities before maturity.

1983-84, c.U-11, s.231.

OTHER FUNDS

Reserve funds

232(1) A council may create, by resolution, reserve funds for any purpose within the powers or duties conferred or imposed on it by this Act or by any other Act relating to the general operations of the urban municipality.

(1.1) Subject to subsection (6), a council may create, by bylaw, reserve funds to be held on capital account for the purpose of financing any capital expenditures the council is authorized to make.

(2) A reserve fund may be created or augmented:

- (a) from surplus moneys of the urban municipality not presently required;
- (b) by providing for the inclusion in the budget of the urban municipality of an amount or a rate specified in the bylaw, for the term of years that may be specified in the bylaw, and for the payment into the reserve fund of all sums realized as a result of the provision;
- (c) by moneys received by the urban municipality from any other sources subject to any terms and conditions which may be attached to their use.

(3) Any reserve funds formed may be invested in accordance with subsection 234(1).

(4) Every urban municipality shall keep a separate account designating the purpose for which the reserve fund was created and showing at all times the state of any reserve fund created pursuant to this section, but the council may provide that, instead of a separate account being kept for each reserve fund, one or more consolidated accounts may be kept in which may be deposited the moneys raised for all reserve funds established pursuant to this section, in which case the accounts are to be kept in such a manner that it is possible to determine the true state of each reserve fund.

(5) Subject to subsection (6) and to section 205, a council may provide, by bylaw, that the moneys raised for a reserve fund established pursuant to subsection (1.1) may be expended, pledged or applied to a purpose other than that for which the fund was established.

(6) In an urban municipality with a population of 500 or less, no bylaw pursuant to subsection (1.1) or (5) may be passed and no funds may be expended from a reserve fund established pursuant to subsection (1.1) without the prior approval of the Saskatchewan Municipal Board.

1983-84, c.U-11, s.232; 1989-90, c.5, s.10; 1992, c.79, s.10.

Capital trust fund

233(1) A council may, by bylaw, create a capital trust fund:

- (a) for constructing or acquiring capital works, including the purchase of machinery; and
 - (b) for any other purpose that the council considers appropriate.
- (2) A council may, by the bylaw mentioned in subsection (1) or by another bylaw, do any or all of the following:
- (a) assign to the capital trust fund any surplus moneys of the urban municipality;
 - (b) assign to the capital trust fund, in whole or in part, moneys that are payable to the urban municipality pursuant to any contract or agreement;
 - (c) provide:
 - (i) for an amount specified in the bylaw to be included in the annual budget of the urban municipality; and
 - (ii) for the payment into the capital trust fund of all sums realized as a result of the inclusion.
- (3) A bylaw passed pursuant to subsection (1) or (2):
- (a) remains in force for any period that may be stated in the bylaw; and
 - (b) may, by bylaw, be extended from time to time for additional periods.
- (4) A council may make expenditures from the capital trust fund for any of the purposes authorized by bylaw pursuant to subsection (1).
- (5) The establishment, reduction and use of the capital trust fund, including the purchase from it of bonds, debentures and other securities and the sale of them, is subject to the control and approval of the council and to any rules that the council may make.

2001, c.46, s.37.

AUTHORIZED INVESTMENTS

Investments of fund moneys

234(1) A council may:

- (a) invest any surplus money to the credit of any fund in:
 - (i) securities of the Government of Canada or of any province of Canada;

- (ii) securities whose payment is guaranteed by the Government of Canada or of any province of Canada;
- (iii) securities of the urban municipality or any other municipal corporation or school division in Saskatchewan;
- (iv) deposit certificates or similar investments issued by a bank, trust corporation or credit union;
- (v) **Repealed.** 2003, c.41, s.33.
- (vi) any other securities authorized by the Saskatchewan Municipal Board;

and, as such securities mature, may invest the proceeds in other similar securities;

(b) sell, assign or transfer the securities, and may call in and vary the investments for others of a similar nature.

(2) For the purpose of making the investments mentioned in subsection (1), the money to the credit of any two or more funds may be consolidated into one account and securities may be purchased from that account, in which case a record is to be maintained of the equity of each fund in the consolidated account and the securities so purchased.

(3) A council or sinking fund trustees may incur debt obligations with any person, bank, or credit union or trust corporation for any sums that the council, or sinking fund trustees, may consider necessary to meet the obligations of a fund and may give as security for the debt obligation any investments or other assets held to the credit of the fund or the proportion of those investments or other assets representing the equity of the fund in them.

(4) No sinking fund trustee shall take part in, or in any way be a party to, the investment of any moneys mentioned in this Part except as authorized by this section, and a trustee so doing is personally liable for any loss thereby sustained by the urban municipality.

1983-84, c.U-11, s.234; 1989-90, c.5, s.10; 2001, c.46, s.38; 2002, c.R-8.2, s.98; 2003, c.41, s.33.

MISAPPLICATION OF FUNDS

Consequences to members of council

235(1) No member of a council shall knowingly vote in favour of:

- (a) the application of moneys in contravention of section 205 or 206;
- (b) a bylaw proposed to be passed pursuant to subsection 207(1) authorizing the incurring of debt obligations in excess of the maximum permitted pursuant to subsection 207(3);
- (c) the investment of moneys to the credit of a sinking fund account in contravention of section 227;

- (d) authorizing the expenditure of moneys to the credit of a sinking fund account in a manner not permitted by this Act;
 - (e) the investment of any moneys in contravention of section 234.
- (2) A member of a council who is convicted of a contravention in subsection (1) is, in addition to any other penalty that may be imposed by law:
- (a) personally liable for any loss sustained by the urban municipality as a result of the contravention;
 - (b) in the case of a contravention of clause (1)(b), (d) or (e), disqualified from holding office in any municipality for a period of three years after the date of the conviction.
- (3) If a council, on the request in writing of an elector, refuses or neglects for one month to bring an action to recover an amount for which a member of the council is personally liable by virtue of clause (2)(a), an action may be brought by an elector on behalf of the urban municipality to recover the amount diverted.
- (4) When a majority of a council votes on a matter in contravention of subsection (1), any member of council who appears by a vote recorded in the minutes of the meeting to have voted against the matter is not liable to conviction for a contravention of subsection (1).

1983-84, c.U-11, s.235.

PART XI

Assessment

INTERPRETATION

Interpretation of Part

236 In this Part:

- (a) **“agency”** means the Saskatchewan Assessment Management Agency established pursuant to *The Assessment Management Agency Act*;
- (b) **“appeal board”** means the Saskatchewan Municipal Board;
- (c) **“assessment manual”** means the assessment manual established by order of the agency pursuant to section 12 of *The Assessment Management Agency Act*;
- (d) **“base date”** means the date established by the agency for determining the value of land and improvements for the purpose of establishing assessment rolls for the year in which the valuation is to be effective and for each subsequent year preceding the year in which the next revaluation is to be effective;
- (e) **“classification”** means the determination of what class established pursuant to section 239.3 any land, improvements or both belong to;
- (f) **“railway roadway”** means the continuous strip of land not exceeding 31 metres in width owned or occupied by a railway company, and includes any railway superstructure on the land;

(g) **“railway superstructure”** means the grading, ballast, embankments, ties, rails and fastenings, miscellaneous track accessories and appurtenances, switches, poles, wires, conduits and cables, fences, sidings, spurs, trestles, bridges, subways, culverts, tunnels, cable guards, cattle passes, platforms, stockyards, hog shelters, scales, turntables, cinder and service pits, hoists, signals and signal towers, grade crossing protective appliances, water tanks, stand pipes, pump sheds, dams, spillways, reservoirs, wells, pumping machinery, pipelines or bins, sheds or other storage facilities having a floor space not exceeding 9.3 square metres owned by a railway company or used by a railway company in the operation of a railway;

(h) **“resource production equipment”** includes fixtures, machinery, tools, railroad spur tracks and other appliances by which a mine or petroleum oil or gas well is operated, but does not include tipples, general offices, general stores, rooming houses, public halls or yards.

2002, c.39, s.14.

ASSESSMENT OF LAND AND IMPROVEMENTS

All land and improvements assessable

237 All land and improvements in an urban municipality are subject to assessment.

1983-84, c.U-11, s.237.

Miscellaneous rules regarding assessment

237.1(1) In assessing the value of land or improvements, the assessor shall not take into account machinery and equipment that is used in association with a pipeline and is located on the land or within the improvement.

(2) Subject to subsections (3) and (4), in the case of petroleum oil and gas wells:

(a) resource production equipment by which petroleum oil and gas:

(i) is produced to surface, including for its enhanced recovery;

(ii) is stored, except at a battery site;

(iii) is transported from a well site to a battery or gas handling site; or

(iv) is compressed, except for gas that is for the most part a by-product of petroleum oil production;

is to be taken into account in an assessment;

(b) resource production equipment at a battery or gas handling site by which:

(i) petroleum oil and gas is separated, treated, processed, dehydrated or stored or is transported within the site; or

(ii) petroleum oil and gas waste products are disposed of;

is not to be taken into account in an assessment.

(3) Surface casing, production casing, or any other liner casing used in conjunction with producing oil or gas or in disposing of oil, gas, water or any other substance is not to be taken into account in an assessment.

(4) Resource production equipment that is used in association with a petroleum oil or gas well at which there has been no production in the 12-month period ending September 1 of the previous year, other than production during testing, is to be assessed at only a nominal amount for the current year.

(4.1) Subject to subsection (4.2), resource production equipment used in association with a petroleum oil or gas well is to be assessed in the year after production operations at the well are suspended or abandoned.

(4.2) Resource production equipment is only to be assessed where it was used in association with a petroleum oil or gas well that was in production for more than 29 days.

(5) In the case of a mine, resource production equipment by which a mineral resource is extracted and produced, but not processed or refined, is to be taken into account in an assessment.

(6) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

- (a) identifying resource production equipment or classes of resource production equipment to be taken into account in an assessment;
- (b) identifying resource production equipment or classes of resource production equipment not to be taken into account in an assessment.

1996, c.67, s.22; 2000, c.32, s.21; 2000, c.32,
s.21.

Rules re assessment of land

238(1) Land is to be assessed at its fair value as of the applicable base date exclusive of the value of any improvements.

(1.1) Notwithstanding subsection (1), land may be assessed together with the improvements on it for the purpose of using a valuation technique or method of appraisal set out in the assessment manual that requires that land and improvements be assessed together.

(1.2) If land and improvements are assessed together pursuant to subsection (1.1), the provisions of this section apply, with any necessary modification, to that assessment.

(2) The dominant and controlling factor in the assessment of land is equity.

(3) The value at which land is assessed is to bear a fair and just proportion to the value at which similar lands are assessed:

- (a) in the urban municipality; and
- (b) in any school division situated wholly or partly in the urban municipality or in which the urban municipality is wholly or partly situated.

(4) In determining the value of land, the assessor shall take into consideration and be guided by:

- (a) the present use, location and zoning of the land and any other condition or circumstance affecting its value, other than interim development controls;
- (b) any profitable use that may reasonably be made of the land; and
- (c) any applicable formula, rule or principle set out in the assessment manual.

(4.1) For the purposes of subsection (4), the assessor shall apply all the facts, conditions and circumstances required to be taken into account as if they had existed on the applicable base date.

(4.2) For the purposes of clause (4)(c), the agency may, in the assessment manual, establish alternate appraisal methods.

(4.3) An urban municipality may use an alternate appraisal method established pursuant to subsection (4.2) if:

- (a) the alternate appraisal method is approved for use by order of the agency;
- (b) the urban municipality meets the criteria, as set out in the assessment manual, to use the alternate appraisal method; and
- (c) the council of the urban municipality has received a report from the assessor adopting the use of the alternate appraisal method within the urban municipality.

(5) The value of land through which a pipeline runs is not to be reduced if the pipeline is buried in the land and the surface rights are not owned by the owner of the pipeline.

(6) Local improvement rates are not to be considered in the assessment of land.

(7) The value of a railway roadway owned or occupied by a railway company is to be assessed in accordance with the schedule of rates set by order of the agency.

(8) All land owned or occupied by a railway company, other than a railway roadway, is to be assessed at its fair value, but any railway superstructure on the land is not to be assessed.

(9) Land that is part of the station grounds or right of way of a railway company and is held by a person under a lease, licence or permit, together with all improvements on it, whether owned by that person or not and whether affixed to the land or not, is to be assessed to that person as if he owned the land and improvements and every such person shall pay all taxes on the assessed value of such land and improvements.

(10) Where the land mentioned in subsection (9) is no longer held by a person under a lease, licence or permit, the land, together with all improvements on it, is to be assessed to the railway company as part of the station grounds or right of way of the railway company.

Rules re assessment of improvements

239(1) Improvements are to be assessed:

- (a) subject to subsection (2), separate from the land on which the improvements are situated; and
 - (b) as of the applicable base date.
- (2) Improvements may be assessed together with the land on which they are situated for the purpose of using a valuation technique or method of appraisal set out in the assessment manual that requires improvements to be assessed together with the land on which they are situated.
- (3) If a property is assessed pursuant to subsection (2), the provisions of this section apply, with any necessary modification, to that assessment.
- (4) The dominant and controlling factor in the assessment of improvements is equity.
- (5) The value at which any improvement is assessed is to bear a fair and just proportion to the value at which all similar improvements are assessed:
 - (a) in the urban municipality; and
 - (b) in any school division situated wholly or partly in the urban municipality or in which the urban municipality is wholly or partly situated.
- (6) In determining the value of any improvement, the assessor shall take into consideration and be guided by:
 - (a) any applicable formula, rule or principle set out in the assessment manual; and
 - (b) any circumstances that may affect the value of the improvement.
- (7) For the purposes of subsection (6), the assessor shall apply all the facts, conditions and circumstances required to be taken into account as if they had existed on the applicable base date.
- (8) For the purposes of clause (6)(a), the agency may, in the assessment manual, establish alternate appraisal methods.
- (9) An urban municipality may use an alternate appraisal method established pursuant to subsection (8) if:
 - (a) the alternate appraisal method is approved for use by order of the agency;
 - (b) the urban municipality meets the criteria, as set out in the assessment manual, to use the alternate appraisal method; and
 - (c) the council of the urban municipality has received a report from the assessor adopting the use of the alternate appraisal method within the urban municipality.

Income based appraisal methods

239.01(1) In determining the value of land, improvements or land and improvements, none of the assessor, the board of revision or the appeal board shall use or take into consideration any valuation technique or method of appraisal based on income or benefits unless the formulas, rules and principles respecting that valuation technique or method of appraisal are set out in the assessment manual.

(2) For the purposes of subsection (1), the assessor, the board of revision or the appeal board shall only use or take into consideration a valuation technique or method of appraisal based on income or benefits in the manner permitted by and set out in the assessment manual.

2002, c.39, s.16.

Fixed assessment of farm lands

239.1(1) Subject to subsection (2) but notwithstanding any other provision of this Act, if, within the urban municipality, there is land used exclusively for farming purposes, and a person whose principal occupation is farming is assessed with respect to the land, the council may enter into an agreement with the owner of that land providing for:

- (a) a fixed value to be placed on the land and any improvements on the land for assessment purposes; or
 - (b) a fixed rate of taxation on the assessed value of the land and any improvements on the land or, if the value of the land and any improvements on the land has been fixed by agreement, on the fixed value, for all purposes or any specified purposes.
- (2) No agreement pursuant to subsection (1) is to be entered into:
- (a) unless it is authorized by bylaw;
 - (b) with respect to any land of an owner comprising less than:
 - (i) in the case of a town, eight hectares; or
 - (ii) in the case of an urban municipality other than a town, two hectares; or
 - (c) with respect to any land that has been subdivided into lots.
- (3) Subject to subsection (4), an agreement entered into pursuant to subsection (1):
- (a) remains in force for any period, not exceeding five years, that may be specified in the agreement; and
 - (b) may be renewed from time to time for periods not exceeding five years each.

(4) Notwithstanding anything contained in an agreement entered into pursuant to subsection (1) or in a bylaw renewing that agreement, the agreement or the renewal, as the case may be, is deemed to have been terminated and is void on:

- (a) the placing, erection or construction of any additional improvement on the land to which the agreement or renewal applies after the date on which the agreement or renewal became effective;
- (b) the use of any part of the land for any purpose other than farming or the use of any improvement on the land otherwise than in conjunction with the land;
- (c) the owner of the land ceasing to own any part of the land so as to reduce his or her ownership to less than:
 - (i) in the case of a town, eight hectares; or
 - (ii) in the case of an urban municipality other than a town, two hectares; or
- (d) the subdivision of the land or any part of the land into lots.

(5) If an agreement pursuant to subsection (1) cannot be reached or if, on application by an owner of land used exclusively for farming purposes, the council does not promptly enter into an agreement pursuant to subsection (1), the owner may petition the Saskatchewan Municipal Board to adjudicate in the matter.

(6) On a petition pursuant to subsection (5), the Saskatchewan Municipal Board may make any order pursuant to subsection (7) if it is satisfied that:

- (a) the land and any improvements are used exclusively for farming purposes;
- (b) a person whose principal occupation is farming is assessed with respect to the land and the improvements on the land, if any;
- (c) the land comprises not less than:
 - (i) in the case of a town, eight hectares; or
 - (ii) in the case of an urban municipality other than a town, two hectares; and
- (d) the land has not been subdivided into lots.

(7) In the circumstances mentioned in subsection (6), the Saskatchewan Municipal Board may:

- (a) order the municipality to assess the land and any improvements on the land at a stated sum; and
- (b) fix the maximum rate of taxation for all purposes or any specified purposes to be imposed on the assessed value of the land and improvements or on the value thereof as fixed by the order for assessment purposes.

(8) Subsections (3) and (4) apply, with any necessary modification, to an order made pursuant to subsection (7).

Assessment of farm lands

239.2 A parcel of land in an urban municipality that is used by a person exclusively for farming purposes, or a number of such parcels of land operated by a person as one farming unit, and that is two hectares or more in area is to be assessed at the rates established for land pursuant to this Act with respect to the first two hectares and the remainder of the land is to be assessed at the rates equal to the rates established for farm land pursuant to the assessment manual prepared for assessors by the agency and established as a manual by order of the agency together with any percentage of value that may be set for farmland by regulation pursuant to section 239.3.

1984-85-86, c.88, s.28; 1996, c.67, s.26.

Classes of property

239.3(1) In this section, “**fair value assessment**” means the fair value of any land or improvements as determined in accordance with this Act.

(2) The Lieutenant Governor in Council may, by regulation, establish classes of property for the purposes of this section.

(3) Classes of property established pursuant to subsection (2) may be:

- (a) classes of land;
- (b) classes of improvements;
- (c) classes of land, improvements or both classified according to the use to which the land or improvements or land and improvements are put.

(4) The assessor shall determine to which class established pursuant to the regulations, if any, any land or improvements or both belong.

(5) The Lieutenant Governor in Council may, by regulation, set percentages of value that are applicable to classes of property established pursuant to subsection (2).

(6) After calculating the fair value assessment of land, improvements or both that belong to a class of property established pursuant to subsection (2), the assessor shall multiply the fair value assessment by the percentage of value set by regulations made pursuant to subsection (5) that is applicable to the class of property to which the land, improvements or both belong.

(7) The figure obtained by performing the calculation set out in subsection (6) is the figure to be used for calculating the taxes payable pursuant to section 279 with respect to the land, improvements or both.

(8) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which this section came into force.

1996, c.67, s.27.

BUSINESS ASSESSMENT

240 to 243 Repealed. 2000, c.32, s.22.

243.1 Repealed. 2000, c.32, s.60.

ASSESSMENT ROLL

Preparation

244(1) The assessor shall prepare an assessment roll in which he shall enter:

- (a) a list of all land and improvements assessed, identified by address or legal description;
- (b) the category of assessment, whether land or improvement;
- (b.1) any class established pursuant to section 239.3 that any land or improvements belong to;
- (c) the assessed value of the land or improvement, and any phased-in assessed value of the land or improvement if the council of the urban municipality has passed a bylaw pursuant to subsection 22(11) of *The Assessment Management Agency Act*;
- (c.1) the assessed value of the land or improvements after applying the applicable percentage of value set by regulation made pursuant to subsection 239.3(5);
- (d) the name and address:
 - (i) in respect of every parcel of land that is assessed:
 - (A) of the registered owner as shown in the records of the Land Titles Registry;
 - (B) of the owner under a bona fide agreement for sale;
 - (C) in the case of land exempt from taxation: or
 - (I) of the owner under a bona fide agreement for sale; or
 - (II) of the occupant under a lease, licence, permit or contract; or
 - (D) in the case of land that is not exempt from taxation, of any occupant under a lease, licence, permit or contract who is not the registered owner but who is to be assessed pursuant to an agreement between the occupant and the owner;
 - (ii) in respect of every improvement that is assessed:
 - (A) of the registered owner as shown in the records of the Land Titles Registry; or
 - (B) of the person assessed in respect of the land on which the improvement is situated;
 - (iii) **Repealed.** 2000, c.32, s.24.
- (e) in the case of an urban municipality in which a separate school division is or may be established, a designation respecting whether the person described in clause (d) is a public school supporter or a separate school supporter.

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(1.1) The assessor shall prepare an assessment roll at least once each year, no later than April 1, but may prepare the assessment roll on or after December 2 in the year before the year to which the assessment roll relates.

(2) If two or more persons are the owners or occupants of any land, improvement or land and improvements that are liable to assessment, the name of each of those persons is to be entered on the assessment roll with respect to the person's share of or interest in the land, improvement or land and improvements.

(2.1) If land and improvements are assessed together pursuant to subsection 238(1.1) or 239(2), the assessor:

(a) may combine the assessment of land and improvements into a single assessment for the purposes of the assessment roll of the urban municipality; and

(b) shall report to the council that a single value is being used for certain land and improvements in the urban municipality for the purposes of the assessment roll.

(3) Notwithstanding clause (1)(d), where two or more parcels of land are owned by the same person, the assessor may combine the assessment of those parcels into a single assessment for the purposes of the assessment roll.

1983-84, c.U-11, s.244; 1984-85-86, c.88, s.30; 1995, c.35, s.24; 1996, c.67, s.30; 2000, c.L-5.1, s.546 and c.32, s.24; 2001, c.46, s.40; 2002, c.39, s.17.

Additions

245(1) A person whose name is entered in the assessment roll may apply in writing to the assessor to have the name of any other person entered in the same assessment roll if that other person's name should have been entered in the roll.

(2) The assessor shall comply with an application made pursuant to subsection (1), after verifying that the person named in the application is entitled to have his name entered in the assessment roll.

1983-84, c.U-11, s.245.

Designation of school support

246 In every urban municipality in which a separate school division is or may be established, the assessor shall accept the written statement of any person whose name is to be entered in the roll, or a written statement made on behalf of that person, that he is a public school supporter or a separate school supporter, as the case may be, and that statement is sufficient to authorize the assessor to enter opposite the name of that person in the roll a designation indicating which school division the person supports and, in the absence of any such statement, that person is deemed to be a public school supporter.

1983-84, c.U-11, s.246.

Fraudulent assessment

247(1) Any person, other than the assessor, who wilfully:

- (a) enters or procures the entry of the name of a person or a fictitious name in the assessment roll;
- (b) omits or procures the omission of the name of a person from the assessment roll; or
- (c) procures the assessment of a person at too low an amount;

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and to imprisonment for a period of not more than 30 days.

(2) No assessor shall wilfully:

- (a) make a fraudulent assessment;
- (b) enter in the assessment roll the name of a person who should not be so entered;
- (c) omit the name of a person who should be entered in the assessment roll; or
- (d) neglect any duty required of him by this Act.

1983-84, c.U-11, s.247.

Provision of information to assessor

248(1) For assessment purposes, the assessor may, at any time, request any information or document that relates to or might relate to the value of any land, improvements or land and improvements from any person who owns, uses, occupies, manages or disposes of the property.

(2) Every year, the assessor may request the owner of the land and improvements to provide information respecting:

- (a) the persons who are carrying on business on the land and in the improvements; and
- (b) the nature of the business being carried on.

(3) For the purpose of using a valuation technique or method of appraisal based on the use of income or benefits mentioned in section 239.01 at a future time when that valuation technique or method of appraisal could be relevant, an assessor may request from a person mentioned in subsection (1) any information or document that relates to:

- (a) the income generated or expected to be generated by any land, improvement or land and improvements; and
- (b) the expenses incurred or expected to be incurred with respect to any land, improvement or land and improvements.

(4) Subject to section 253.3, a person who receives a request from an assessor pursuant to subsection (1), (2) or (3) shall, before the expiration of a period set by the assessor of not less than 30 days after the date of receiving the request, provide the assessor with:

(a) all of the requested information and documents relating to or affecting the determination of the value that are in the possession or under the control of the person; and

(b) a written declaration signed by the person stating that the information provided by the person is complete, true and accurate to the best of his or her knowledge.

(5) Subject to subsection (6), every person who, in the course of his or her duties, acquires or has access to any information or document obtained pursuant to subsection (1), (2) or (3) shall:

(a) keep that information or document confidential; and

(b) not make any use of or disclose that information or document without the consent of the person to whom the information or document relates.

(6) A person mentioned in subsection (5) may use or disclose the information or document mentioned in that subsection:

(a) to determine the value of any property;

(b) for the purposes of an appeal to a board of revision, the appeal board or the Court of Appeal; or

(c) if the use or disclosure does not identify the person to whom the information or document relates.

(7) On or before October 1 in each year, every railway company shall furnish the assessor of each urban municipality with a certified statement showing the following information as of January 1 in the current year:

(a) the total number of kilometres of the railway roadway situated within the urban municipality;

(b) the description and area in hectares of land within the urban municipality owned or occupied by the company, other than a railway roadway;

(c) the description and location of any improvements within the urban municipality, other than railway superstructures, owned or occupied by the company;

(d) any change in the ownership of a railway roadway and any abandonment of a railway roadway;

(e) the address to which assessment and tax notices are to be sent.

(8) On or before November 1 in each year, every owner or operator of a petroleum oil well or gas well shall furnish the assessor with a certified statement showing the following information as of September 1 in the current year:

- (a) the owner's or operator's name and address;
 - (b) a list of the resource production equipment that is subject to assessment and its location;
 - (c) any change in the resource production equipment that has occurred since the last information was furnished to the assessor;
 - (d) the cost of any equipment included and not covered in the schedules of values prepared by the agency;
 - (e) any change in the ownership or operation of the well and any abandonment of operation of the well;
 - (f) the address to which assessment and tax notices are to be sent.
- (9) On or before March 1 in each year, every owner of a pipeline shall furnish the assessor of each urban municipality with a certified statement showing the following information as of January 1 in the current year:
- (a) the total number of kilometres of the pipeline right of way situated within the urban municipality;
 - (b) the total number of kilometres and the diameter of main and additional pipeline laid on or under the pipeline right of way within the urban municipality;
 - (c) the description and area in hectares of land within the urban municipality owned or occupied by the owner, other than the pipeline right of way;
 - (d) the description and location of any improvements within the urban municipality owned or occupied by the owner;
 - (e) any change in the ownership of the pipeline and any abandonment of the pipeline;
 - (f) the address to which assessment and tax notices are to be sent.
- (10) If any land, improvement or business is sold, when requested by the agency or, if an urban municipality carries out its own valuations and revaluations, when requested by the urban municipality's assessor, the vendor and the purchaser shall notify the agency or the assessor, as the case may be, of the purchase and sale in the form prescribed pursuant to *The Assessment Management Agency Act*.
- (11) No action lies or shall be commenced against any person by reason of that person providing any information or document on a request for that information or document pursuant to this section.

2002, c.39, s.18; 2003, c.41, s.35.

Offence and penalty

248.1(1) No person shall:

- (a) fail to furnish any information or document required of that person pursuant to section 248; or
- (b) wilfully furnish the assessor with false information.

- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than:
- (a) \$5,000 in the case of an individual; and
 - (b) \$10,000 in the case of a corporation.
- (3) If the owner of a property is convicted of an offence pursuant to this section and ordered to pay a fine and the owner does not pay the fine, the fine:
- (a) is a debt due to the urban municipality;
 - (b) may be recovered as a debt due to the urban municipality or may be added to the taxes of the property for which the information or document was requested but not provided;
 - (c) is a lien on the land that has priority over all other liens or charges except for those of the Crown; and
 - (d) is a charge on the goods and chattels of the owner of the land and is recoverable in the same manner as other taxes that are a lien on land.
- (4) If a person is convicted of an offence pursuant to this section, the convicting court may, in addition to any fine it may impose, do either or both of the following:
- (a) order the convicted person to comply with the provision of section 248 with respect to which the convicted person was convicted;
 - (b) make any other order that the court considers necessary or appropriate.
- (5) If the person whose assessment is the subject of the appeal or his or her agent seeks to introduce the following evidence at the hearing of the appeal, the board of revision or appeal board shall not take that evidence into consideration in making its determination:
- (a) any information or document that was not provided to the assessor as required by section 248 when it was required to be provided;
 - (b) any information that is substantially at variance with information provided to the assessor in response to a request made pursuant to section 248.
- (6) If a board of revision or appeal board determines that a person whose assessment is the subject of an appeal, or his or her agent, has refused or failed to comply with a request for information or documents pursuant to section 248, regardless of whether the person has been convicted pursuant to this section, the board of revision or appeal board may, if the person is the appellant, dismiss the appeal.

NOTICE OF ASSESSMENT

Notice of assessment

249(1) Within 15 days after completing the assessment roll, the assessor shall:

- (a) post in a conspicuous place in the urban municipality and publish in a newspaper circulating in the urban municipality a notice advising of the completion of the assessment roll, that the roll is open to inspection and the times when and the place where it may be inspected;
- (b) subject to subsections (1.3) and (3), mail to every person named in the assessment roll, by ordinary mail, a notice of assessment containing the particulars appearing in the roll with respect to that person and the last date on which appeals may be lodged against the assessment and containing a written or printed notice of appeal in the form prescribed by the minister; and
- (c) subject to subsection (3) and after the completion of the mailing of all notices, prepare and sign a statement stating that the notices have been mailed by him and their date of mailing, which statement is thereupon admissible in evidence as prima facie proof of the mailing of the notices on the date stated, without proof of the appointment or signature of the assessor.

(1.1) When two or more persons are the owners or occupants of any land or improvement that is liable to assessment, the owners or occupants may designate between themselves which one of them is to receive the notice of assessment pursuant to clause (1)(b) for the land or improvement.

(1.2) Any designation made pursuant to subsection (1.1) must be in writing, signed by each owner or occupant of the land or improvement, and delivered to the assessor.

(1.3) Notwithstanding clause (1)(b) but subject to subsection (3), where an assessor receives a designation in accordance with subsection (1.2), the assessor may mail the notice of assessment to the person named in the designation rather than to each person named on the assessment roll as owners or occupants of the land or improvement.

(1.4) Any designation delivered to an assessor in accordance with subsection (1.2) remains in effect until any owner or occupant of the land or improvement notifies the assessor otherwise, in writing.

(2) No assessment is invalid by reason of any error in the notice of assessment or by reason of the non-receipt of the notice by the person to whom it was addressed.

(3) A council may, by bylaw passed on or before April 1 in any year, dispense with the mailing of assessment notices where the assessed value:

- (a) has not changed from the previous year's assessed value; or
- (b) has decreased by no more than the lesser of:
 - (i) \$1,000 from the previous year's assessed value; and
 - (ii) 1% of the previous year's assessed value.

(4) When a bylaw is passed pursuant to subsection (3), the council shall submit for publication a notice in the form prescribed by the minister in the Gazette within 15 days after the completion of the assessment roll.

(4.1) A bylaw passed pursuant to subsection (3) remains in effect until it is changed or repealed.

(5) Notwithstanding subsection (3), where, pursuant to subsection 22(11) of *The Assessment Management Agency Act*, the council of an urban municipality passes a bylaw providing for the phasing in of assessed values resulting from a revaluation, the council may, by bylaw, dispense with the mailing of assessment notices in the second and any subsequent year of the phase-in period, if the assessment notice in the first year of the phase-in period contains the phased-in assessed values for each year of the phase-in period, except where:

- (a) the name of the owner or occupant, as the case may be, on the assessment roll has changed since the issuance of the last assessment notice; or
- (b) the assessed value has changed for a reason other than the revaluation.

1983-84, c.U-11, s.249; 1984-85-86, c.88, s.31;
1992, c.79, s.11; 1995, c.35, s.25; 1997, c.52, s.19;
1998, c.42, s.9; 2000, c.32, s.26; 2001, c.46, s.41.

Roll open to public

250(1) The assessor shall make the assessment roll available for public inspection during normal business hours from the day of completion of the assessment roll to the last day for lodging an appeal.

(2) The council may authorize that the assessment roll or portions of the assessment roll be available for public inspection at any additional times that the council may determine.

2002, c.39, s.19.

APPEALS TO BOARD OF REVISION

Notice of appeal

251(1) A person may give to the secretary of the board of revision a notice of appeal to the board of revision, if the person:

- (a) has an interest in any land or improvements or is affected by the valuation or classification of any land or improvements; and
- (b) believes that an error has been made in the valuation or classification of the land or improvements or in the preparation or the content of the relevant assessment roll or notice of assessment.

(1.1) An urban municipality, other taxing authority or the agency may give to the secretary of the board of revision a notice of appeal to the board of revision where the urban municipality, other taxing authority or the agency, as the case may be, believes that an error has been made in the valuation or classification of any land or improvement or in the preparation or the content of the relevant assessment roll or notice of assessment.

- (1.2) The agency is to be made a party to the appeal:
- (a) where the agency has prepared the valuation or classification of any land or improvement being appealed; or
 - (b) where the appeal is by an urban municipality or other taxing authority.
- (2) The appellant shall give a separate notice of appeal for each assessment in which the appellant alleges that an error exists.
- (3) A notice of appeal must be given to the secretary of the board of revision:
- (a) within 30 days after the day on which the notice of assessment is mailed to the person; or
 - (b) if no notice of assessment is mailed to the person, within 30 days after the later of the date when the notice of assessment has been posted and published pursuant to clause 249(1)(a) and the date the notice of assessment is published in the Gazette pursuant to subsection 249(4).
- (3.1) The appellant shall give a notice of appeal pursuant to this section personally, by registered mail or by ordinary mail.
- (4) A notice of appeal must reference a specific parcel of land, improvement or parcel of land and the improvements to that parcel of land, be in the prescribed form, and state all grounds on which the appeal is based, including:
- (a) a description of the valuation or classification with respect to which an error is alleged to exist;
 - (b) the nature of any error alleged in the preparation or content of any entry on the assessment roll or notice of assessment;
 - (c) the specific grounds on which it is alleged that an error exists;
 - (d) in summary form, the material facts on which the appellant relies; and
 - (e) the address of a place at which documents relating to the appeal may be left, or to which those documents may be mailed, for the appellant.
- (4.1) If a property has been assessed pursuant to subsection 238(1.1) or 239(2), no person shall base an appeal on:
- (a) the valuation of land apart from the improvements to the land; or
 - (b) the valuation of improvements apart from the land on which the improvements are situated.
- (5) Where a person fails to provide any information required pursuant to subsection (4), the board of revision may, at any time prior to determining the appeal require the person to provide the information during a specified time, and, if the person does not provide the information during that time, may dismiss the appeal.
- (6) Where an appellant gives a notice of appeal pursuant to this section, the appellant shall, at the time of filing the notice of appeal, or at any other time within the 30-day period mentioned in subsection (3), pay any fee to the urban municipality against which the appeal has been taken that may be established by bylaw by the council.

(7) A council may, by bylaw, establish fees for the purposes of subsection (6) that do not exceed any prescribed maximum fee or the appropriate amount set out in a prescribed schedule of maximum fees.

(7.1) An appellant may withdraw his or her appeal for any reason by notifying the secretary of the board of revision in writing at least five days before the day on which the appeal is to be heard by the board of revision.

(7.2) Where an appellant withdraws an appeal pursuant to subsection (7.1), the council shall refund any fee that was submitted by the appellant to the urban municipality.

(7.3) If an appellant's appeal is not placed on the list of appeals for the reasons mentioned in subsection 253(2), the council shall refund to the appellant any appeal fee submitted to the urban municipality by the appellant.

(8) Where an appellant is successful in whole or in part on an assessment or classification appeal at either the board of revision or the appeal board, the council shall refund any fee that was submitted by the appellant to the urban municipality.

1996, c.67, s.31; 1997, c.52, s.20; 1998, c.42, s.10; 1999, c.11, s.7; 2000, c.32, s.27; 2002, c.39, s.20; 2003, c.41, s.36.

Non-payment of fees

251.1 Where an appellant fails to pay any fee prescribed by the Lieutenant Governor in Council or established by bylaw for the purposes of an appeal to the board of revision pursuant to this or any other Act within the 30-day period mentioned in subsection 251(3), the appeal is deemed to be dismissed.

1996, c.67, s.32.

Constitution of board of revision

252(1) A council, by resolution, shall appoint not less than three persons to constitute the board of revision for the urban municipality.

(1.1) No member of the council is eligible to sit as a member of the board of revision for the urban municipality.

(1.2) No member of the board of education of any school division situated wholly or partly in the urban municipality, or in which the urban municipality is wholly or partly situated, is eligible to sit as a member of the board of revision for the urban municipality.

(1.3) A person appointed to the board of revision pursuant to subsection (1) holds office:

- (a) for a term not exceeding 12 months and until:
 - (i) the board has concluded its business; and
 - (ii) a successor is appointed;
- (b) until that person dies or resigns; or
- (c) until that person is removed for cause;

whichever is earlier.

(2) The members of the board of revision shall designate one of their number as chairman.

(3) **Repealed.** 2000, c.32, s.28.

(4) No person who has a pecuniary interest, as defined in section 31, in any land or improvement, the assessment or classification of which is the subject of an appeal to the board of revision, shall act as a member of the board of revision on that appeal.

(5) The council shall appoint a secretary of the board of revision who may be the assessor.

(6) The council may pay the members and secretary of the board of revision any remuneration that it may determine.

(6.1) Any remuneration set pursuant to subsection (6) must be fixed for the term of appointment of those members or that secretary, as the case may be.

(7) The chairperson of the board of revision may:

- (a) appoint panels of not less than three persons from the membership of a board of revision; and
- (b) appoint a chairperson for each panel.

(7.1) Notwithstanding subsection (7) but subject to the conditions prescribed in section 252.2, the chairperson may appoint one member of the board of revision to serve as a panel.

(8) Each panel appointed pursuant to subsection (7) or (7.1) may hear and rule on appeals concurrently as though it were the board of revision in every instance.

(9) A majority of the members of a board of revision or of a panel constitutes a quorum for the purposes of a sitting or hearing or of conducting the business of the board or panel.

(10) If a majority of the members of a panel is unable to attend a sitting of the panel, the chairperson of the board of revision may, from among the members of the board of revision, appoint a sufficient number of persons to the panel to constitute a quorum to act in the place and exercise all the powers of the absent members for that sitting.

(11) The Lieutenant Governor in Council may make regulations prescribing the rules of conduct and procedure for boards of revision.

1983-84, c.U-11, s.252; 1996, c.67, s.34; 1998, c.21, s.11; 1999, c.11, s.8; 2000, c.32, s.28; 2003, c.41, s.37.

District board of revision

252.1(1) A municipality may, by bylaw, authorize an agreement with other municipalities to provide for the creation of, and the appointment of members to, a district board of revision.

(1.1) No member of the council of an urban municipality that is a signatory to an agreement pursuant to subsection (1) is eligible to sit as a member of the district board of revision.

(1.2) No member of the board of education of any school division situated wholly or partly in an urban municipality that is a signatory to an agreement pursuant to subsection (1), or in which an urban municipality that is a signatory to an agreement pursuant to subsection (1) is wholly or partly situated, is eligible to sit as a member of the district board of revision.

(2) A district board of revision is deemed to be a board of revision to hear and decide appeals pursuant to section 251 from within the municipalities that are signatories to the agreement.

(2.1) The secretary of the district board of revision may apply on behalf of the district board of revision for any extension of time permitted pursuant to this Act.

(3) Where municipalities enter into an agreement pursuant to subsection (1), they shall appoint a secretary for the district board of revision and shall provide for the remuneration of that secretary within the agreement.

1996, c.67, s.35; 1998, c.42, s.12; 1999, c.11, s.9.

Simplified appeals

252.2(1) This section applies, at the option of the appellant, to an appeal concerning the assessment of:

(a) residential lands, improvements or both, regardless of the total assessment; or

(b) lands, improvements or both that have a total fair value assessment of \$250,000 or less.

(2) Notwithstanding subsection 252(7), the chairperson of the board of revision may appoint one person from among the members of the board of revision to hear and rule on appeals to which this section applies.

(3) A notice of appeal pursuant to this section must be in the form prescribed pursuant to clause 249(1)(b) and subsection 251(4).

(4) Section 253.1 does not apply to an appellant in an appeal to which this section applies.

2003, c.41, s.38.

Notice of sitting

253(1) Before the sitting of the board of revision, the secretary of the board shall:

(a) prepare a list of the appeals, in the form prescribed by the minister, which will be heard, as far as possible, in the order in which they stand on the list, but the board of revision may adjourn or re-schedule the hearing of any appeal as it considers advisable;

(b) post the list of appeals in a conspicuous place in the municipal office and ensure that it remains posted during the sittings of the board;

(c) subject to subsection (1.1), serve at least 21 days before the sitting of the board of revision, on every appellant and on the owner named on the assessment roll, where the appeal is filed by a person other than the owner named on the assessment roll or his or her agent, a notice of the time and place of the sitting of the board of revision to hear the appeal:

- (i) at the address for service indicated in the notice of appeal;
- (ii) if no address is given in the notice of appeal, at the address entered on the assessment roll.

(1.1) After notice has been served pursuant to clause (1)(c), the appellant, the owner named on the assessment roll if other than the appellant, the secretary of the board of revision, and the assessor may agree to have the appeal heard by the board of revision on a date earlier than the date set out in the notice.

(2) The secretary of the board of revision shall not place an appeal on the list pursuant to subsection (1) unless, in the secretary's opinion, the appellant has complied with all the requirements set out in section 251, including the requirements for the notice of appeal set out in subsection 251(4).

(3) Where the secretary of the board of revision is of the opinion that an appellant's notice of appeal does not comply with subsection 251(4) or (4.1), the secretary shall:

- (a) notify the appellant of the deficiencies in the notice of appeal; and
- (b) grant the appellant an additional period not exceeding 14 days to perfect the notice of appeal.

1983-84, c.U-11, s.253; 1996, c.67, s.36; 1997, c.52, s.21; 2000, c.32, s.29; 2002, c.39, s.21.

Written materials

253.1(1) Where a party to an appeal intends to make use of any written materials on the hearing of an appeal, the party shall file copies of the materials with the secretary of the board of revision at least 10 days prior to the date set for the hearing.

(2) A party who files copies of materials pursuant to subsection (1) shall serve copies of the materials on all other parties to the appeal at least 10 days prior to the date set for the hearing.

(3) If a party does not comply with subsection (1) or (2), the board may, in its discretion:

- (a) accept and consider the material sought to be filed;
- (b) refuse to accept or consider the material sought to be filed.

(4) At least 10 days before the date set for the appeal hearing, the assessor shall file with the secretary of the board of revision and serve a copy on all parties to the appeal:

- (a) a complete assessment field sheet; and
- (b) a written explanation of how the assessment was determined.

1996, c.67, s.37; 1999, c.11, s.10.

Disclosure of information

253.3(1) Following a request for information and prior to providing information to the assessor or any other party to an appeal, the party that is to provide the information may declare the information confidential and seek an undertaking of the other party that all or some of the information so provided is provided solely for the purpose of preparing an assessment or for an appeal hearing and that no other use may be made of the information.

(2) Failure to provide an undertaking pursuant to subsection (1) forfeits the right of a party to obtain the information being sought by any other process.

(3) Every person who fails to comply with an undertaking given pursuant to this section is guilty of an offence.

1996, c.67, s.37.

Confidentiality of information

253.4(1) On the request of any party to an appeal, a board of revision, the appeal board or the Court of Appeal may declare all or any part of the information provided by that party to be confidential if the board of revision, the appeal board or the Court of Appeal determines that disclosure of that information on the hearing of the appeal could reasonably be expected to:

- (a) result in financial loss or gain to the party or to any other person;
- (b) prejudice the competitive position of the party or of any other person; or
- (c) interfere with the contractual negotiations or other negotiations of the party or of any other person.

(2) If a board of revision, the appeal board or the Court of Appeal makes an order pursuant to subsection (1), it may also make all or any of the following orders:

- (a) an order that any part of the appeal be heard in the absence of the public;
- (b) an order that the actual income and expense information for an individual property that forms part of a report, study or transcript be purged or masked before the report, study or transcript is released to the public;
- (c) an order that any information that forms part of a report, study or transcript and that identifies a person be purged or masked before the report, study or transcript is released to the public;
- (d) any other order respecting procedures to be followed by the parties to the appeal respecting the disclosure or release of any information arising from the appeal.

(3) No order declaring information to be confidential pursuant to this section prevents full disclosure of that information on an appeal to the appeal board or to the Court of Appeal.

2002, c.39, s.22.

254 Repealed. 1996, c.67, s.38.

Agreement to adjust assessment

254.1(1) Subject to section 256, where all parties to an appeal agree to a valuation or classification other than the valuation or classification stated on the notice of assessment, the parties may submit, in writing, a new valuation or classification to the board of revision, and that submission, subject to confirmation by the board of revision, forms the written decision of the board of revision with respect to the appeal.

(2) Where the board of revision does not confirm the new valuation or classification submitted pursuant to subsection (1), the board shall provide the appellant with written reasons for its decision.

(3) Where the board of revision does not confirm the new valuation or classification submitted pursuant to subsection (1), the appellant may resume his or her appeal pursuant to this Act without any loss of rights, and the secretary of the board shall schedule a new hearing of the appeal.

1998, c.42, s.13.

Witnesses

255(1) The board of revision may direct the secretary of the board to issue a summons to any person to attend as a witness at the board of revision.

(2) A person to whom a summons is issued pursuant to subsection (1) is entitled to receive any compensation that may be determined by the council for being present at the board of revision.

(3) Subject to subsection (4), no person who is issued a summons to appear at a board of revision shall fail to attend at the time and place mentioned, or having attended or being present, refuse to be sworn if required to give evidence.

(4) The board of revision may excuse any person from attending for good and sufficient reason.

(5) It is not necessary to hear on oath the appellant or assessor or the person whose assessment is appealed against, except when the board of revision considers it necessary or proper or when the evidence of the person is tendered on his own behalf or by the opposite party.

(6) All oaths necessary to be administered to witnesses may be administered by any member of the board of revision hearing the appeal.

1983-84, c.U-11, s.255.

All evidence to be tendered

255.1 Any party to an appeal shall tender all of the evidence on which he or she relies at or prior to the board of revision hearing.

1996, c.67, s.39.

Failure to appear

255.2(1) Subject to subsection (2), where an appellant fails to appear either personally or by agent at the board of revision hearing:

- (a) the board may make a decision in the absence of the appellant;
- (b) the decision of the board pursuant to clause (a) is final; and
- (c) no appeal may be taken by the appellant from that decision.

(2) Where an appellant must attend more than one board of revision hearing in more than one municipality on the same day, the appellant may apply to the board of revision for an adjournment, and the board of revision shall grant the application.

1996, c.67, s.39.

Recording

255.3(1) Where, at least two days before the day scheduled for the hearing of an appeal to the board of revision, a party to the appeal requests that the hearing or part of the hearing or the testimony of a witness testifying at a hearing be recorded, the chairperson of the board or panel shall order that the hearing or a part of the hearing or the testimony of a witness be recorded by a person appointed by the board.

(2) Where an order is made pursuant to subsection (1), the chairperson of the board or panel may, at the time of making the order or after deciding the appeal, charge against the party who requested the recording or a transcript the costs or a part of the costs of:

- (a) recording the hearing, a part of the hearing or the testimony of a witness, including the cost of the services of the person appointed to make a recording;
- (b) producing a readable transcript of a recording or part of a recording; or
- (c) making copies of a recording or a transcript.

(3) The secretary of the board of revision may withhold the recording or transcript until the costs charged pursuant to subsection (2) have been paid.

(4) Where, pursuant to this section, a recording is made of a hearing or of part of a hearing or of the testimony of a witness testifying at a hearing, and the matter is subsequently appealed to the appeal board, on the request of any party to the appeal and after the requesting party has paid the costs of producing the transcript, the secretary of the board of revision shall forward a transcript of the recording to the appeal board.

1996, c.67, s.39; 1997, c.52, s.22; 1999, c.11, s.11.

Amending notice of appeal

255.4(1) On application made by an appellant appearing before it, the board of revision may, by order, grant leave to the appellant to amend his or her notice of appeal so as to add a new ground on which it is alleged that error exists.

(2) An order made pursuant to subsection (1) may be made subject to any terms and conditions that the board of revision considers appropriate.

(3) An order made pursuant to subsection (1) is to be in writing.

1996, c.67, s.39.

Correction of assessment errors regardless of resulting value

255.5 On any appeal to a board of revision, the board of revision may order the correction of errors in assessment relating to any ground stated in the notice of appeal, and the assessor shall amend the assessment roll accordingly, regardless of whether the resulting assessment value increases, decreases or remains the same.

2001, c.46, s.42.

Prohibition on variation of assessed values

256 Notwithstanding that the value at which any specified land or improvement has been assessed appears to be more or less than its fair value, the amount of the assessment may not be varied on appeal if the value at which it is assessed bears a fair and just proportion to the value at which all similar lands and improvements are assessed:

- (a) in the urban municipality; and
- (b) in any school division situated wholly or partly in the urban municipality or in which the urban municipality is wholly or partly situated.

1999, c.11, s.12.

Limitation on sittings of board of revision

257 A board of revision shall conclude all hearings of appeals and render its decisions, with written reasons, by June 15 in each year, and no appeal may be heard after that date except as provided in subsection 259.2(9) or 269(3) or section 329.

1983-84, c.U-11, s.257; 1996, c.67, s.40; 1999, c.11, s.13.

Written copy

257.1 A board of revision shall maintain a written copy of each of its decisions.

1996, c.67, s.41.

Notice of decision

258(1) If the decision of the board of revision is not given or is given verbally at the time of the hearing of an appeal, the secretary of the board shall serve a written notice of the decision and written reasons of the board of revision to the parties to the appeal within 14 days after the decision is made.

(2) Section 330 of this Act applies to any notice to be served pursuant to subsection (1).

1996, c.67, s.42; 1997, c.52, s.23.

Amendment of assessment roll

259 The assessor shall, immediately on conclusion of the sittings of the board of revision, amend the assessment roll in accordance with the decision of the board and make a record of the amendment.

1983-84, c.U-11, s.259.

Immunity

259.1 No action lies or shall be instituted against a board of revision or any member of a board of revision for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1997, c.52, s.24.

Appeals to board to consolidate assessment appeals

259.2(1) Notwithstanding section 251, a person may appeal an assessment directly to the appeal board where:

- (a) the person has an interest in lands, improvements or businesses in more than one municipality;
- (b) with respect to those lands, improvements or businesses, the person, in accordance with section 251, gives notices of appeal to the board of revision in more than one of the municipalities; and
- (c) the appeal board grants the person leave to have the appeals heard by the appeal board as a single assessment appeal and, for that purpose, consolidates the appeals.

(2) A person who wishes to appeal directly to the appeal board pursuant to this section shall, at the same time he or she gives notices of appeal to the boards of revision pursuant to section 251:

- (a) file with the appeal board:
 - (i) an application for leave to appeal to the appeal board, in the form specified by the appeal board;
 - (ii) a copy of each notice of appeal filed in each municipality affected; and
 - (iii) the fee specified by the appeal board; and
- (b) give a copy of the application for leave to appeal to the appeal board to:
 - (i) the secretary of each board of revision affected; and
 - (ii) all other parties to the appeals.

(3) Within 15 days after receiving a copy of the application for leave to appeal to the appeal board pursuant to clause (2)(b), the council of any municipality affected may file with the appeal board a written objection to the application.

- (4) Where the council of a municipality files a written objection pursuant to subsection (3), the council shall:
- (a) state the grounds for the objection in the written objection; and
 - (b) give a copy of the written objection to the appellant.
- (5) Within 45 days after the application for leave to appeal and supporting materials are filed with the appeal board pursuant to clause (2)(a), the appeal board shall:
- (a) either:
 - (i) grant leave to appeal; or
 - (ii) dismiss the application; and
 - (b) serve written notice of its decision, with reasons, by ordinary mail on all parties to the appeals and on each board of revision affected by the application for leave to appeal.
- (6) The appeal board may grant leave to appeal if the appeal board is of the opinion that the grounds of appeal for each assessment are sufficiently alike to warrant consolidating the appeals into a single assessment appeal before the appeal board.
- (7) A decision of the appeal board granting leave to appeal:
- (a) transfers to the appeal board the appeals brought pursuant to section 251 that were the subject of the application for leave to appeal; and
 - (b) consolidates the appeals mentioned in clause (a) into a single assessment appeal before the appeal board.
- (8) On the appeal board granting leave to appeal, the council of each municipality affected shall refund any fee that was submitted by the appellant pursuant to section 251.
- (9) Notwithstanding section 257, if the appeal board dismisses an application for leave to appeal brought pursuant to this section, each board of revision affected has an additional 60 days, after the date on which it was advised that leave to appeal was dismissed, to hear the appeal and render its decision.

1999, c.11, s.14.

Appeals to board on commercial and industrial property

259.3(1) Notwithstanding section 251, a person may appeal an assessment directly to the appeal board, without leave, where:

- (a) the person has an interest in lands or improvements that are classified as commercial and industrial property pursuant to *The Urban Municipality Assessment and Taxation Regulations*;
- (b) the total fair value assessment of those lands or improvements as recorded in the assessment roll is greater than the prescribed amount; and
- (c) the person, the applicable board of revision and the urban municipality agree to proceed in accordance with this section.

(2) A person who wishes to appeal directly to the appeal board pursuant to this section shall, at the same time he or she gives a notice of appeal to the board of revision pursuant to section 251:

- (a) file with the appeal board:
 - (i) a notice of appeal to the appeal board, in the form specified by the appeal board; and
 - (ii) the fee specified by the appeal board; and
- (b) give a copy of the notice of appeal to the appeal board to:
 - (i) the secretary of the board of revision affected; and
 - (ii) all other parties to the appeals.

1999, c.11, s.14.

Appeals to board pursuant to section 259.2 or 259.3

259.4(1) Sections 253.1 to 255.4 respecting the procedure on appeals to a board of revision apply, with any necessary modification, to an appeal pursuant to section 259.2 or 259.3.

(2) Subject to subsection (3), on the hearing of an appeal pursuant to section 259.2 or 259.3, the appeal board, in addition to its powers and responsibilities, has all the powers and responsibilities that a board of revision would have with respect to the appeal.

(3) Subject to section 329, the appeal board shall conclude the hearing of any appeal pursuant to section 259.2 or 259.3 and render its decision, with written reasons, within nine months after it:

- (a) grants leave to appeal pursuant to section 259.2; or
- (b) receives a notice of appeal pursuant to section 259.3.

(4) Where the appeal board hears an appeal pursuant to section 259.2 or 259.3, the appellant has no right of appeal pursuant to section 260.

1999, c.11, s.14.

APPEAL TO SASKATCHEWAN MUNICIPAL BOARD

Right of appeal

260 Subject to section 251.1, an assessor, any appellant to the board of revision or any other person has a right of appeal to the appeal board in accordance with the procedures set out in sections 261 to 263 against a decision of a board of revision on an appeal and against the omission, neglect or refusal of that board to hear or decide an appeal to it.

1983-84, c.U-11, s.260; 1989-90, c.5, s.9;
1989-90, c.5, s.13; 1996, c.67, s.43.

Service of notice by appellant

261(1) An appellant, including an urban municipality, other taxing authority or the agency, bringing an appeal to the appeal board shall serve on the secretary of the appeal board a notice of appeal in the prescribed form setting out all the grounds of appeal.

(2) The appellant shall serve the notice of appeal mentioned in subsection (1):

(a) within 30 days after being served with a written notice of the decision of the board of revision; or

(b) in the case of the omission or neglect of the board of revision to hear or decide an appeal, at any time within the calendar year for which the assessment was prepared.

(2.1) The appellant shall serve a notice of appeal pursuant to this section personally, by registered mail or by ordinary mail.

(3) Subject to subsection (4), if an appellant does not effect service in accordance with this section, the appeal is deemed to be dismissed.

(4) If, in the opinion of the appeal board, the appellant's failure to perfect an appeal in accordance with this section is due to a procedural defect that does not affect the substance of the appeal, the appeal board may allow the appeal to proceed, on any terms and conditions that the appeal board considers just.

1998, c.42, s.15; 1999, c.11, s.15.

Service of notice by appeal board

261.1 Immediately after the secretary of the appeal board is served with a notice of appeal pursuant to section 261, the secretary of the appeal board shall:

(a) serve a copy of the notice of appeal on every party to the appeal other than the appellant; and

(b) provide a copy of the notice of appeal to the secretary of the board of revision.

1998, c.42, s.15.

Notice of appeal date

262(1) On the request of the secretary of the appeal board, the secretary of the board of revision shall, with respect to each appeal to the appeal board, cause to be transmitted to the appeal board:

(a) the notice given pursuant to section 251;

(b) materials filed with the board of revision prior to its hearing;

(c) any exhibits entered at the board of revision hearing;

(d) the minutes of the board of revision, including a copy of any order made pursuant to section 255.4;

(e) any written decision of the board of revision; and

(f) a written statement describing the portion, if any, of the hearing before the board of revision that was recorded by a person appointed by the board of revision.

(1.1) Following receipt of the items transmitted to it pursuant to subsection (1), or after not less than 30 days have passed since making the request mentioned in subsection (1), whichever is earlier, the appeal board shall fix a time and place for hearing the appeal and notify the agency, the assessor and all other parties of the time and place fixed.

(2) **Repealed.** 1997, c.52, s.26.

(3) **Repealed.** 1997, c.52, s.26.

(4) On being notified by the appeal board of the time and place fixed pursuant to subsection (1.1), the assessor shall immediately cause a notice to be posted in a conspicuous place in the municipal office and in the place where the council holds its meetings containing the name of the appellants and parties against whose assessments appeals have been taken, a brief statement of the grounds of appeal and the time and place fixed by the appeal board for hearing the appeals.

1983-84, c.U-11, s.262; 1994, c.48, s.13; 1996, c.67, s.44; 1997, c.52, s.26; 1998, c.42, s.16.

Non-payment of fees

262.1 Where an appellant fails to pay any fee established by any Act or regulations for the purposes of an assessment or classification appeal to the appeal board pursuant to this or any other Act within the 30-day period mentioned in subsection 261(2), the appeal is deemed to be dismissed.

1996, c.67, s.45; 1998, c.42, s.17.

Appeal determined on written materials

262.2 Subject to section 263.1, and notwithstanding any power that the appeal board would otherwise have pursuant to *The Municipal Board Act* to seek and obtain other information, an appeal to the appeal board pursuant to this Act is to be determined on the basis of the materials transmitted pursuant to subsection 262(1) and any transcript requested and produced pursuant to section 255.3.

1996, c.67, s.45; 1997, c.52, s.27.

Procedure on appeal

263(1) At the time and place fixed by it, the appeal board shall hear the appeals, and may adjourn the hearing from time to time and defer its decisions at its pleasure, and all deferred decisions are to be in writing, with reasons, and when given are to be filed with the clerk of the urban municipality who shall mail a copy of the decision to the last-known address of the appellant and any other interested party.

(2) **Repealed.** 1989-90, c.5, s.9.

(3) The person having charge of the assessment roll, or any person having charge of any books, papers or documents relating to the matter of an appeal, shall, if requested by the appeal board, appear and produce the assessment roll and all papers and writings, or books, papers or documents, in his custody connected with the matter of appeal.

- (4) If the assessment roll has not been confirmed by the agency:
- (a) the secretary of the appeal board shall amend the roll, if required, according to the terms of the decision of the appeal board and make a record of the amendment; or
 - (b) if the appeal board reserves its decision, the person having charge of the assessment roll shall, when the decision is given, immediately amend the roll, if required, according to the terms of the decision of the appeal board and make a record of the amendment.
- (5) **Repealed.** 1989-90, c.5, s.9.

1983-84, c.U-11, s.263; 1986, c.26, s.5; 1989-90, c.5, s.9.

New evidence

263.1(1) The appeal board shall not allow new evidence to be called on an appeal except where it is satisfied that:

- (a) except by his or her failure to make a request pursuant to section 255.3, through no fault of the person seeking to call the new evidence, the written materials and transcript mentioned in section 262.2 are incomplete, unclear or do not exist;
 - (b) the board of revision has omitted, neglected or refused to make a decision; or
 - (c) the appellant has established that relevant information has come to the appellant's attention and that the information was not obtainable or discoverable by the appellant through the exercise of due diligence at the time of the board of revision hearing.
- (2) Where the appeal board allows new evidence to be called pursuant to subsection (1), the appeal board may make use of any powers it possesses pursuant to *The Municipal Board Act* to seek and obtain further information.

1996, c.67, s.46; 1997, c.52, s.28.

Reconsideration of assessment

263.2 On an appeal from a decision of the board of revision with respect to the assessment or classification of land or improvements, the appeal board may adjust, either up or down, the assessment of or change the classification of the land or improvements in order that:

- (a) errors in and omissions from the assessment roll may be corrected; and
- (b) an accurate, fair and equitable entry of assessment for the land or improvements may be placed on the assessment roll.

2000, c.32, s.30.

Same decision applies

263.3(1) A decision made by the board of revision or the appeal board on an appeal of an assessment of any land or improvements applies, to the extent that it relates, to any assessment placed on the assessment roll for the land or improvements after the appeal is initiated but before the decision is made, without the need for any further appeal being initiated with respect to the assessment.

(2) Where the parties to an appeal cannot agree as to whether or to what extent subsection (1) applies in their circumstances, any party to the appeal may apply to the board that issued the decision to issue a ruling on the matter, and that ruling is subject to appeal in the same manner as any other decision issued by that board.

1998, c.42, s.18; 2000, c.32, s.31.

264 to 267 Repealed. 1989-90, c.5, s.9.

GENERAL

Errors

268 A council, manager or commissioner may at any time correct any obvious error in the assessment roll, and the person making the correction shall make a record of it.

1983-84, c.U-11, s.268.

268.1 Repealed. 2000, c.32, s.32.

268.2 Repealed. 2000, c.32, s.32.

Omissions

269(1) Subject to subsection (2), the assessor shall enter the information required pursuant to section 244 in the assessment roll and shall make a record of the entry where, before December 1 in the current year, it is discovered that:

- (a) a person liable to assessment is not assessed;
- (b) **Repealed.** 2000, c.32, s.33.
- (c) a person has commenced construction of an improvement in the year;
- (d) an improvement has been altered, demolished or removed, either in whole or in part; or
- (e) a use of land or improvements has been changed, and the classification should be changed.

(2) If an improvement is assessed while under construction, the assessor shall not make any addition to the roll with respect to that improvement in the current year unless the improvement is occupied or used or is reasonably fit for occupancy or use before December 1 in that year, in which case the assessor shall add to the roll a sum representing the increase in value of the improvement.

(3) When a change is made to the roll pursuant to subsection (1) or (2), the assessor shall send an assessment notice to the persons affected and those persons are to be given every reasonable opportunity to appeal against the assessment, and all appeals so made are to be heard and determined, as nearly as may be, in the manner provided for by this Part.

(4) Immediately after a change is made pursuant to this section, the assessor shall place the assessment on the assessment roll and levy taxes on the assessment at the same rates as the rest of the roll, and the amount levied is to be adjusted in the manner provided in section 283, and the rates are collectable in the same manner as other taxes.

(5) If the assessment of an improvement is increased pursuant to subsection (2), the rates mentioned in this subsection apply to the assessment first made pursuant to subsection (1) up to the date of occupancy or use of the improvement or the date on which the improvement is reasonably fit for occupancy or use, whichever is earlier, and the rates apply after that time to the full assessment of the improvement.

(6) If any land or improvement that is exempt from taxation pursuant to section 275 ceases to be so exempt on or before December 1 in the current year, the assessor shall assess the person liable to assessment and enter on the assessment roll the information required by section 244.

1983-84, c.U-11, s.269; 1984-85-86, c.88, s.32;
1998, c.42, s.19; 2000, c.32, s.33.

Subdivision of lands

270(1) Subject to subsection (2), if, after the assessment roll is confirmed, a parcel of land is subdivided or titles are issued pursuant to a condominium plan that is approved by the Controller of Surveys, the assessor may cancel the assessment of the parcel, reassess the land and amend the assessment and tax rolls accordingly.

(2) Notices of a reassessment pursuant to subsection (1) are to be given in the same manner as a notice of a new assessment, and any interested party may appeal to the board of revision against the decision of the assessor.

(3) An appellant to the board of revision pursuant to subsection (2) or the urban municipality may appeal the decision of that board to the appeal board.

(4) The provisions of this Part governing appeals against assessments apply *mutatis mutandis* to appeals pursuant to this section.

1983-84, c.U-11, s.270; 2000, c.L-5.1, s.547.

Assessment binding

271 If a person assessed has no interest in the land or improvement with respect to which he or she is assessed, the assessment binds the land or improvement but not the person assessed.

2000, c.32, s.34.

Proof of assessment

272 A copy of the assessment roll or any portion of the roll under the seal of the urban municipality and certified to be a true copy by the assessor, is admissible in evidence in any court as prima facie proof of its contents without any further or other proof.

1983-84, c.U-11, s.272.

CONFIRMATION OF ASSESSMENT ROLL**Confirmation of assessment roll**

273(1) The assessor shall make a return to the agency, in a form and at the times required by the agency, showing:

- (a) particulars of any alterations that have been made in the assessment roll from the previous year's assessment roll after it has been confirmed by the agency;
- (b) if a revaluation has taken place in the urban municipality, particulars of any alterations that have been made by the assessor or in the schedule of assessments provided to the urban municipality by the agency; and
- (c) if additional assessments for the year are made pursuant to sections 269 and 270, particulars of any alterations that have been made to the assessment roll.

(2) **Repealed.** 1998, c.42, s.20.

(3) Notwithstanding that there may be appeals pending to the appeal board or to the Court of Appeal, the agency may, on receipt of the return and after making any inquiries that it considers advisable, by order published in the Gazette and by a certificate signed by the chairman of the board of the agency, confirm the assessments in the roll as the assessment of the urban municipality.

(4) The agency shall cause its certificate to be mailed to the assessor of the urban municipality.

(5) On receipt of the agency's certificate, the assessor shall retain it with the assessment roll and the roll as thus finally completed and certified is valid and binding on all parties concerned, notwithstanding any defect or error committed in or with regard to it or any defect, error or mis-statement in any notice required by this Act or any omission to deliver or to transmit any such notice.

(6) If, after a return is made to the agency pursuant to subsection (1), the time for appealing an assessment or additional assessments to the board of revision has elapsed and the board of revision has rendered its decision on all appeals before it, the assessor shall make a further return to the agency in the manner set out in subsection (1).

(7) On receipt of any further return forwarded pursuant to subsection (6), the agency may confirm it by a supplementary certificate issued under the signature of the chairman of the board of the agency, and subsections (4) and (5) apply *mutatis mutandis*.

(8) If assessments are made in any year, or if assessments are added to the assessment roll pursuant to section 269 and taxes are imposed on the assessments in the year in which the assessments are made or added to the roll or in a subsequent year, the taxes so imposed are, after the assessments have been confirmed, deemed to be properly levied in respect of the year in which the assessments were made or added to the roll and are collectable in the same manner as other taxes.

(9) Where an assessment has not been confirmed by the agency, taxes levied on the assessment are not recoverable pursuant to this Act or *The Tax Enforcement Act* until the assessment is confirmed.

1983-84 ,c.U-11, s.273; 1986, c.26, s.5; 1997, c.52, s.29; 1998, c.42, s.20; 2004, c.53, s.19.

PART XII

Taxation

LIABILITY FOR AND EXEMPTIONS FROM TAXATION

Liability for taxation

274 Subject to the other provisions of this Act, taxes are to be levied on land and improvements.

2000, c.32, s.35.

Exemptions from taxation

275(1) The following are exempt from taxation:

- (a) the interest of the Crown in any land and improvements, including land and improvements held by any person in trust for the Crown;
- (b) land and improvements specially exempted by law;
- (b.1) subject to subsection (1.1), land and improvements:
 - (i) that are owned and occupied by a registered independent school as defined in *The Education Act, 1995*, if the school is owned or operated by:
 - (A) a non-profit corporation that is incorporated, continued or registered pursuant to *The Non-profit Corporations Act, 1995*;
 - (B) a community services co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996*; or
 - (C) a body corporate that is operated on a not-for-profit basis and is incorporated or continued pursuant to an Act; and
 - (ii) that consist of:
 - (A) prescribed buildings; and
 - (B) land not exceeding the prescribed amount used in connection with the buildings mentioned in paragraph (A);

(b.2) buildings or any portion of a building occupied by an Indian band and used for the purposes of a school, together with any land used in conjunction with those buildings or that portion of the building, where the land and buildings are owned by:

- (i) an Indian band;
- (ii) a school division; or
- (iii) any person, society or organization whose lands and improvements are exempt from taxation pursuant to this or any other Act;

(c) **Repealed.** 1992, c.79, s.13.

(d) every place of public worship and the land used in connection therewith to a maximum of:

- (i) 0.81 hectares; or
- (ii) 10 square metres of land for every one square metre of occupied building space used as a place of public worship;

whichever is greater, that is owned by a religious organization, except any portion of that place or of that land that is used as a residence or for any purpose other than a place of public worship;

(e) land and improvements owned and occupied by a school division or the conseil scolaire and consisting of:

- (i) office buildings and the land used in connection with those buildings;
- (ii) buildings used for storage and maintenance purposes and the land used in connection with those buildings;
- (iii) buildings used for the purposes of a school and the land used in connection with those buildings;

except any part of such buildings used as a dwelling and the land used in that connection;

(f) every cemetery other than a commercial cemetery as defined in *The Cemeteries Act, 1999*;

(g) **Repealed.** 1997, c.37, s.9.

(h) every street, public square and park and every war memorial and the land used in connection with it;

(h.1) the buildings and land owned by the park authority of a regional park that would be wholly or partially within the boundaries of an urban municipality except for subsection 328(4) and that are used for regional park purposes, except for any portion of the buildings and land used as a residence or for any purpose other than a regional park purpose.

- (i) the lands and improvements of every public library established pursuant to *The Public Libraries Act*, to the extent of the actual occupation of the lands and improvements for the purposes of the institution;
 - (j) the buildings and land used in connection therewith, owned by a rural municipality and used for municipal purposes, except any portion of any such building and any such land used as a residence or for any purpose other than a municipal purpose;
 - (k) minerals, within the meaning of *The Mineral Taxation Act*;
 - (l) the lands and buildings of every agricultural society established or continued pursuant to *The Agricultural Societies Act*;
 - (m) the buildings and lands, not exceeding 1.6 hectares, of and attached to or otherwise bona fide used in connection with and for the purpose of The Young Men's Christian Association, The Young Women's Christian Association, any association or organization doing work for young women similar to the work done by The Young Women's Christian Association, and any law school established and maintained by the Benchers of the Law Society of Saskatchewan, so long as the buildings and lands are actually used and occupied by the institution but not if otherwise occupied;
 - (n) all lands and improvements of the urban municipality;
 - (o) the buildings with land attached owned by a division, branch or local unit of The Royal Canadian Legion Saskatchewan Command, the Army, Navy and Air Force Veterans in Canada, the Disabled Veterans' Association of Saskatchewan and Canadian Mental Health Association (Saskatchewan Division), so long as the buildings and grounds are actually used and occupied by a division, branch or local unit of any of them but not if otherwise occupied;
 - (o.1) the lands and buildings owned and occupied by THE CANADIAN NATIONAL INSTITUTE FOR THE BLIND;
 - (p) lands and improvements of a person, society or organization that is:
 - (i) exempt from taxation pursuant to this or any other Act; and
 - (ii) occupied by another person, society or organization whose lands and improvements are exempt from taxation pursuant to this or any other Act;
 - (q) lands and improvements that:
 - (i) are specially exempted by law from taxation while used by a person for the purposes specified in the Act that conferred the exemption;
 - (ii) cease to be used for those purposes by the person; and
 - (iii) are leased and used, in whole or in part, by a person who would not be taxable in respect of them if he owned them.
- (1.1) Where the exemption from taxation provided by clause (1)(b.1) is less than that granted by any other Act, the exemption granted by that other Act applies.
- (2) A council may, by bylaw, exempt from taxation in whole or in part any land or improvement designated in the bylaw.

(2.1) A bylaw pursuant to subsection (2) remains in force for one fiscal year of the urban municipality.

(3) A council may, by bylaw, enter into an agreement, subject to any terms and conditions that the council may specify, with the owner or occupant of any land or improvement designated in the bylaw for the purpose of exempting that land or improvement from taxation, in whole or in part, for not more than five years.

(4) If a person thinks that an error has been made in determining that any land or improvement is liable to taxation, he or she may appeal to the board of revision, and sections 251 to 263.2 apply, with any necessary modification, to that appeal.

1983-84, c.U-11, s.275; 1984-85-86, c.88, s.33; 1986, c.37, s.2; 1988-89, c.61, s.30; 1989-90, c.63, s.5; 1992, c.79, s.13; 1993, c.55, s.194; 1996, c.67, s.49; 1997, c.37, s.9; 1998, c.42, s.21; 1999, c.C-4.01, s.92 and c.11, s.16; 2000, c.32, s.36.

Collection on behalf of other tax authorities

275.1(1) Where, after the coming into force of this section, a council exempts or partially exempts any land or improvements from taxation pursuant to subsection 275(2), or enters into an agreement to exempt or partially exempt any land or improvements from taxation pursuant to subsection 275(3), the urban municipality shall raise each year, on behalf of any other taxing authority on whose behalf it levies taxes, an amount equal to the amount that would have been levied on behalf of the other taxing authority if the exemption had not existed, unless the other taxing authority and any other municipality that also levies rates on its behalf agree otherwise.

(2) An urban municipality shall raise the amount mentioned in subsection (1) by adjusting the rate levied within the urban municipality on behalf of the other taxing authority pursuant to clause 279(1)(b), either at a uniform rate or, by agreement with the other taxing authority, by means of a uniform rate multiplied by the applicable mill rate factors set pursuant to section 279.3.

(3) The amount mentioned in subsection (1) is to be calculated by multiplying the most recent assessment of the land or improvements to which the exemption or partial exemption applies by the rate set by the other taxing authority and levied pursuant to clause 279(1)(b), subject to any applicable mill rate factors.

(4) Notwithstanding subsection (1) but subject to subsection (5), where, for the purposes of economic development, a council enters into an agreement pursuant to subsection 275(3) to exempt or partially exempt any land or improvements from taxation, the urban municipality is not required, for the term of the agreement, to replace the tax revenues lost by any other taxing authority on whose behalf the urban municipality levies taxes.

(5) Where a council enters into an agreement for the purposes mentioned in subsection (4), the council must, before February 1 of the first year in which the tax exemption is to take effect, give written notice of the tax exemption to any other taxing authority on whose behalf the urban municipality levies taxes.

(6) Notwithstanding subsection 275(3), any other taxing authority on whose behalf the urban municipality levies taxes may agree to an extension of an agreement entered into for the purposes mentioned in subsection (4), in which case the taxing authority is deemed to have waived, for the extended term of the agreement, the urban municipality's obligation to the taxing authority to replace lost tax revenues.

1996, c.67, s.50; 2000, c.32, s.37; 2001, c.46, s.43.

Exemptions not applicable to certain situations

276(1) If the whole or any portion of any land and improvements exempt from taxation is occupied by a person other than the owner, that person is to be assessed and taxed in respect of the land and improvements or portion in accordance with this Act, but the land and improvements themselves are not so liable.

(2) Notwithstanding subsection (1), where the whole or any portion of a building exempt from taxation is set aside by the owner as living quarters or as a dwelling for a person in his pay or employ or for the family of that person, that person is to be assessed and taxed in accordance with this Act in respect of the building or portion so set aside as well as for any land used in connection with that building, but the land and improvements are not so liable.

(3) If any land or improvements exempt from taxation pursuant to section 275 cease to be so exempt in any year, the owner or occupant assessed is to be taxed in respect of that portion of the year during which it is not exempt.

(4) Land or improvements exempt from taxation pursuant to section 275 are not, by virtue of that fact alone, exempt from taxation for local improvements.

1983-84, c.U-11, s.276.

Taxation of certain buildings

277 If the owner of a building situated on land belonging to another person, whether or not the land is exempt from taxation, or the owner of a building that is not attached to the land on which it is placed, is assessed, the building is liable to taxation as an improvement on the land and is subject to a lien for taxes.

1983-84, c.U-11, s.278.

278 Repealed. 2000, c.32 s.38.

TAXES

Levy

279(1) Each council shall authorize a levy on all taxable assessments in the urban municipality:

- (a) of a uniform rate considered sufficient to raise the amount of taxes required pursuant to subsection 202(2); and
- (b) of any other rates required by this or any other Act.

(2) Notwithstanding subsection (1) but subject to subsection (3), where an urban municipality has entered into a restructuring agreement mentioned in section 15.1, the council may, by bylaw, authorize a special purpose levy on properties affected by the restructuring agreement for the purposes specified in the restructuring agreement.

(3) No special purpose levy mentioned in subsection (2) may be authorized:

- (a) subject to clause (b), for a term greater than 10 years; or
- (b) where the special purpose levy is to retire a municipal debt, for a term greater than the term of the outstanding debt.

1983-84, c.U-11, s.279; 2001, c.46, s.44.

Taxation in regional parks

279.01(1) In this section, “**park authority**” means the park authority of a regional park that would, except for subsection 328(4), be wholly or partially located within the boundaries of an urban municipality.

(2) On or before March 1 in any year, or any other date that may be agreed to by the park authority and the council, the park authority shall:

- (a) authorize the levy of a uniform rate applicable to the entire regional park; and
- (b) notify the urban municipality of the rate authorized pursuant to clause (a).

(3) On receipt of a notification pursuant to clause (2)(b), the council of the urban municipality shall levy the rate specified in the notice, together with any rates provided for in clause 279(1)(b).

(4) The urban municipality is responsible for assessment and the collection of taxes within the portion of the regional park that would, except for subsection 328(4), be located within the boundaries of the urban municipality, in accordance with sections 236 to 308.

(4.1) Notwithstanding subsection (4), the council of an urban municipality may, by bylaw, enter into an agreement with the council of another municipality to determine which municipality shall be responsible for the assessment and collection of taxes mentioned in subsection (4), and subsection (5) applies, with any necessary modification, to the municipality that is determined by the agreement to be the responsible municipality.

(5) On or before the tenth day of the month following the month in which the taxes are received by the urban municipality, the urban municipality shall forward to the park authority not less than:

- (a) 80% of the amount of the taxes levied pursuant to clause (2)(a) and actually collected by the urban municipality; or
- (b) any other fixed amount agreed to by the park authority and the council.

(6) The park authority shall use funds forwarded to it pursuant to subsection (5) in accordance with *The Regional Parks Act, 1979*.

1996, c.67, s.51; 1998, c.42, s.22; 2001, c.46, s.45.

Phase-in of assessments, other taxing authorities

279.1 Where, pursuant to subsection 22(11) of *The Assessment Management Agency Act*, the council of an urban municipality passes a bylaw providing for the phasing in of assessed values resulting from a revaluation, and the urban municipality levies taxes on behalf of another taxing authority, the council shall:

- (a) use the assessed values as phased in as the basis for levying those taxes; and
- (b) by resolution, and notwithstanding any other Act, following consultation with the affected taxing authority, substitute a rate that is sufficient to raise the same amount of tax revenue for that taxing authority as the amount that would have been raised for that taxing authority had the phasing-in bylaw not been adopted.

1995, c.35, s.26.

Municipal tax phase-in plan

279.2(1) If the incidence of taxation in an urban municipality changes as a result of a revaluation pursuant to *The Assessment Management Agency Act*, the council of the urban municipality may, by bylaw, implement a plan to phase-in the changes in taxes over a period that is not longer than the period between revaluations as set out in subsection 22(1) of *The Assessment Management Agency Act*.

- (2) A tax phase-in plan established by a council pursuant to subsection (1) may:
 - (a) set limits on the amounts or percentages of tax increase or decrease resulting from revaluation to be permitted in each year of the plan for land or improvements, or for any prescribed class of land or improvements, and those limits need not be the same for tax increases and decreases or for each category or class of category to which the limits apply;
 - (b) **Repealed.** 1996, c.67, s.52.
 - (c) specify the method of funding the difference in each year of the plan between any limit on tax increase set pursuant to clause (a) and the tax increase that would otherwise result from revaluation.
- (3) A method specified pursuant to clause (2)(c) is to include one or more of the following:
 - (a) a reduction of the tax decreases that would otherwise result from revaluation;
 - (b) a funding of the difference through a levy on:
 - (i) land or improvements; or
 - (ii) a class of land or improvements;
 - (c) a transfer from surplus or reserve funds.
- (4) A tax phase-in plan established by a council pursuant to subsection (1) shall:
 - (a) ensure that the difference between any limit set pursuant to subsection (2) and the tax increase that would otherwise result from revaluation in each year of the plan is funded in each current year;

- (b) exclude from the plan tax increases or decreases resulting from any change in assessed values that is not the result of revaluation; and
 - (c) ensure that the full amount of any tax increase or decrease resulting from revaluation is in effect after completion of the tax phase-in plan.
- (5) A tax phase-in plan established pursuant to subsection (1):
- (a) shall be implemented by adjusting the levy set pursuant to subsection 279(1); and
 - (b) may be extended to any other rates required by this or any other Act by agreement with any other taxing authority on whose behalf the urban municipality levies taxes.
- (6) The Lieutenant Governor in Council may, by regulation, establish classes of lands or improvements for the purposes of this section.
- (7) **Repealed.** 2003, c.41, s.39.

1995, c.35, s.26; 1996, c.67, s.52; 1997, c.52, s.31; 2000, c.32, s.39; 2001, c.46, s.46; 2003, c.41, s.39.

Mill rate factors

- 279.3(1)** A council may, by bylaw, set mill rate factors that are to be multiplied by the uniform rate provided for in clause 279(1)(a) for the purpose of establishing the levy for a taxable assessment.
- (2) A mill rate factor may be made applicable to:
- (a) a class of assessment of land, improvements or both established by regulations made pursuant to this section; or
 - (b) if the council of an urban municipality has established subclasses by bylaw made pursuant to subsection (6.1), a subclass.
- (3) The Lieutenant Governor in Council may make regulations:
- (a) setting classes of assessment of land, improvements or both for the purposes of this section;
 - (b) respecting limits on mill rate factors that may be set by a council;
 - (c) prescribing classes of assessment of land, improvements or both for which a mill rate factor may not be set.
- (4) No council shall fail to comply with any regulations made pursuant to subsection (3).
- (5) A regulation made pursuant to subsection (3) may be made retroactive to a day not earlier than the day on which this section came into force.
- (6) **Repealed.** 2003, c.41, s.40.
- (6.1) The council of an urban municipality may, by bylaw, set subclasses of assessment for condominiums, as defined in *The Condominium Property Act, 1993*, within the residential property class, as defined in *The Urban Municipality Assessment and Taxation Regulations*.

(7) Notwithstanding any other Act or law, an urban municipality may apply a mill rate factor established pursuant to this section to a rate mentioned in clause 279(1)(b) by agreement with the other taxing authority on whose behalf it collects the taxes for which the rate is set.

(7.1) Notwithstanding any other Act or law, an urban municipality that applies a mill rate factor pursuant to subsection (7) shall adjust the rate set pursuant to clause 279(1)(b) so that the same total amount of tax is levied on behalf of the other taxing authority after applying a mill rate factor.

(8) Subject to subsection (9):

(a) a council must give notice of its intention to set mill rate factors, or to vary or repeal any mill rate factors it has set, to the other taxing authorities on whose behalf it levies taxes, on or before June 30 of the year prior to the year in which the mill rate factors, amendment or repeal are to be effective; and

(b) a taxing authority that desires to enter into an agreement pursuant to subsection (7) must advise the urban municipality of that fact on or before September 30 of the preceding year, with respect to taxes to be levied in any year.

(9) Subsection (8) does not apply to the setting of mill rate factors that are to take effect in 1997, or to agreements that are to take effect in 1997.

(10) An urban municipality may not apply mill rate factors pursuant to subsection (7) by agreement with a school division unless it has entered into an agreement to apply the same mill rate factors with every school division on whose behalf it levies taxes.

(11) A mill rate factor that is expected to be applied, by agreement, to a rate mentioned in clause 279(1)(b), must be set or amended by council prior to March 1 of the current year.

1996, c.67, s.53; 1997, c.52, s.32; 1998, c.42, s.23; 1999, c.11, s.17; 2001, c.46, s.47; 2003, c.41, s.40.

Minimum tax

279.4(1) Subject to sections 275 and 276, a council may, by bylaw, provide for minimum amounts of taxes that are to be levied with respect to any land or improvement that is separately recorded on the assessment roll for the purposes of clause 279(1)(a).

(2) A bylaw made pursuant to subsection (1) may provide either a minimum amount of tax, or a method of calculating the minimum amount of tax.

(3) The Lieutenant Governor in Council may, by regulation, establish classes of land or improvements for the purposes of this section.

(4) **Repealed.** 2003, c.41, s.41.

(4.1) Subject to the approval of the minister, the council of an urban municipality may, by bylaw, set subclasses of land and improvements for condominiums, as defined in *The Condominium Property Act, 1993*, within the residential property class as defined in *The Urban Municipality Assessment and Taxation Regulations*.

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(5) A bylaw made pursuant to subsection (1) may provide different amounts of minimum tax or different methods of calculating minimum tax for different classes of land or improvements, or, if an urban municipality has established subclasses by bylaw made pursuant to subsection (4.1), for different subclasses.

(6) A bylaw made pursuant to subsection (1) may provide that no minimum tax is payable with respect to a class or subclass.

1996, c.67, s.52; 1998, c.42, s.24; 2000, c.32, s.40; 2001, c.46, s.48; 2003, c.41, s.41.

Base tax

279.5(1) Subject to sections 275 and 276, a council may, by bylaw, provide for uniform base amounts of taxes that are to be levied with respect to any land or improvement that is separately recorded on the assessment roll for the purposes of clause 279(1)(a).

(2) The Lieutenant Governor in Council may, by regulation, establish classes of land or improvements for the purposes of this section.

(3) **Repealed.** 2003, c.41, s.42.

(4) Subject to the approval of the minister, the council of an urban municipality may, by bylaw, set subclasses of land and improvements for condominiums, as defined in *The Condominium Property Act, 1993*, within the residential property class as defined in *The Urban Municipality Assessment and Taxation Regulations*.

(5) A bylaw made pursuant to subsection (1) may provide that different amounts of a base tax be applied for different classes of land or improvements, or, if an urban municipality has established subclasses by bylaw made pursuant to subsection (4), for different subclasses.

(6) A bylaw made pursuant to subsection (1) may provide that no base tax is payable with respect to a class or subclass.

(7) The council may authorize a levy pursuant to clause 279(1)(a) in addition to any amount collected as a base tax.

2000, c.32, s.41; 2001, c.46, s.49; 2003, c.41, s.42.

Rates deemed retroactive

280 The rates imposed for any year are deemed to be imposed and due on and from January 1 of that year.

1983-84, c.U-11, s.280.

Preparation of tax roll

281(1) On or before August 1 in each year, the assessor or treasurer shall prepare a tax roll and the treasurer shall proceed to collect the taxes specified in the tax roll.

(2) The tax roll may be a continuation of the assessment roll but is required to contain:

- (a) the name of every person assessed;
- (b) his residence address;

- (c) the legal description of the land or improvements with respect to which the person is assessed;
 - (d) the total amount for which he is assessed; and
 - (e) under appropriate headings:
 - (i) the sums with which he is chargeable by way of taxes on account of any rate that may be imposed pursuant to this or any other Act;
 - (ii) arrears of taxes; and
 - (iii) the total of the amounts described in subclauses (i) and (ii);
- or, if the council, by bylaw, provides, in a separate column, the amount with which he is chargeable for all sums ordered to be levied by the council.
- (3) **Repealed.** 1996, c.67, s.54.
- (4) The assessor or treasurer shall prepare a summary table setting out:
- (a) the total amount of taxes to be collected under and by virtue of the tax roll; and
 - (b) the name and amount of each rate levied by the urban municipality, kept distinctly and accounted for separately, specifying the aggregate proceeds of each rate.

1983-84, c.U-11, s.281; 1996, c.67, s.54; 2000, c.32, s.42.

Notice of taxes

282(1) The treasurer shall mail, by ordinary mail, or deliver to each person whose name appears on the tax roll, at the address shown in the tax roll, or to the person's agent if the address of an agent has been furnished to the treasurer, a notice showing:

- (a) the name of the person assessed;
 - (b) the person's residential address;
 - (c) the legal description of the land or improvements assessed;
 - (d) the assessed value of the land or improvements;
 - (e) the several rates of taxation for the current year;
 - (f) under appropriate headings, the total taxes levied for the current year;
 - (g) the arrears of taxes due with respect to the assessed land or improvements; and
 - (h) the total taxes due with respect to the assessed land or improvements.
- (2) If a tax lien has been filed pursuant to any *Tax Enforcement Act* against the land in respect of which any portion of the taxes shown in the notice is due, the notice is to contain a statement to that effect.

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- (3) On completion of the mailing or delivering of all notices, the treasurer shall:
- (a) prepare a statement indicating that the notices have been mailed or delivered by him and their date of mailing or delivering; and
 - (b) sign the statement and attach it to the summary table, prepared pursuant to subsection 281(4);

and the statement is admissible in evidence as prima facie proof of the mailing or delivering of the notices on the date stated, without proof of the appointment or signature of the treasurer.

- (4) No defect, error or omission in the form or substance of the notice or statement required by this section, or in its service, transmission or receipt invalidates any subsequent proceedings for the recovery of taxes.
- (5) If a bylaw is passed providing for payment by instalment, allowing a discount or imposing an additional percentage charge, the tax notice is required to contain a written or printed concise statement of the time and manner of payment and of the discount allowed or the additional percentage charge imposed.
- (6) Where a person has been assessed pursuant to paragraph 244(1)(d)(i)(D) with respect to land that is owned by another person, the treasurer, at the time that he or she sends a notice pursuant to subsection (1) to the person assessed with respect to the land, shall mail a copy of the notice to the registered owner of the land.

1983-84, c.U-11, s.282; 1984-85-86, c.88, s.34;
1995, c.35, s.27; 1997, c.52, s.33; 2000, c.32,
s.43; 2001, c.46, s.50.

ADJUSTMENT OF TAX LEVY

Proration of tax levy

283(1) Repealed. 2000, c.32, s.44.

- (2) If construction of a building is commenced in any year and the building is assessed in that year, the amount levied on the assessment in that year is to be adjusted to correspond with the portion of the year following the date on which construction of the building was completed, unless the building or a portion of the building was occupied before that date, in which case the amount levied is to be adjusted to correspond with the portion of the year following the date of occupancy.
- (3) If a building has been assessed and is removed or demolished, the amount levied on the assessment in that year is to be adjusted to correspond with that portion of the year that elapsed before the completion of the removal or demolition.

1983-84, c.U-11, s.283; 2000, c.32, s.44.

Effect of appeals re assessments

284(1) If the assessment roll is confirmed before appeals to the board of revision, the Saskatchewan Municipal Board or the Court of Appeal have been disposed of, no amendment or alteration to the roll may be made except as provided for in section 268 or 269, but if a decision on appeal would result in a change or alteration in the assessment of land or improvements on the roll if the roll had not been confirmed, the urban municipality shall adjust the taxes on the land or improvements in accordance with the appeal decision and if:

- (a) the appeal decision cancels or reduces the assessment on the land or improvements, the urban municipality shall refund all or part of the taxes paid in excess of those required to be paid as a result of the appeal decision; or
- (b) the appeal decision establishes or increases the assessment on the land or improvements, the land or improvements are liable for and the urban municipality shall collect the amount of taxes that would be payable if the original assessment was that set by the appeal decision.

(2) Any taxes and penalties required to be paid as a result of an appeal decision are recoverable pursuant to this Act and *The Tax Enforcement Act*.

1983-84, c.U-11, s.284; 1989-90, c.5, s.13; 2000, c.32, s.45.

Compromise claims

285(1) A council may compromise or abate the whole or a part of a claim of the urban municipality for taxes or other indebtedness by any person to the urban municipality.

(1.1) Subject to subsection (1.2), where a council compromises or abates a claim of the urban municipality pursuant to subsection (1), the council may compromise or abate the same proportion of a claim of any other taxing authority, on whose behalf the urban municipality levies taxes pursuant to clause 279(1)(b), for taxes or other indebtedness by any person to that taxing authority.

(1.2) A council may only compromise or abate a claim of another taxing authority pursuant to subsection (1.1) where:

- (a) there has been a change in the land or improvements to the extent that the council considers it inappropriate to collect the whole or a part of the taxes;
- (b) a lease, licence, permit or contract has expired or been terminated with respect to land or improvements that are exempt from taxation;
- (c) in the council's opinion, the taxes owing are uncollectable;
- (d) in the council's opinion, the taxes owing have become uncollectable due to unforeseen hardship to the ratepayer; or
- (e) the council and other taxing authority agree that the compromise or abatement is in the best interests of the community.

(1.3) A council that compromises or abates a claim pursuant to subsection (1.1) shall provide the other taxing authority on whose behalf the urban municipality levies taxes pursuant to clause 279(1)(b) with full particulars of the compromise or abatement.

(1.4) Where a council compromises or abates a claim pursuant to subsection (1) or (1.1), the council may:

- (a) enter into an agreement for payment of any balance owing on any terms that may be agreed on;
- (b) refund any amount already paid; or
- (c) make any other arrangements that are satisfactory to the council.

(2) If:

- (a) a part of the area of the urban municipality has been subdivided in accordance with a registered plan and assessed in lots or blocks according to the subdivision;
- (b) the taxes on the whole or any portion of the subdivision remain unpaid after the expiration of the year for which the taxes were imposed; and
- (c) it appears to the council that the subdivision or the portion on which the taxes remain unpaid is not required for building purposes and will not be developed in the immediate future;

the council may compromise or abate the claim of the urban municipality for the unpaid taxes or refund any amount paid.

(3) When:

- (a) an urban municipality compromises or abates its claim for taxes;
- (b) arrears of taxes levied against the occupant of lands or improvements exempt from taxation become uncollectable and the urban municipality is unable to enforce their collection; or
- (c) an urban municipality makes a refund of taxes;

the urban municipality shall recover from or reduce the liability owing to the school division or conservation and development area, the school taxes or conservation and development taxes, respectively, remitted in the compromise or abatement or levied against such occupants and shall, subject to the consent of the Board of Revenue Commissioners, as the case may require, recover from or reduce the liability owing to the Minister of Finance by the proportion of any taxes compromised or abated.

1983-84, c.U-11, s.285; 1996, c.67, s.55; 2000, c.32, s.46; 2001, c.46, s.51; 2002, c.R-8.2, s.98.

285.1 Repealed. 2000, c.32, s.47.

Apportionment of certain licence fees

286 If a bylaw passed pursuant to clause 181(c) is in force, a percentage of the revenue from licence fees paid by the occupants of trailers or mobile homes equal to the percentage obtained by dividing the tax rate levied for school taxes by the total of the tax rates levied by the urban municipality for school and municipal purposes is to be paid by the council to the school division in which the trailers or mobile homes are located.

1983-84, c.U-11, s.286.

Apportionment of grants in lieu of taxes

287 Where grants are received:

- (a) from a corporation whose lands or improvements are exempt from taxation; or
- (b) from the Government of Canada or the Government of Saskatchewan or any agency of those governments;

with respect to lands or improvements exempt from taxation, and the grants are calculated on the basis of taxes that would be payable if the lands or improvements were not exempt, unless otherwise agreed by the council and the boards of the local governing bodies, the grants are to be apportioned between the urban municipality and the local governing bodies on whose behalf the urban municipality levies taxes in shares corresponding to their respective tax rates.

1983-84, c.U-11, s.287; 2000, c.32, s.48.

Apportionment of taxes where *Indian Act* exemption

287.1 Where, pursuant to the *Indian Act* (Canada), land or improvements become exempt from taxation during the year:

- (a) any taxes payable to that date with respect to the land or improvements are to be apportioned between the council and the other taxing authorities on whose behalf the urban municipality levies taxes, in shares corresponding to their respective tax rates;
- (b) any taxes paid in excess of the taxes payable to that date with respect to the land or improvements are to be rebated to the previous owner of the land or improvements by the council and the other taxing authorities on whose behalf the urban municipality levies taxes, in shares corresponding to their respective tax rates; and
- (c) any taxes that would have been due after that date with respect to the land or improvements are abated between the council and the other taxing authorities on whose behalf the urban municipality levies taxes, in shares corresponding to their respective tax rates.

2000, c.32, s.49.

Separate school divisions

288(1) If a separate school division is established in a school division:

- (a) the revenue to be paid for school purposes pursuant to sections 286 and 287 is to be divided in the proportions and manner prescribed in section 302 of *The Education Act, 1995*; and
 - (b) the council shall pay the appropriate amounts to each school division or separate school division entitled to receive school taxes.
- (2) Section 291 of *The Education Act, 1995*, or sections 299 to 306 of that Act, as the case may require, apply, with any necessary modification, to the payments made pursuant to subsection (1).

1999, c.11, s.18.

Apportionment of legal costs

289(1) An urban municipality that has incurred reasonable costs to enforce the payment of taxes, other than under *The Tax Enforcement Act*, that are not recoverable from the person who owed the taxes, may apportion the costs between the urban municipality and the other taxing authorities on whose behalf the urban municipality levied the taxes in shares corresponding to the respective amounts of taxes collected on behalf of the urban municipality and the taxing authorities.

(2) This section does not apply to any remuneration paid to an employee of the urban municipality.

1983-84, c.U-11, s.289; 1997, c.52, s.34.

Discharge of tax lien

290 If lands or improvements with respect to which taxes are levied are subject to an interest based on a tax lien registered pursuant to any *Tax Enforcement Act*, the treasurer shall discharge the registration of that interest on compromise, abatement or payment of all amounts in arrears with respect to taxes that were levied before and after the registration of that interest”.

2000, c.L-5.1, s.548.

Special assessments

291 In each year in which a portion of the balance of special assessments becomes due and payable, the treasurer shall transfer that portion to the tax roll and the amount so transferred is deemed to be taxes imposed against the lands in that year.

1983-84, c.U-11, s.291.

Statement of account re school taxes

292 On or before January 15 in each year, the treasurer of every urban municipality shall transmit to the board of education of each school division situated wholly or partly within the urban municipality or to the board of education of any school division in which the urban municipality is wholly or partly situated a statement, in the form prescribed by the minister, of the account of the urban municipality with the school division as at December 31 in the preceding year, showing in detail any amounts to be recovered or reduced from the liability owing to the school division.

1983-84, c.U-11, s.292

293 Repealed. 2000, c.32, s.50.

COLLECTION OF TAXES

Manner of payment

294(1) A council may, by bylaw:

- (a) subject to *The Local Improvements Act, 1993* require payment of taxes, including local improvement charges, school taxes and all other taxes, to be made by the taxable person on or before any specified day, in full or by instalments;
 - (b) provide that, on punctual payment of any instalment, the time of payment of the remainder may be extended to a day or days to be named in the bylaw;
 - (c) provide that, in default of payment of any instalment by the day named for payment, any subsequent instalments are immediately payable.
- (2) If a bylaw passed pursuant to subsection (1) requires payment of taxes or any instalment of taxes to be made on or before any specified days, the council may also provide for the imposition of an additional percentage charge as a penalty for default in payment, which penalty charge may be based on a sliding scale corresponding with the period of time for which the default continues, and may provide for a minimum penalty charge.
- (3) The penalty charge is to be added to, and thereby forms part of, the taxes.
- (4) If a bylaw passed pursuant to subsection (1) provides for payment of taxes by instalments, any instalment payable prior to the completion of the tax roll is to be estimated by dividing the amount of the taxes levied against the land or improvements in question for the preceding year by the number of the instalments in which the taxes for the current year are payable.
- (5) A council, by bylaw, may:
- (a) allow a percentage discount for the prompt payment of the current year's taxes, or if the bylaw expressly provides, of local improvement special assessments, at a rate not exceeding the rate prescribed by the minister for any:
 - (i) taxes or class or classes of taxes;
 - (ii) instalment of taxes or class or classes of instalments of taxes; or
 - (iii) period or periods of time;
 - (b) subject to clause (a), provide that the discount may be varied to apply at different rates to different classes of taxes or any instalments of taxes or to different periods of time.

1983-84, c.U-11, s.294; 1989-90, c.63, s.6; 1993, c.L-33.1, s.68; 2000, c.32, s.51.

Prepayment

295(1) Notwithstanding that the taxes for a year have not been levied or that the assessment roll has not been adopted by a council, the council may, by bylaw, authorize the treasurer:

- (a) to receive, in any year, payments on account of taxes for that year in advance of the day that may be fixed by bylaw for the payment of those taxes;
 - (b) to allow a discount on payments made in accordance with clause (a) at a rate not exceeding the rate prescribed by the minister for any:
 - (i) payments or class or classes of payments mentioned in clause (a);
 - (ii) period or periods of time;
 - (c) to issue a receipt or a receipted tax notice.
- (2) The treasurer shall enter in the tax roll opposite the respective items on account of which the payments are made, the amount of each payment and the number of the receipt.

1983-84, c.U-11, s.295; 1984-85-86, c.88, s.35;
1989-90, c.63, s.7; 1997, c.52, s.36.

Arrears

296(1) Taxes that remain unpaid after December 31 in the year in which they are imposed are arrears of taxes.

- (2) A council may, by bylaw, provide that a percentage penalty be added to, and thereby form part of, arrears of taxes.
- (3) If the whole or any portion of the combined amount of arrears of taxes and penalty remains unpaid on December 31 of any year after the year in which the taxes are imposed, a council may, by bylaw, provide that an additional penalty to the penalty imposed pursuant to subsection (2) be added to, and thereby form part of, the arrears of taxes and penalty for each succeeding year.
- (4) A council, by bylaw, may allow a rebate or percentage discount for payment of the whole or a portion of the arrears of taxes in an amount or at a rate not exceeding the rate prescribed by the minister for any:
- (a) arrears of taxes or class or classes of arrears of taxes and penalties; or
 - (b) period or periods of time.
- (5) Nothing in this section is to be construed to extend the time for payment of taxes or in any way to impair the right of distress or any other remedy provided in this Act for the collection of taxes.
- (6) If a person pays only a portion of the taxes owing by him or her with respect to any land or improvements, the treasurer shall:
- (a) first apply the amount in payment of any arrears of taxes due from the person with respect to the land or improvements; and

(b) apportion the amount paid between the urban municipality and any other taxing authorities on whose behalf the urban municipality levies taxes in shares corresponding to their respective tax rates for current taxes and to the amount of taxes in arrears owed by the person.

(6.1) Subsection (6) applies whether the taxes were levied pursuant to section 279, 279.4 or 279.5.

(7) Subject to subsection (8), the council may set any percentage penalty or additional penalty provided for by bylaw pursuant to subsections (2) or (3) to increase at regular intervals over time as long as the arrears of taxes or penalty remains unpaid.

(8) The percentage penalty or additional penalty mentioned in subsection (7) shall not exceed any maximums prescribed by the minister for any percentage penalty or additional penalty.

1983-84, c.U-11, s.296; 1989-90, c.63, s.8; 1992, c.79, s.14; 1995, c.35, s.28; 2000, c.32, s.52.

Arrears of certain costs and expenses

296.01 The costs and expenses mentioned in subsection 19(1.2) of *The Tax Enforcement Act* that remain unpaid after December 31 in the year in which they are imposed are to be considered as part of the arrears of taxes and are subject to the penalties mentioned in sections 294 to 296 of this Act.

1998, c.42, s.26.

Certain bylaws deemed to allow etc., prescribed discounts, etc.

296.1 Any bylaw passed prior to the coming into force of this section pursuant to clause 294(5)(a) or 295(1)(b) or subsection 296(4) which allows or authorizes the allowance of a percentage discount, discount or rebate for any taxes, instalments, payments or arrears of taxes and penalties at a rate or in an amount that exceeds the rate or amount prescribed by the minister for the taxes, instalments, payments or arrears of taxes and penalties is deemed, on and from January 1, 1990, to allow or authorize a percentage discount, discount or rebate for the taxes, instalments, payments or arrears of taxes and penalties at the rate or in the amount prescribed as the maximum for it by the minister until the bylaw is amended or repealed.

1989-90, c.63, s.9.

Proof of taxes

297 The production of a copy of the portion of the tax roll that relates to the taxes payable by any person in the urban municipality, certified as a true copy by the treasurer, is admissible in evidence as prima facie proof that the taxes are owing.

1983-84, c.U-11, s.297.

Tax certificates, statements and searches

297.1(1) The treasurer or assessor shall, on request, furnish a certificate under his hand and the seal of the municipality showing the taxes due in respect of any parcel of land and the amount required to redeem the land from any tax lien.

(1.1) The treasurer or assessor shall, on request, include a statement on the certificate mentioned in subsection (1) indicating whether or not there is an outstanding assessment appeal regarding the property before the board of revision or the Saskatchewan Municipal Board.

(2) A certificate issued pursuant to subsection (1) or (1.1) is deemed to have been properly executed and is binding on the municipality.

(3) The treasurer or assessor shall, on the request of any person, search the assessment or tax rolls or furnish a statement of taxes.

(3.1) The treasurer or assessor who:

- (a) furnishes a certificate pursuant to subsection (1);
- (b) pursuant to subsection (3), searches the assessment or tax rolls or furnishes a statement of taxes;

shall include in the certificate or statement or in the results of the search:

- (c) the amount of any local improvement special assessment:
 - (i) due with respect to any parcel of land; or
 - (ii) shown on a special assessment roll for a local improvement but not at that time certified by the assessor; and
- (d) notice of any intention to undertake a local improvement that the Saskatchewan Municipal Board has approved and that may affect the land.

(4) The fee to be charged for furnishing a certificate or statement or making a search pursuant to this section is the amount set by the council, by bylaw, and the fees collected form a part of the revenues of the urban municipality.

(5) Any fee set by the council pursuant to subsection (4) is subject to any maximum fee prescribed by the minister for the purposes of that subsection.

1984-85-86, c.18, s.19; 1989-90, c.63, s.10; 1994, c.48, s.15; 2000, c.32, s.53.

Limitation on recovery of tax payments

297.2(1) In this section, “**action**” means an action for the return by an urban municipality of any moneys paid to it, whether under protest or otherwise, on account of a claim made on behalf of the urban municipality for taxes, whether the claim is valid, invalid or void.

(2) Notwithstanding *The Limitations Act* but subject to any other provision of this Act, no action shall be commenced after the expiration of six months from the date of payment of the moneys.

(3) After the six-month period mentioned in subsection (2) has expired without an action being commenced, the payment made to the urban municipality is deemed to be a voluntary payment.

1995, c.35, s.29; 2004, c.L-16.1, s.85.

ENFORCEMENT OF COLLECTION OF TAXES

From whom taxes recoverable

298 The taxes due on any land or improvements may be recovered from any owner or tenant originally liable for the taxes, and from any subsequent owner of the whole or any part of the land or improvements.

1983-84, c.U-11, s.298.

Lien for taxes

299(1) The taxes due on any land or improvements are a lien on the land or improvements and are collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of any person, except that of the Crown, and the lien and its priority is not lost or impaired by any neglect, omission or error of any municipal employee.

(2) **Repealed.** 2000, c.32, s.54.

1983-84, c.U-11, s.299; 2000, c.32, s.54.

299.1 Repealed. 2000, c.32, s.55.

Rents

300(1) When taxes are due on any land or improvement occupied by a tenant for which the owner is liable, the treasurer may give the tenant notice in writing requiring him to pay to the treasurer the rent of the land or improvement as it becomes due to the amount of the taxes due and unpaid, including costs.

(2) The treasurer has the same authority as the landlord of the land or improvement would have had to collect the rent by distress, or otherwise, to the amount of the unpaid taxes and costs.

(3) Nothing in this section prevents or impairs any other remedy for the recovery of the taxes from the tenant or from any other person liable for their payment.

(4) The notice mentioned in subsection (1) may be given:

- (a) at any time, if the taxes due are in arrears; or
- (b) after the notice required by section 282 has been mailed in respect of the land or improvement occupied by the tenant, if the taxes are due but not in arrears;

and the treasurer shall serve a copy of the notice on the landlord.

(5) Out of the moneys received by the treasurer pursuant to this section, the council may authorize the expenditure of any sums that it considers fit for the purpose of supplying the tenant with heat or providing any other service that, but for the notice, would have been supplied by the landlord of the land or improvement.

(6) The treasurer may, and on receipt of a written request from the assessed owner of the land or improvement the treasurer shall, from moneys received by him pursuant to this section, pay to the insurer the amount of the premium in respect of any insurance on improvements on the land, to the extent of the insurable value of the improvements.

(7) The council may authorize the treasurer to insure the interest of the urban municipality in all or any improvements on land in respect of which rent is payable to the urban municipality pursuant to this section against loss of or damage to the extent of all taxes that may be due at the time of any such loss or damage, including costs, and the treasurer may pay the premium in respect of the insurance out of moneys received pursuant to this section, and the insurance inures solely to the benefit of the urban municipality and is subject to the following provisions:

- (a) the insurance is not to be construed as “other insurance” on the improvement or interest described in the contract or to be brought into contribution with any other insurance insuring the urban municipality;
- (b) the insurer has the right of entry and control as against all persons, including the tenant, for the purposes enumerated in the statutory conditions of fire contracts respecting entry, control and abandonment; and
- (c) the insurer has the right of subrogation conferred by the statutory conditions of fire contracts.

(8) Sums expended by the treasurer in accordance with subsections (5), (6) and (7) may be deducted by him from moneys received pursuant to this section, in which case only the balance of moneys so received are to be applied to the unpaid taxes.

(9) If a landlord has appointed an agent to receive or collect the rent of land or improvements in respect of which a notice has been given by the treasurer pursuant to subsection (1), the treasurer may give the agent notice in writing requiring him:

- (a) to account to the treasurer for all rents received by him in respect of the land or improvements; and
- (b) to pay to the treasurer all those rents, less a reasonable charge for commission on collection and other necessary expenses;

and, after receipt of the notice, the agent is personally liable to the urban municipality for all rents received by him and not paid to the treasurer as required.

(10) Nothing done by the treasurer pursuant to this section is to be construed as entry into possession of the land or improvements by the urban municipality, and the urban municipality is not accountable for any moneys, except those actually received by it, and is not under any liability by reason of any act done pursuant to this section.

(11) A tenant may deduct from his rent any taxes paid by him to the treasurer pursuant to this section, other than taxes that he is required to pay under the terms of his tenancy, and any amount so deducted is deemed to be payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

Insurance proceeds

301(1) If improvements are damaged or destroyed and taxes in respect of the improvements of the land on which they are or were situated are unpaid, the amount payable to any person under a policy of insurance on the improvements is to be paid on demand, to the extent of the unpaid taxes, by the insurer to the urban municipality, and, in default, the urban municipality may sue for and recover from the insurer the amount of the unpaid taxes.

(2) Subsection (1) applies only to the extent of the amount payable under the policy of insurance and only to the portion of that amount not used or to be used in or toward rebuilding, reinstating or repairing the improvements damaged or destroyed or in or toward acquiring, setting up and repairing another building to take the place of a building totally or substantially destroyed.

1983-84, c.U-11, s.301; 1984-85-86, c.18, s.20.

Distress

302(1) If a person fails to pay his or her taxes within 30 days after the date on which the notice mentioned in section 282 is mailed or delivered to that person or to that person's agent, the treasurer may collect the taxes with costs, by distress and sale of:

- (a) the goods and chattels of the person who ought to pay the taxes, wherever found within the urban municipality;
- (b) any goods and chattels in the possession of a person described in clause (a) wherever found within the urban municipality;
- (c) subject to subsection 300(1), any goods and chattels that are found on the land or improvements in respect of which the taxes have been levied and that are the property of or in the possession of any occupant of the land or improvements except a tenant;
- (d) **Repealed.** 2000, c.32, s.56.

and the costs chargeable are the same as those allowed pursuant to *The Distress Act*.

(2) Notwithstanding any other provision of this section:

- (a) no distress or sale is to be made of goods or chattels that are the subject of a valid and subsisting lien in favour of a vendor for their price or a part of their price, but the interest only of the defaulter, or of any other occupant of the land or improvements other than the vendor, in the goods and chattels is liable to distress and sale;
- (b) no goods that are in the possession of the person liable to pay taxes for the purposes only of storing and warehousing the goods, or of selling them on commission, or as agent, is to be levied on or sold for the taxes.

(3) The goods and chattels exempt by law from seizure under execution are not liable to seizure by distress for taxes unless they are the property of the person taxed.

(4) A person who claims an exemption pursuant to subsection (3) shall select and point out the goods and chattels with respect to which he claims exemption.

- (5) A treasurer attempting to effect seizure of goods or chattels has the same right as a landlord under *The Landlord and Tenant Act* to break open and enter a building, yard or place to which goods or chattels liable to seizure have been fraudulently or clandestinely conveyed, and to take and seize the goods and chattels as he might otherwise have done.
- (6) The person effecting seizure of goods and chattels shall give notice of the seizure to the defaulter by personal service or by leaving a copy of the notice with any adult member of the family of the defaulter at his home or, if the defaulter or such member of his family cannot be found, by posting a copy of the notice on some conspicuous part of the land or improvements.
- (7) The treasurer may release goods and chattels held under seizure whether or not any part of the claim in respect of which seizure was made has been satisfied, without prejudice to the urban municipality's right to recover, by distress or otherwise, for the claim or the balance of the claim.
- (8) Where goods or chattels are released by the treasurer pursuant to subsection (7), he shall immediately post a notice, signed by him, of the release in a conspicuous place in the municipal office and on the land or improvements where the goods or chattels were seized.
- (9) The treasurer shall, by advertisement posted in a conspicuous place on the land or improvements where the goods and chattels were seized and published in a newspaper circulating in the urban municipality, give at least 10 days' notice of the time and place of sale and of the name, if known, of the person liable for taxes or whose property is to be sold, and at the time stated in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained, or as much of the goods and chattels as may be necessary to pay the taxes due with all lawful costs, including the costs of posting and publishing notices.
- (10) Notwithstanding *The Auctioneers Act*, no person selling goods or chattels pursuant to subsection (9) is required to obtain an auctioneer's licence for the purpose of the sale.
- (11) Where any goods and chattels distrained are of a perishable nature, it is not necessary to give 10 days' notice of their sale and in that case the treasurer shall, in the manner mentioned in subsection (9), give any notice of the sale that he considers expedient, having regard to the circumstances.
- (12) The urban municipality may bid at the sale up to the amount due for taxes and costs and may become the purchaser of the goods and chattels distrained or of any portion of them.
- (13) If the property distrained is sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he is entitled by lien or other right to the surplus, the surplus is to be returned to the person in whose possession the property was when the distress was made.
- (14) If a claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus is to be paid to the claimant.

(15) If a claim to the surplus described in subsection (13) is contested, the surplus is to be paid over by the treasurer to the local registrar of the Court of Queen's Bench acting at the judicial centre at which, or nearest to which, the urban municipality is situated, who shall retain the money until the respective rights of the parties have been determined by action at law or otherwise.

1983-84, c.U-11, s.302; 1988-89, c.61, s.33;
1997, c.52, s.37; 2000, c.32, s.56.

303 Repealed. 2000, c.32, s.57.

Licence fees

304(1) The treasurer or his agent may levy a licence fee that remains unpaid for 14 days after it becomes payable, with costs, by distress on the licensee's goods and chattels or on the licensee's interest in goods and chattels and section 302 applies *mutatis mutandis*.

(2) Notwithstanding subsection (1), if the treasurer has reason to believe that any person is about to move out of the urban municipality goods and chattels that, but for their removal, would in the hands of that person become subject to distress for a licence fee, the treasurer may make an affidavit to that effect before the mayor or a justice of the peace and the mayor or justice may issue a warrant to the treasurer authorizing him to levy for the licence fee, costs and expenses notwithstanding that the period of 14 days described in subsection (1) may not have expired, and the treasurer may levy accordingly.

1983-84, c.U-11, s.304.

Priority of distress

305 A distress for taxes that are not a lien on land or improvements or for a licence fee has priority over a distress for rent by the landlord of the land or improvements occupied by the person taxed or licensed, notwithstanding that the landlord's seizure may be prior in point of time.

1983-84, c.U-11, s.305.

Personal property in hands of persons other than debtor

306(1) If personal property liable to seizure for taxes is:

- (a) under seizure or attachment;
- (b) has been seized by the sheriff or by a bailiff;
- (c) claimed by or in possession of any assignee for the benefit of creditors or a liquidator, receiver or trustee; or
- (d) has been converted into cash and is undistributed;

the treasurer shall give notice of the amount due for taxes to the sheriff, bailiff, assignee, liquidator, receiver or trustee who shall pay the amount of the taxes to the treasurer in preference and priority to all other fees, charges, liens or claims whatever, except the payment of any fees of a sheriff or bailiff making a seizure.

(2) Goods in the hands of an executor, administrator, receiver, trustee or liquidator pursuant to a winding-up order are liable only for the taxes that were assessed against the deceased owner or company that is being wound up prior to the date of the death of the owner or of the date of the authorized assignment, receiving order or winding up order, while the executor, administrator, receiver, trustee or liquidator occupies the land or improvements, or while the goods remain on the land or in or on the improvements, and all such taxes are a preferential lien and charge on the goods, and on the proceeds of their sale, in priority to every claim, privilege, lien or encumbrance of any person, except that of the Crown.

1983-84, c.U-11, s.306.

Demolition or removal of certain improvements prohibited

307(1) In this section, “**improvement**” includes any part of an improvement.

(2) No owner shall demolish or remove, or cause to be demolished or removed, any improvement with respect to which there are taxes outstanding or that is situated on land with respect to which there are taxes outstanding, without the prior written consent of the urban municipality.

(3) If a person is convicted of a contravention of subsection (2), the convicting judge may assess and order damages against that person to an amount not exceeding the outstanding taxes.

(4) If an improvement is demolished or removed contrary to subsection (2), within 12 months after the date of demolition or removal, the urban municipality may, by its authorized bailiff:

(a) seize the improvement in its new situation, and for that purpose enter on the land to which the improvement has been removed for the purpose of severing it from the land, if necessary, and removing it, in which case the improvement is to be restored to its former position; or

(b) distrain on the improvement for the unpaid taxes and costs and sell the improvement in the same manner that chattels distrained for taxes may be sold.

(5) The expenses necessarily incurred in seizing and restoring the improvement may be added to the tax roll and collected in the same manner as taxes.

1998, c.42, s.27.

Buildings on Crown lands

308(1) Notwithstanding any other provision of this Act or any provision of any other Act if:

(a) Crown land in an urban municipality is held pursuant to an agreement for sale;

(b) buildings are erected or placed on the land by the purchaser of his agent; and

(c) taxes levied by the urban municipality in respect of occupancy of the land pursuant to the agreement remain unpaid;

the buildings may be sold and disposed of for those taxes at the same time and in the same manner as chattels distrained for taxes may be sold and disposed of and section 302 applies *mutatis mutandis*.

(2) The purchaser of a building sold and disposed of pursuant to subsection (1) has a free right of entry on the land on which the building stands for the purpose of severing it from the land, if necessary, and of removing it.

(3) The urban municipality may bid at the sale up to the amount due for taxes and costs and may become the purchaser of the building.

1983-84, c.U-11, s.308.

OTHER TAXES

Privy tax

309 A council may, by bylaw, charge to all assessed owners or occupants of land or improvements, whether otherwise exempt from taxation or not, on which privies or septic tanks or other similar devices exist for the disposal of wastes, whether used or not, a fixed sum per privy, tank or other device per annum to cover the cost of removing the contents, and that sum may be added to the tax roll as a special assessment:

- (a) against the land or improvements of those owners; or
- (b) if the land or improvements is exempt from taxation, against the occupants, in which case the charge is recoverable in the same manner as other taxes that are not a lien on land or improvements.

1983-84, c.U-11, s.309.

Amusement tax

310(1) In this section:

- (a) **“owner”** means a person operating a place of amusement in the urban municipality;
- (b) **“place of amusement”** means a place where an exhibition or entertainment is given or game played and an entrance or admission fee is charged or collected.

(2) A council may, by bylaw, require that every person attending a place of amusement shall pay a tax on each admission to a place of amusement, which tax may vary with the amount of the entrance or admission fee or by category of place of amusement.

(3) A council may, by the same or another bylaw, make rules for the collection, proper accounting and due payment of the amusement tax, and without restricting the generality of the foregoing, may:

- (a) require that the tax be collected by the owners of places of amusement by means of tickets or otherwise in a form approved by the urban municipality;
- (b) allow the owners a commission on the sale of tickets or the amount of tax collected;
- (c) require the owners to deface tickets sold pursuant to this section in any manner that may be approved by the urban municipality and to place at an entrance of their respective places of amusement receptacles for receiving the tickets so defaced;

- (d) authorize inspectors or police officers to enter places of amusement to ascertain whether the bylaw is being observed and to place in the lobby or elsewhere notices concerning the tax;
 - (e) exempt certain persons and the persons attending certain classes of entertainment from paying the tax;
 - (f) require the owners to make returns in a form approved by the urban municipality, showing the number of admissions to their respective places of amusement, the entrance or admission fees paid, the amount of tax collected and any other information that may be considered necessary;
 - (g) require the owners to pay the amount collected to the treasurer after each performance or entertainment or at any times and in any manner that may be considered advisable.
- (4) The council may accept from the owner a sum in lieu of the tax and may exempt persons attending the place of amusement from payment of the tax.

1983-84, c.U-11, s.310.

Special municipal services

311(1) A council may, by bylaw passed in the year of the work, provide for any or all of the following special services to all or part of the urban municipality:

- (a) snow removal, other than general snow removal services provided by the urban municipality;
 - (b) placing and maintaining:
 - (i) a dustless surface or partially dustless surface by means of any substance used to control dust;
 - (ii) gravel; or
 - (iii) gravel and a dustless or partially dustless surface;
 - (c) lane or alley maintenance and reconstruction.
- (2) A council may, by the bylaw mentioned in subsection (1):
- (a) charge to the assessed owners of land benefitting from a special service the cost of the special service:
 - (i) based on the total cost of providing the special service to the urban municipality as estimated by the engineer; and
 - (ii) apportioned by the council to each assessed owner benefitting from the special service; and
 - (b) exempt any land from the charge mentioned in clause (a).
- (3) The charge pursuant to subsection (2) is to be assessed:
- (a) on a frontage or area basis without reference to the width of the street; or
 - (b) in any other manner that the council considers advisable.

(4) The charge pursuant to this section is to be added to the tax roll as a special assessment against the land and is recoverable in the same manner as other taxes that are a lien on land.

2001, c.46, s.52.

Spur tracks

312(1) A council may charge against every parcel of land abutting on a main spur track, whether the parcel has branch spur service from the main spur or not, and against every parcel having a branch spur connection with a main spur, a fixed rate per metre per annum based on the frontage of the main spur and on the frontage of land served by the main spur, to cover the costs of and incidental to the construction, maintenance, operation and renewal of the main spur, including the costs of closing streets or lanes and of acquiring a right of way as provided for in section 165 and the annual rental to be paid to the railway company for the use of its steel.

(2) The rate is to be specially assessed against the land liable for it and entered in the tax roll as an annual charge during the existence of the service and is recoverable in the same manner as other taxes that are a lien on land.

(3) There is a right of appeal against an assessment to the board of revision and to the Saskatchewan Municipal Board, in the same manner and by the same procedure, as nearly as may be, as in the case of an appeal against a special assessment for a local improvement as provided in *The Local Improvements Act, 1993*.

(4) Subject to the right of appeal provided by subsection (3), the council may, for the purpose of fairly adjusting the share of the costs of and incidental to the construction, maintenance, operation and renewal of any system of main spur tracks, from time to time by bylaw order that the annual charges against owners of land abutting on or served by the system is to be as set out in the bylaw, and subsections (2) and (3) apply to the adjusted charges.

1983-84, c.U-11, s.312; 1989-90, c.5, s.13; 1993, c.L-33.1, s.68.

Encroachments

313(1) Notwithstanding any other provision of this Act, a council may:

- (a) permit areas, openings, pipelines for the purpose of conducting steam or heat, other structures or any encroachment to be made, constructed or placed in or under or over the sidewalks or streets of the urban municipality;
- (b) determine the terms and conditions on which the areas, openings, pipelines, other structures or encroachments are to be made, constructed, placed, maintained and used;
- (c) make an annual or other charge for the privilege conferred and for the use of the areas, openings, pipelines, other structures or encroachments, in any amount that the council may consider reasonable.

(2) The sums may be added to the tax roll as a special assessment against the lands in connection with which the areas, openings or encroachments are made or constructed, or against the lands owned by the owners of the pipelines, other structures or encroachments and in such cases, those sums are recoverable in the same manner as other taxes that are a lien on land.

(3) The owners of the lands abutting the areas, openings, structures or encroachments and the owners and users of the pipelines are directly responsible to any person or corporation, including the urban municipality, sustaining damages through any cause on account of the construction, erection or placing, or the covering or lack of covering or protection of the areas, openings, pipelines, other structures or encroachments and the owners and users shall indemnify and save harmless the urban municipality of and from all damages and costs caused by or on account of the erection, construction, maintenance or use or by reason of any failure on the part of any person to maintain, protect or cover the areas, openings, pipelines, structures or encroachments.

(4) Neither this section nor any permission or privilege in respect of such areas, openings, pipelines, structures or encroachments granted by the urban municipality pursuant to this section interfere with any liability created or existing pursuant to this Act, or with the remedies over provided by this Act, nor does this section or the permission or privilege create any vested right in any such area, opening, pipe line, structure or encroachment.

1983-84, c.U-11, s.313.

PART XIII

Miscellaneous

ACTIONS BY AND AGAINST URBAN MUNICIPALITIES

Non-liability re acts of God

313.1 No urban municipality is liable in an action based on nuisance for loss or damage suffered by any person by reason of the overflow of water in sewers, road drains or ditches or in sewers, drains, ditches or watercourses into which they flow, if the overflow is caused by an extraordinary natural event.

1984-85-86, c.88, s.37.

Action re duty of repair and nuisance

314(1) Notwithstanding *The Limitations Act*, no action is to be brought against an urban municipality for the recovery of damages:

- (a) after the expiration of one year from the time when the damages were sustained, and no such action is to be continued unless service of the statement of claim is made within that one-year period; and
- (b) with respect to a street that, pursuant to subsection 153(1), is under the direction, management and control of a council, unless notice in writing of the claim and of the injury complained of is served on the mayor or clerk within 30 days after the happening of the injury.

- (2) An action is not barred:
- (a) by the failure to give or the insufficiency of a notice given pursuant to clause (1)(b), if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the urban municipality is not thereby prejudiced in its defence; or
 - (b) by the failure to give a notice pursuant to clause (1)(b) in case of the death of the person injured.
- (3) No action is to be brought for the recovery of damages occasioned by the urban municipality's default in its duty of repair against any member of the council, member or employee of any board, association, commission or other organization established pursuant to this Act by a council or municipal employee.
- (4) Subsection (3) does not affect the liability of a mere contractor with the urban municipality, nor of any official or employee of any such contractor, by reason of whose act or neglect the damage was caused.
- (5) Except in the case of gross negligence, an urban municipality is not liable for personal injury caused by snow or ice on a sidewalk or an extension of a sidewalk used as a street crossing.
- (6) **Repealed.** 1984-85-86, c.88, s.38.

1983-84, c.U-11, s.314; 1984-85-86, c.18, s.21;
1984-85-86, c.88, s.38; 2004, c.L-16.1, s.85.

Municipalities liable jointly

- 315(1)** If an urban municipality and an adjacent municipality are jointly liable for keeping a street, bridge or stream in repair, contribution is required between them as to the damages sustained by any person by reason of their default in so doing.
- (2) An action by any such person is to be brought against the municipalities jointly and either of them may require that the proportions in which damages and costs recovered in the action are to be borne by them is to be determined in the action.
- (3) In settling the proportions, either in the action or otherwise, regard is to be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered, and the damages and costs are to be apportioned between them accordingly.

1983-84, c.U-11, s.315.

Third parties

316(1) Where an action is brought to recover damages sustained by reason of an obstruction, excavation or opening in or near a highway, street, bridge, alley, square or other public place, that is placed, made, left or maintained by a person other than an employee or agent of an urban municipality, or by reason of a negligent or wrongful act or omission of a person other than an employee or agent of the urban municipality, the urban municipality has a remedy over against the other person for, and may enforce payment of any damages and costs that the plaintiff in the action may recover against the urban municipality, if:

- (a) the other person is a party to the action; and
- (b) it is established in the action as against the other party that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by him.

(2) The urban municipality may have the other person mentioned in subsection (1) added as a party defendant or third party, if he is not already a defendant, for the purposes of the remedy over, and the other person may defend the action as well against the plaintiff's claim as against the claim of the urban municipality to a remedy over, and the judge on the trial of the action may order that costs be paid by or to any of the parties to the action or in respect of any claim set up in the action as in other cases.

(3) If the other person mentioned in subsection (1) is not a party defendant or is not added as a party defendant or third party, or if the urban municipality has paid the damages before recovery in an action against the urban municipality, the urban municipality has a remedy over by action against that person.

(4) The other person mentioned in subsection (1) is deemed to admit the validity of a judgment obtained against the urban municipality only where a notice has been served on him pursuant to *The Queen's Bench Act, 1998* or The Queen's Bench Rules, or where he has admitted or is estopped from denying the validity of the judgment.

(5) Where the notice mentioned in subsection (4) is served and there is no admission or estoppel and the other person is not made a party defendant or third party to the action against the urban municipality, or where damages have been paid without action or without recovery of judgment against the urban municipality, the liability of the urban municipality for the damages, and the fact that the damages were sustained under circumstances that entitle the urban municipality to the remedy over, must be established in the action against that person to entitle the urban municipality to recover in the action.

Rights of action by urban municipality

317 Without limiting any other remedy provided by this Act, where duties, obligations or liabilities are imposed by law on a person in favour of an urban municipality or all or some of the inhabitants of the urban municipality, or where contracts or agreements are or have been entered into imposing such duties, obligations or liabilities, the urban municipality has the right by action to enforce them and to obtain as complete and full relief and remedy as could be obtained by the Minister of Justice as plaintiff, or as plaintiff on the relation of any person interested, or in an action by one or more of those inhabitants on their own behalf or on behalf of themselves and of those inhabitants.

1983-84, c.U-11, s.317; 1998, c.42, s.28.

Action re illegal bylaw

318 No action is to be brought for anything done pursuant to a bylaw or resolution that is illegal in whole or in part until one month after the bylaw or resolution or the illegal part of the bylaw or resolution is quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the urban municipality, and every such action is to be brought against the urban municipality alone and not against a person acting pursuant to the bylaw or resolution.

1983-84, c.U-11, s.318.

Limitation of actions

319(1) Repealed. 1984-85-86, c.88, s.39.

(2) Notwithstanding *The Limitations Act*, there is no limitation on the time within which a urban municipality may commence action or take proceedings for the recovery of taxes or any other debt due to the urban municipality pursuant to this Act.

1983-84, c.U-11, s.319; 1984-85-86, c.88, s.39;
2004, c.L-16.2, s.85.

Defects, etc., not invalidating

320 No proceedings of the council, of any committee of the council or of any person acting as chairman or member of the council or of a committee are invalid by reason of any defect in his appointment or election or by reason of his disqualification.

1983-84, c.U-11, s.320.

Civil liability for damage to land or improvements

321(1) An urban municipality is civilly liable for damages if any land or improvements are injuriously affected by the exercise of any of the powers conferred on it in this or any other Act with respect to the construction of any municipal public work, to the extent of the amount of the injury done, less any increased value to other lands and improvements of the claimant resulting from the exercise of such powers.

(2) Subject to subsection (3), if the amount of compensation for damages is not agreed on, the amount is to be determined by a judge, on application to him by either party, in which case subsections 7(2) and (3) of *The Municipal Expropriation Act* apply *mutatis mutandis*.

(3) By agreement of all parties concerned, the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection 8(1) of *The Municipal Expropriation Act*, in which case subsections 8(2), (3) and (4) of that Act apply *mutatis mutandis*.

(4) Subject to subsection (5), a claim by any person in respect of damages mentioned in this section is to be made in writing, with particulars of the claim, within one year after the injury is sustained or after it becomes known to that person, and if not so made the right to the compensation for damages is forever barred.

(5) In the case of a minor, a mentally incompetent person or a person of unsound mind, the claim is to be made within one year, or within one year after he ceases to be under the disability, whichever is longer, or, in case of his death while under disability, within one year after his death, and if not so made the right to compensation for damages is forever barred.

1983-84, c.U-11, s.321; 1984-85-86, c.88, s.40.

EXECUTIONS AGAINST URBAN MUNICIPALITIES

Procedure

322(1) A writ of execution against a urban municipality may be endorsed with a direction to the sheriff at the judicial centre at which, or nearest to which, the urban municipality is situated, to levy the amount of the writ in accordance with the other provisions of this section.

(2) The sheriff shall deliver a copy of the writ and endorsement to the treasurer with a statement in writing of the amount required to satisfy the execution, including sheriff's fees and interest, calculated to a date as near as is convenient to the date of service.

(3) If the amount required to satisfy the execution, with interest from the date mentioned in the statement, is not paid to the sheriff within 30 days after delivery of the writ to the treasurer, the sheriff shall examine the assessment roll of the urban municipality and shall, in a manner similar to that by which rates are struck for general municipal purposes, strike a rate sufficient to cover the amount claimed together with the amount that the sheriff considers sufficient to cover the interest, his own fees and the collector's percentage up to the time when the rate will probably be available.

(4) The sheriff shall issue a precept under his hand and seal of office directed to the treasurer and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the urban municipality has neglected to satisfy it and referring to the roll annexed to the precept, command the treasurer to levy the rate at the time and in the manner by law required in respect of the general annual rates.

(5) At the first time for levying the general annual rates after the receipt of the precept, the treasurer shall:

- (a) add a column to the tax roll;
- (b) insert in the column mentioned in clause (a) the amount by the precept to be levied on each person respectively;
- (c) levy the amount of the execution rate; and
- (d) within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied on the precept after deducting his percentage.

(6) The sheriff shall after satisfying the execution and all fees on the execution, return any surplus within 10 days after receiving it to the treasurer for the general purposes of the urban municipality.

(7) For the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to an execution, the clerk, the treasurer and the assessor are deemed to be officers of the court from which the writ issued, and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties imposed on them by this section.

1983-84, c.U-11, s.322.

INQUIRIES AND INVESTIGATIONS

Inquiry by council

323(1) A council may, by resolution, appoint a committee of its members or any other electors to investigate and make inquiry into or concerning any matter connected with the good government of the urban municipality or with the administration of the provision of any public utility service under the control of the urban municipality.

(2) The council may authorize a committee appointed under the authority of a resolution passed pursuant to subsection (1) to engage counsel and any other skilled persons and clerical assistants that the committee considers necessary to assist in its investigation.

(3) If the matter to be investigated or inquired into concerns any charge against any municipal employee or employee of any board, association, commission or other organization established pursuant to this Act by a council or if during an investigation any charge against such an employee arises, the committee may summon the employee before it to answer the charge.

(4) The committee may summon witnesses and take evidence under oath and may pay all costs, charges and expenses incurred by them with respect to the investigation.

(5) The committee shall report the result of its inquiry to the council.

1983-84, c.U-11, s.323; 1984-85-86, c.18, s.22.

Inquiry by minister

324(1) If the council passes a resolution requesting that an inquiry be made into:

(a) a matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council, a municipal employee, a member or an employee of any board, association, commission or other organization established pursuant to this Act by a council or an agent of the urban municipality, or of a person having a contract with the urban municipality, in relation to the duties or obligations of any such person to the urban municipality; or

(b) any matter connected with the good government of the urban municipality or the conduct of any part of the public business of the urban municipality;

the Minister of Justice may appoint a judge or another suitable person to make the inquiry.

(2) A person appointed pursuant to subsection (1) shall, as soon as possible, undertake the inquiry and shall, at its conclusion, report to the Minister of Justice and to the council the result of the inquiry.

(3) A person appointed pursuant to subsection (1):

(a) has the powers of commissioners pursuant to *The Public Inquiries Act*; and

(b) is entitled to receive and is to be paid the same fees as an arbitrator is entitled to receive pursuant to *The Municipal Expropriation Act*.

(4) The council may engage and pay counsel to represent the urban municipality, and may pay all proper witness fees to persons summoned to give evidence at the instance of the urban municipality.

(5) Any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called into question, may be represented by counsel and may request the attendance of witnesses on paying all proper witness fees.

(6) The person appointed pursuant to subsection (1) may engage counsel and any other assistants and staff and incur any incidental expenses that he considers advisable for the proper conduct of the investigation or inquiry, and the urban municipality shall pay the costs of the investigation and inquiry.

1983-84, c.U-11, s.324; 1984-85-86, c.18, s.23.

Commission of inquiry

325(1) The minister, may on the request in writing of:

(a) not less than one third of the members of a council; or

(b) 5% of the population but not less than 50 electors of the urban municipality;

appoint a commission to inquire into the affairs of the urban municipality or of any board appointed by the council.

(1.1) Section 88.01 applies, with any necessary modification, to a request in writing to the minister pursuant to subsection (1).

(2) Any member of a commission appointed pursuant to subsection (1) has all the powers of commissioners pursuant to *The Public Inquiries Act*.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioners, are to be fixed by the minister, certified by the commission and immediately paid by the urban municipality.

(4) The commission appointed to make the inquiry shall, as promptly as is convenient, make the inquiry and report the result to the minister and to the council.

(5) The commission shall establish its own procedures and the provisions of subsections 324(4), (5) and (6) apply *mutatis mutandis* to the commission.

1983-84, c.U-11, s.325; 1994, c.48, s.16; 1996, c.67, s.56.

Intermunicipal disputes

325.1(1) Unless otherwise provided for by this Act, a dispute between an urban municipality and another municipality with respect to an agreement or arrangement between them relating to municipal facilities, municipal services or public works may be referred to a mediator by either party to the dispute, by serving written notice on the other party.

(2) The notice required pursuant to subsection (1) must be served personally or by registered mail on the clerk or administrator of the other municipality.

(3) The parties to the dispute shall agree on the appointment of a mediator within 15 days after service of the notice mentioned in subsection (1).

(4) If the parties to the dispute are unable to agree on a mediator within the period mentioned in subsection (3), either party may apply to the manager of mediation services appointed pursuant to section 14.1 of *The Department of Justice Act* to appoint a mediator.

(5) A mediator appointed pursuant to this section shall endeavour to assist the parties to settle the issues that are the subject of the mediation.

(6) For the purposes of subsection (5), the mediation period is not to exceed:

- (a) 60 days after the appointment of the mediator; or
- (b) any period agreed to by the parties.

(7) The costs of a mediation pursuant to this section are to be shared equally between the parties.

(8) Evidence arising from anything said, evidence of anything said, or evidence of an admission or communication made in the course of mediation pursuant to this section is not admissible in any cause, matter or proceeding before an arbitrator or a court, except with the written consent of the mediator and the parties to the matter in which the mediator acted.

(9) Where the mediator determines that he or she cannot resolve the dispute between the parties, or where either party refuses to participate in the mediation process or to abide by the resolution of the dispute achieved through mediation, or on expiration of the mediation period mentioned in subsection (6), either party may refer the dispute to the Saskatchewan Municipal Board for determination.

(10) The Saskatchewan Municipal Board shall render its determination, decision or order within 120 days after conducting a hearing with respect to the dispute.

(11) Any determination, decision or order of the Saskatchewan Municipal Board rendered with respect to the dispute is binding on all parties to the dispute.

2001, c.46, s.53.

GENERAL

Inspection of documents

326 Any person is entitled at any time during regular business hours to inspect:

- (a) any contract approved by the council, any bylaw or resolution and any account paid by the council relating to the urban municipality;
- (b) the registers maintained by the clerk in accordance with subsection 32(5) and 36(4) and the Securities Register;
- (c) any report of any consultant engaged by the urban municipality, or of any committee or of any municipal employee or employee of any board, association, commission or other organization established pursuant to this Act by a council, after it has been submitted to the council, except any opinion or report of a solicitor or legal counsel;
- (d) the minutes of the council after they have been approved by the council; and
- (e) any other reports and records authorized to be inspected by the council;

and the clerk shall, within a reasonable time after the demand, furnish him with copies of the whole or any part of any such documents at any rate that the council may fix as long as the rate fixed does not exceed the reasonable costs incurred by the urban municipality in furnishing the copies.

1983-84, c.U-11, s.326; 1984-85-86, c.18, s.24;
1984-85-86, c.88, s.41; 1988-89, c.61 s.34.

Evidence of documents

327 A copy of any book, record, document or account certified under the hand of the clerk and under the seal of the urban municipality is admissible in evidence, without proof of the seal or of the signature or official character of the person appearing to have signed it.

1983-84, c.U-11, s.327.

Boundaries of urban municipalities

328(1) Unless a description otherwise specifies, if the boundary of an urban municipality is wholly or partly described by reference to the boundary of a township or section of surveyed land along which a road allowance runs:

- (a) the side of the road allowance on which monuments or posts are placed under any survey made pursuant to any Act of the Parliament of Canada or of the Legislature of Saskatchewan relating to surveys is the boundary; or
- (b) in the case of correction lines, the south side of the road allowance is the boundary.

(2) If a street, lane or roadway situated in an urban municipality is the boundary of the urban municipality that acquires land for the widening of the street, lane or roadway, the land so acquired is deemed to be within the boundaries of the urban municipality.

(3) Notwithstanding anything to the contrary in this section, a road allowance between an Indian reserve and an urban municipality is deemed to be within the boundaries of the urban municipality.

(4) For the purposes of this Act, an urban municipality is deemed not to include within its boundaries any park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 1979*.

1983-84, c.U-11, s.328; 1984-85-86, c.88, s.42;
1986, c.17, s.8.

Extension of time

329(1) Where anything to be done by the minister, a park authority or a board of revision, or by a council with respect to the establishment of mill rate factors pursuant to subsection 279.3(8), cannot be or is not done within the number of days or at a time fixed by or pursuant to this Act, the minister may, by order, set a further or other time for doing it, whether the time at or within which it ought to have been done has or has not expired.

(2) Anything done at or within the time specified in an order pursuant to subsection (1) is valid as if it had been done at or within the time fixed by or pursuant to this Act.

(3) Subject to subsections (4) and (5), where anything to be done by a council other than with respect to the establishment of mill rate factors pursuant to subsection 279.3(8), by a municipal employee or by a board or committee established by a council pursuant to this Act, other than a board of revision, cannot be or is not done within the number of days or at a time fixed by or pursuant to this Act, the council may, by bylaw, set a further or other time for doing it, whether the time at or within which it ought to have been done has or has not expired.

(4) A bylaw pursuant to subsection (3) must be passed within 30 days after the time fixed by or pursuant to this Act has expired.

(5) No council shall pass a bylaw pursuant to subsection (3) extending the time fixed by or pursuant to this Act by more than 90 days.

(6) Anything done at or within the time specified in a bylaw passed pursuant to subsection (3) is as valid as if it had been done at or within the time fixed by or pursuant to this Act.

(7) Notwithstanding any other provision of this Act, where a time fixed by or pursuant to this Act is extended by minister's order pursuant to subsection (1) or by bylaw pursuant to subsection (3), a like delay is allowed with respect to any later date that is fixed by or pursuant to this Act on the basis of the earlier date.

(8) The Saskatchewan Assessment Management Agency established pursuant to *The Assessment Management Agency Act* shall be promptly notified, in writing:

- (a) by the secretary to the board of revision, where the minister extends a time fixed by or pursuant to this Act for anything to be done by the board of revision; and
- (b) by the clerk of the urban municipality, where the council extends a time fixed by or pursuant to subsection 244(1.1) or section 249 or 269.

2001, c.46, s.54.

Service of documents

330(1) Any notice required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

(2) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

(3) Where the address of the person to be served is unknown, the notice shall be served by publishing it in two issues of a newspaper circulating in the urban municipality, the second notice appearing at least three days before any action is taken in respect of the matter to which the notice relates.

1983-84, c.U-11, s.330; 1988-89, c.61, s.35.

General offence and penalty

331 Every person who contravenes any provision of this Act or the regulations for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and, in the case of a continuing offence, to a further fine of not more than \$125 for each day during which the offence continues.

1983-84, c.U-11, s.331.

Inspection of records of urban municipalities

332 The minister or a person designated by him may inspect any books, accounts and records of any urban municipality, and, if so requested by the minister, the clerk shall deliver up the books, accounts and records to the minister or his designate for inspection.

1983-84, c.U-11, s.332.

Regulations

333(1) For the purpose of carrying out the provisions of this Act according to their intent:

(a) the Lieutenant Governor in Council may make regulations respecting any matter or thing that is required or authorized by this Act to be prescribed;

(a.1) the Lieutenant Governor in Council may make regulations defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(a.2) the Lieutenant Governor in Council may make regulations enabling the minister to make payments of grants to urban municipalities;

(a.3) the Lieutenant Governor in Council may make regulations prescribing provisions in this Act in which:

(i) a reference to land or improvements includes a reference to both land and improvements; and

(ii) a reference to both land and improvements includes a reference to land or improvements;

(b) the minister may make regulations respecting any matter or thing that is required or authorized by this Act to be prescribed by the minister.

(2) Any regulation made pursuant to subsection (1) with respect to any fiscal year for the purposes of subsection 92(7.13), that is made during the fiscal year with respect to which it applies, may be made retroactive to a day not earlier than the first day of the fiscal year with respect to which it applies.

1983-84, c.U-11, s.333; 1992, c.79, s.15; 1996, c.67, s.57; 2000, c.32, s.58; 2002, c.39, s.23.

Regulations re assessment and taxation

333.1(1) The Lieutenant Governor in Council may make regulations respecting assessment and taxation, including any matter that is the subject of Part XI or XII.

(2) A regulation made pursuant to subsection (1) may be made retroactive to a day not earlier than the day on which this section came into force.

1996, c.67, s.58.

R.S.S. 1978 cU-10 repealed

334(1) *The Urban Municipality Act* or any provision of *The Urban Municipality Act* specified in a proclamation issued by the Lieutenant Governor pursuant to section 336 is repealed.

(2) Notwithstanding the repeal of *The Urban Municipality Act*, anything commenced pursuant to that Act is to be continued to its conclusion in accordance with that Act as if that Act had not been repealed.

1983-84, c.U-11, s.334; 1984-85-86, c.88, s.43.

References

335 A reference in any Act or regulation to:

- (a) the court of revision of an urban municipality is deemed to be a reference to the board of revision;
- (b) the secretary treasurer of an urban municipality is deemed to be a reference to the clerk of the urban municipality.
- (c) **Repealed.** 1993, c.40, s.4.

1983-84, c.U-11, s.335; 1993, c.40, s.4.

**Editorial Appendix
(Amendments)**

The following table contains amendments since the year 2000 to be proclaimed and/or effective at a future date, as follows: (Please consult Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
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