

BILL

No. 73

An Act to amend *The Municipalities Act*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Municipalities Amendment Act, 2012*.

S.S. 2005, c.M-36.1 amended

2 *The Municipalities Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Clause 2(1)(a) is repealed and the following substituted:**

“(a) **‘additional service area’** means a geographical area within a rural municipality that includes a residential or other land use requiring services or levels of services that are different from the services or levels of services provided in areas of the rural municipality that are not additional service areas;

“(a.1) **‘administrator’** means the administrator of a municipality appointed pursuant to section 110”.

Section 8 amended

4(1) **Clause 8(3)(c) is amended:**

(a) **by repealing subclause (i) and substituting the following:**

“(i) subject to subsection (4), establishing fees for the purpose of raising revenues to pay for the costs of administering, regulating and enforcing the system of licences, inspections, permits or approvals”; **and**

(b) **by adding the following subclause after subclause (viii):**

“(ix) establishing or adopting an intermunicipal system of licences, inspections, permits or approvals with another municipality, including a municipal government in another province or territory, and recognizing a licence, inspection, permit or approval issued by another municipality in whole or in part or subject to any terms or conditions that the municipality making the bylaw considers appropriate”.

(2) **Subsection 8(4) is repealed and the following substituted:**

“(4) Any fee that may be established pursuant to subclause (3)(c)(i) for a licence, inspection, permit or approval must not exceed the cost to the municipality of:

(a) administering and regulating the activity for which the licence, inspection, permit or approval is required; and

(b) enforcing payment of the licence, inspection, permit or approval fee”.

Section 18 amended

5 Subsection 18(1) is repealed and the following substituted:

“(1) A council may, by bylaw, establish or adopt a system relating to vehicle weights or to route designation in the municipality.

“(1.1) If a council passes a bylaw to establish or adopt a system relating to vehicle weights or to route designation in the municipality, the council shall ensure that the system established or adopted in the bylaw is harmonized with any similar system of vehicle weights or route designation established or adopted in any other affected municipality in a manner that facilitates the movement of vehicles between the municipality and those other municipalities”.

New section 21.1

6 The following section is added after section 21:

“Reciprocal agreements

21.1(1) For the purposes of facilitating the movement of vehicles between municipalities, a municipality may enter into a reciprocal agreement with one or more other municipalities with respect to the issuance and recognition of permits relating to vehicle weight by parties to the agreement.

(2) An agreement made pursuant to subsection (1) may deal with matters respecting:

- (a) the issuance of a permit by a municipality that is a party to the agreement;
- (b) the recognition of a permit mentioned in clause (a) by other parties to the agreement;
- (c) the apportionment of revenues related to the issuance of permits;
- (d) the apportionment of costs related to the administration, issuance and enforcement of permits; and
- (e) any other matter related to the administration, issuance and enforcement of permits”.

Section 22 amended

7 The following subsections are added after subsection 22(5):

“(5.1) If a person contravenes subsection (5), or the terms and conditions of an agreement mentioned in subsection (1), the council may apply to a judge of the court for all or any of the following:

- (a) an order compelling the person to comply with subsection (5) or the terms and conditions of the agreement;
- (b) an order enjoining the person from proceeding contrary to subsection (5) or the terms and conditions of the agreement.

“(5.2) On an application pursuant to subsection (5.1), the judge of the court may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

“(5.3) Any person to whom an order made pursuant to subsection (5.2) is directed may appeal that order to the Court of Appeal only on a question of law.

“(5.4) The commencement of an appeal pursuant to subsection (5.3) does not stay the effect of the order appealed from unless a judge of the Court of Appeal orders otherwise”.

Section 22.1 amended

8 The following subclause is added after subclause 22.1(9)(a)(iii):

“(iii.1) directing either party to provide any compensation that the board considers appropriate in the circumstances”.

Section 31 amended

9 Subsection 31(1) is amended by adding “or a tenant” after “owner”.

New Division 8 of Part III

10 The following Division is added after Division 7 of Part III:

“DIVISION 8

Additional Service Areas

“Establishment of additional service areas

48.1(1) Subject to subsections (2) to (7), the council of a rural municipality may, by bylaw, establish one or more additional service areas for all or any of the following purposes:

- (a) to provide to the additional service area services or levels of services that are different from the services or levels of services provided in areas of the rural municipality that are not additional service areas;
 - (b) to provide for the ongoing operation and maintenance of services and infrastructure in the additional service area that were originally funded pursuant to *The Planning and Development Act, 2007* by means of development levies and servicing agreements.
- (2) The council of a rural municipality shall not establish an additional service area that is specific to an individual residential, commercial, industrial or agricultural property or specific to a business or business activity.
- (3) Before passing a bylaw to establish an additional service area, the council of a rural municipality shall:
- (a) provide public notice, in accordance with section 128, of the proposed bylaw; and
 - (b) call a public meeting.
- (4) A certified copy of the bylaw passed pursuant to subsection (1) must be forwarded to the minister within 30 days after it is passed.
- (5) An additional service area established pursuant to subsection (1) is subject to taxation or fees to cover the cost for any additional service or level of service provided in the additional service area and for any infrastructure associated with providing those services.
- (6) The Lieutenant Governor in Council may make regulations:
- (a) governing:
 - (i) the establishment of an additional service area;
 - (ii) the minimum size of an additional service area;
 - (iii) the minimum number of lots, dwellings or businesses required to establish an additional service area;

- (iv) the type or level of services to be provided in an additional service area;
 - (v) the type of property or development that may be included in an additional service area;
 - (vi) the construction, operation and maintenance of waterworks systems and sewage systems for additional service areas;
 - (b) respecting the manner in which the revenues arising from the operation of waterworks systems and sewage systems in additional service areas must be administered and accounted for;
 - (c) respecting any other matter or thing the Lieutenant Governor in Council considers necessary or advisable to achieve the intent of this Division.
- (7) Unless otherwise provided for by council, all bylaws and resolutions of the rural municipality apply to an additional service area except those bylaws related to:
- (a) other additional service areas; or
 - (b) hamlets and organized hamlets.

“Alterations to additional service areas

48.2(1) The council of a rural municipality may, by bylaw:

- (a) alter the boundaries of an additional service area; or
 - (b) amend, alter or discontinue the services provided in an additional service area.
- (2) Before passing a bylaw pursuant to subsection (1), the council of a rural municipality shall:
- (a) provide public notice, in accordance with section 128, of the proposed bylaw; and
 - (b) call a public meeting.
- (3) A certified copy of a bylaw passed pursuant to subsection (1) must be forwarded to the minister within 30 days after it is passed.

“Dissolution of additional service area

48.3(1) The council of a rural municipality may, by bylaw, dissolve an additional service area.

- (2) Before passing a bylaw pursuant to subsection (1), the council of a rural municipality shall:
- (a) provide public notice, in accordance with section 128, of the proposed bylaw; and
 - (b) call a public meeting.
- (3) A certified copy of the bylaw passed pursuant to subsection (1) must be forwarded to the minister within 30 days after it is passed.
- (4) On dissolution of an additional service area, the council of the rural municipality shall ensure that all revenue remaining in the additional service area account is spent in the area that constituted the dissolved additional service area”.

Section 51 amended

11 Subsection 51(3) is amended in the portion preceding clause (a) by striking out “established” and substituting “incorporated”.

Section 53 amended

12(1) Subsection 53(1) is amended in the portion preceding clause (a) by striking out “councils of a municipality and of one or more other” and substituting “council of a municipality or the councils of one or more other”.

(2) The following subsection is added after subsection 53(2):

“(2.1) In the case of restructuring by one municipality, the municipality shall, by resolution of a majority of the council, adopt a proposal that addresses:

- (a) the matters set out in subsection (3); and
- (b) any other matters that may be specified by the minister”.

(3) Subclause 53(3)(h)(v) is repealed and the following substituted:

“(v) in the case of a council constituted by wards:

(A) if the parties have agreed to the ward boundaries and the wards meet the requirements set out in section 85, the ward boundaries of the restructured municipalities as agreed to by the parties; or

(B) if the parties have not agreed to the ward boundaries, the matters set out in section 84 and any matters that are to be considered by the municipal wards commission when establishing the wards, ward boundaries and the number of councillors to be elected in the restructured municipality, including geographic conditions, future population growth and any special diversity or communities of interest among the residents”.

Section 59 amended

13(1) Subsection 59(1) is amended:

(a) by repealing clause (a) and substituting the following:

“(a) in the case of an application to establish an organized hamlet or to incorporate a resort village or village:

(i) the required petition together with a certificate of the administrator of the rural municipality in which the proposed organized hamlet, resort village or village is located verifying that the petitioners are voters of the hamlet or organized hamlet; and

(ii) a proposal showing preparedness and ability to meet the legislative responsibilities of an organized hamlet, resort village or village in the form and manner set out in regulations made by the minister”;

(b) by striking out “and” after clause (h);

(c) in clause (i) by adding “or proposal establishing the terms of restructuring” after “agreement”;

(d) by adding “and” after clause (i); and

(e) by adding the following clause after clause (i):

“(j) copies of reports or records of any attempt at prior mediation in relation to the application”.

(2) The following subsection is added after subsection 59(1):

“(1.1) For the purposes of section 60, a matter is considered to be a matter in dispute between municipalities with respect to an application pursuant to Division 1 if:

- (a) a municipality requests another municipality to provide a resolution pursuant to clause (1)(f); and
- (b) within 30 days after a request mentioned in clause (a) is made, the municipality to which the request was made:
 - (i) has responded to the request with a certified resolution in opposition to the application;
 - (ii) has not responded to the request with a certified resolution in support of the application; or
 - (iii) has not provided a written indication of when its council will consider a resolution in support of or in opposition to the application”.

New section 60

14 Section 60 is repealed and the following substituted:

“Referral or application to Saskatchewan Municipal Board

60(1) The minister may refer any matter in dispute between municipalities with respect to an application pursuant to Division 1 to the Saskatchewan Municipal Board to be resolved pursuant to section 392.

(2) Notwithstanding section 53 and subsection 59(3) but subject to subsection (3), in the case of an application for an alteration of municipal boundaries as described in clause 53(1)(a), the council of the applicant municipality shall submit its application to the Saskatchewan Municipal Board pursuant to subsection 18(1) of *The Municipal Board Act* if it is unable to obtain a certified resolution in support of the application from the council of every other municipality affected by the application.

(3) Before an application mentioned in subsection (2) is submitted to the Saskatchewan Municipal Board for review pursuant to subsection 18(1) of *The Municipal Board Act*, the Saskatchewan Municipal Board shall appoint a mediator to assist the municipalities in resolving the matter in dispute unless there has been an attempt at mediation within the previous year.

(4) All costs of any mediation mentioned in subsection (3) must be borne by the affected municipalities.

(5) If mediation conducted pursuant to subsection (3) fails to resolve the dispute, the application shall be submitted to the Saskatchewan Municipal Board for review pursuant to subsection (2).

(6) In the case of a referral to the Saskatchewan Municipal Board pursuant to subsection (1) or an application submitted pursuant to subsection (2), the applicant shall include with the application:

- (a) a statement of the matter in dispute; and

(b) either:

(i) a statement that the parties have discussed the matter in dispute, specifying the date and outcome of that discussion, including the details of any facts or issues agreed to or not agreed to by the parties; or

(ii) if the parties have not discussed the matter in dispute, a statement to that effect specifying why no discussion was held.

(7) If the Saskatchewan Municipal Board approves, in whole or in part, an application submitted to it pursuant to subsection (2) or that the minister has referred to the board for review pursuant to subsection 59(3), the minister shall make an order pursuant to subclause 61(2)(c)(i) that implements the Saskatchewan Municipal Board's decision.

(8) If the Saskatchewan Municipal Board rejects, in whole or in part, an application submitted to it pursuant to subsection (2) or that the minister has referred to the board for review pursuant to subsection 59(3), the minister shall publish a notice of the rejection of the application or part of the application in a newspaper.

(9) No subsequent application pursuant to Division 1 that is, in the opinion of the Saskatchewan Municipal Board, substantially similar to an application or part of the application that has been rejected may be made until at least one year after the rejection.

(10) An application submitted pursuant to subsection (2) may be amended or withdrawn by the applicant at any time before the Saskatchewan Municipal Board has completed its review.

(11) Once a review has been completed, the application submitted pursuant to subsection (2) may not be amended or withdrawn and the decision of the Saskatchewan Municipal Board applies”.

Section 61 amended

15 Subsection 61(2) is amended:

(a) by adding the following clause after clause (a):

“(a.1) eliminate or create one or more divisions in a rural municipality or alter the boundaries of or renumber the divisions in a rural municipality”; **and**

(b) by repealing clause (d) and substituting the following:

“(d) change the status of a municipality, including the reversion of a village or resort village to the status of an organized hamlet”.

Section 62 amended

16 Subclause 62(c)(i) is repealed and the following substituted:

“(i) include the terms and conditions that are contained in any voluntary restructuring agreement or proposal, including any terms and conditions on which the agreement or proposal may be altered or amended”.

Section 63 amended

17 Clause 63(2)(d) is repealed and the following substituted:

“(d) if the order provides for the new municipality to be divided into wards, the order has the effect of a bylaw passed pursuant to section 83, unless otherwise provided for in the order”.

Section 68 amended

18 Subsection 68(3) is repealed and the following substituted:

“(3) A member of a hamlet board:

- (a) must be elected in accordance with the regulations; and
- (b) holds office for a term of four years commencing on the date of his or her election to the hamlet board”.

New section 69.1

19 The following section is added after section 69:

“Hamlet budget and report of activities

69.1 The hamlet board shall submit to the council of the rural municipality a budget and a copy of the report to voters of the board’s activities in the previous year prepared in accordance with the regulations:

- (a) on or before March 1 in any year; or
- (b) on or before any other date agreed to by the council and the hamlet board”.

Section 89 amended

20 Subsection 89(2) is repealed and the following substituted:

“(2) A council may, by bylaw, provide that elections of the members of the council 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 voters and candidates and regarding disqualification of voters and candidates for resort villages in this or any other Act apply, with any necessary modification; or
- (b) the election provisions and the term of office for members of council of rural municipalities as set out in Part VIII of *The Local Government Election Act*, and the provisions regarding qualifications for voters and candidates and regarding disqualification of voters and candidates for rural municipalities in this or any other Act apply, with any necessary modification”.

Section 91 amended

21 Clause 91(4)(a) is repealed and the following substituted:

“(a) the mayor or reeve is unable to perform the duties of the mayor or reeve and the council has not made an appointment pursuant to subsection 97(1)”.

Section 99 amended

22(1) Subsection 99(2) is amended by striking out “or permitted”.

(2) Subsection 99(4) is repealed and the following substituted:

“(4) The administrator shall ensure that each abstention is recorded in the minutes of the meeting”.

Section 111 amended

23 Subsection 111(2) is amended:

(a) by striking out “and” after clause (l);

(b) in clause (m) by striking out “June 1” and substituting “June 15”; and

(c) by adding the following after clause (m):

“(n) all revenues collected from an additional service area pursuant to subsection 283(2.01) are allocated to an additional service area account;

“(o) moneys paid on behalf of an additional service area are paid from an additional service area account for all expenditures authorized by council; and

“(p) an annual financial statement for the revenues and expenditures of an additional service area is presented to council”.

Section 115 amended

24(1) Clause 115(1)(b) is amended by adding “, whichever was present at the meeting at which the minutes are approved” after “designate”.

(2) Clause 115(2)(b) is amended by adding “, whichever was present at the meeting at which the minutes are approved” after “designate”.

Section 151 amended

25 Subsection 151(2) is amended in the portion preceding clause (a) by adding “in addition to costs awarded to the person by the judge,” after “Part.”.

New section 161

26 Section 161 is repealed and the following substituted:

“Debt limit

161(1) Subject to subsection (2), the debt limit for a municipality is the total amount of the municipality’s own source revenues for the preceding year.

(2) In the prescribed circumstances, the debt limit for a municipality may be a debt limit established by the Saskatchewan Municipal Board determined in accordance with the regulations.

(3) The Lieutenant Governor in Council may make regulations:

(a) for the purposes of subsection (1), defining ‘own source revenues’;

(b) for the purposes of subsection (2), prescribing the circumstances in which a municipality may apply to the Saskatchewan Municipal Board for the establishment of a debt limit, including prescribing procedures for the determination of the debt limit and factors that must be taken into consideration in making the determination”.

Section 184 amended

27(1) Subsection 184(2) is amended by striking out “If a municipality” and substituting “Subject to subsection (2.1), if a municipality”.

(2) The following subsection is added after subsection 184(2):

“(2.1) The council shall ensure that its purchasing policy and all purchases made by the municipality are consistent with any provincial, national or international trade agreements related to municipal procurement in Saskatchewan”.

Section 189 amended

28 The following subsection is added after subsection 189(2):

“(2.1) The auditor shall provide a copy of any report made pursuant to subsection (2) to the minister”.

New section 193.1

29 The following section is added after section 193:

“Quality assurance standards reports

193.1(1) An assessor shall provide to the agency in the form and at the times required by the agency any information that the agency considers necessary for the purposes of reviewing the municipality’s compliance with the quality assurance standards mentioned in subclause 193(e.1)(iv).

(2) The agency shall post on its website notification of compliance with the standards pursuant to subclause 193(e.1)(iv) for each municipality in which compliance has been achieved”.

Section 196 amended

30 Clause 196(2)(c) is amended by striking out “classified according to the use to which the land or improvements or land and improvements are put”.

Section 201 amended

31(1) Subsection 201(8) is amended by striking out the portion preceding clause (a) and substituting the following:

“On or before September 1 in each year, every owner or operator of a petroleum oil or gas well shall furnish the assessor with a certified statement showing the following information as of July 1 in the current year:”.

(2) The following subsection is added after subsection 201(8):

“(8.1) On or before September 1 in each year, every owner or operator of a battery or gas handling site shall furnish the assessor with a certified statement showing the following information as of July 1 in the current year:

(a) a list of the surface locations of battery and gas handling sites mentioned in clause 199(2)(b) that are situated within the municipality; and

(b) any change in the information mentioned in clause (a) that has occurred since the last information was furnished to the assessor”.

Section 215 amended

32(1) Subsection 215(1.1) is amended by striking out “or amended assessment notice”.

(2) The following subsection is added after subsection 215(1.1):

“(1.2) Subsection (1.1) does not apply to an amended assessment notice or a notice of supplementary assessment”.

Section 219 amended

33 Subsection 219(1) is amended:

(a) by striking out “or” after clause (c); and

(b) by adding the following after clause (d):

“(e) subdivision of property; or

“(f) issuance of titles pursuant to a condominium plan that is approved by the Controller of Surveys”.

Section 225 amended

34(1) Subsection 225(5) is amended by striking out “give” and substituting “file”.

(2) Subsection 225(6) is amended:

(a) by adding the following clauses after clause (a):

“(a.1) set out the name of the appellant and the name of the agent who will represent the appellant, if the appellant has named an agent;

“(a.2) explain how the appellant has an interest in the property”; **and**

(b) by repealing clause (e) and substituting the following:

“(e) include the mailing address of the appellant and the mailing address of the appellant’s agent, if the appellant has named an agent”.

(3) The following subsection is added after subsection 225(6):

“(7) Regardless of whether or not the appellant has named an agent in the notice of appeal pursuant to subsection (6), the appellant retains the right to name an agent, change an agent or use additional agents at any time during the appeal process”.

Section 226 amended

35 Subsection 226(2) is amended by striking out “give” and substituting “file”.

Section 229 amended

36 Subsection 229(3) is repealed and the following substituted:

“(3) The secretary of the board of revision may serve notice pursuant to this section by personal service, by registered mail, by ordinary mail or by facsimile on the appellant:

(a) at the mailing address for service or facsimile number included in the notice of appeal; or

(b) if no mailing address or facsimile number is included in the notice of appeal, at the address entered on the assessment roll”.

Section 240 amended

37 Subsection 240(5) is repealed and the following substituted:

“(5) After a decision is made pursuant to subsection (1), the secretary of the board of revision shall send by registered mail or personally deliver to each party:

(a) a copy of the decision together with written reasons for the decision; and

(b) a statement informing the party of the rights of appeal available pursuant to section 246 and the procedure to be followed on appeal”.

Section 244 amended

38 Clause 244(1)(a) is repealed and the following substituted:

“(a) the person has an interest in the assessed properties”.

Section 247 amended

39(1) Subsection 247(4) is amended by striking out “file” and substituting “serve”.

(2) Subsection 247(5) is repealed and the following substituted:

“(5) Subject to subsections (5.1) and (6), if an appellant does not serve a notice of appeal in accordance with this section, the appeal is deemed to be dismissed.

“(5.1) If, in the opinion of the secretary of the appeal board, the notice of appeal does not comply with this section, the secretary shall:

(a) notify the appellant of the deficiencies in the notice of appeal; and

(b) grant the appellant one 14-day extension to perfect the notice of appeal”.

Section 253 amended

40 Clause 253(1)(b) is amended by striking out “make a decision” and substituting “hear or decide an appeal”.

Section 256 amended

41 Subsection 256(1) is amended:

(a) by striking out “or” after clause (a); and

(b) by repealing clause (b) and substituting the following:

“(b) modify the decision of the board of revision to ensure that:

(i) errors in and omissions from the assessment roll are corrected; and

(ii) an accurate, fair and equitable assessment for the property is placed on the assessment roll; or

“(c) set aside the assessment and remit the matter to the assessor to ensure that:

(i) errors in and omissions from the assessment roll are corrected; and

(ii) an accurate, fair and equitable assessment for the property is placed on the assessment roll”.

Section 259 repealed

42 Section 259 is repealed.

Section 273 amended

43 The following subsection is added after subsection 273(2):

“(3) Notwithstanding subsection (1), a person may make a payment that is to be applied only to rates pursuant to *The Municipal Hail Insurance Act*”.

Section 279 amended

44 The following subsection is added after subsection 279(2):

“(2.1) Nothing in this section affects any arrangement between a municipality and a board of education pursuant to section 291 of *The Education Act, 1995*”.

Section 280 amended

45 The following subsection is added after subsection 280(2):

“(2.1) Nothing in this section affects any arrangement between a municipality and a board of education pursuant to section 291 of *The Education Act, 1995*”.

Section 283 amended

46(1) The following subsections are added after subsection 283(2):

“(2.01) Notwithstanding clause (2)(a), to cover the cost of additional services and infrastructure associated with additional services for an additional service area, the council for a rural municipality may, by bylaw, set:

(a) a uniform rate for taxable assessment in any additional service area located within the rural municipality that is in addition to rates set pursuant to clause (2)(a) or (b);

(b) a schedule of fees that may be charged in an additional service area in accordance with section 8; or

(c) a percentage of the property tax levied in an additional service area pursuant to clause (2)(a).

“(2.02) Notwithstanding any other provision of this Act, property tax exemptions do not apply to a rate set pursuant to clause (2.01)(a).

“(2.03) In determining and setting a rate pursuant to clause (2.01)(a), a council may apply any or all of the items mentioned in sections 285, 289 and 290 even if their application varies from their application in the remainder of the rural municipality”.

(2) Subsection 283(5) is repealed and the following substituted:

“(5) Subject to subsection (2.02), taxes may not be imposed pursuant to this section with respect to property that is exempt from property taxation.

“(6) The uniform mill rate or service fees authorized by subsection (2.01) may be added to the tax roll and are recoverable in the same manner as the taxes”.

Section 293 amended

47 Clause 293(2)(e) is amended in the portion preceding subclause (i) by adding “or an area established pursuant to clause 53(3)(i)” after “organized hamlet”.

Section 300 amended**48 The following subsection is added after subsection 300(1):**

“(1.1) Subsection (1) does not apply to property mentioned in clause 292(1)(q) that continues to be used for municipal purposes but is occupied or leased under agreement with the municipality unless the agreement provides for a change in the taxable status”.

Section 304 amended**49 The following subsection is added after subsection 304(3):**

“(4) If land is assessed in any year and is later in the year subdivided, or titles for it are issued pursuant to a condominium plan that is approved by the Controller of Surveys, 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 subdivision or issuance of titles”.

Section 306 amended**50(1) Subsection 306(1) is repealed and the following substituted:**

“(1) A council may, by bylaw, authorize and require the operators and every owner or occupant of property who permits two or more trailers or mobile homes that are used as living quarters, or one or more trailers or mobile homes that are divided into multiple units that are used as living quarters, to be located on the property:

- (a) to register the owners of the trailers or mobile homes on forms provided by the municipality;
- (b) to collect from the owners of the trailers or mobile homes any permit fees that are imposed by bylaw; and
- (c) to pay to the municipality the permit fees collected”.

(2) The following subsection is added after subsection 306(2):

“(3) Notwithstanding clause 8(3)(c), the permit fees imposed by bylaw pursuant to subsection (1):

- (a) may, if levied in lieu of assessing and taxing the trailer or mobile home as an improvement, exceed the cost to the municipality for the administration and regulation of, and be in the nature of a tax for, the activity for which the permit is required; and
- (b) are subject to any regulations made by the minister”.

New section 311**51 Section 311 is repealed and the following substituted:****“Education property tax return**

311(1) On or before the tenth day of each month, every municipality shall provide a monthly education property tax return to the end of the preceding month in the manner and containing the information directed by the minister to:

- (a) the minister; and
- (b) every school division that is wholly or partly within the municipality.

(2) On or before September 15 of each year, every municipality shall provide an interim education property tax return as of August 31 of that year in the manner and containing the information directed by the minister to:

- (a) the minister; and
- (b) every school division that is wholly or partly within the municipality.

(3) On or before January 15 of each year, every municipality shall provide an annual education property tax return as of December 31 of the preceding year in the manner and containing the information directed by the minister to:

- (a) the minister;
- (b) the minister responsible for the administration of *The Education Act, 1995*; and
- (c) every school division that is wholly or partly within the municipality”.

New section 315.1

52 The following section is added after section 315:

“Use of revenue—additional service areas

315.1(1) The revenue raised by bylaw for an additional service area must be applied to the specific service and the purpose stated in the bylaw.

(2) If there is any excess revenue raised pursuant to subsection (1), the municipality shall give public notice to ratepayers of an additional service area:

- (a) of the use to which it proposes to put the excess revenue in the next year for the additional service area; or
- (b) that the excess revenue has been deposited in a reserve fund for future infrastructure expenditures in the additional service area”.

Section 355 amended

53 The following subsection is added after subsection 355(2):

“(3) A municipality may pay the cost of:

- (a) defending an action or proceeding against a member of council, a member of a committee or other body established pursuant to clause 81(a), a member of a public utility board established pursuant to subsection 33(2) or a member of a controlled corporation that claims liability on the part of that person for acts or omissions done or made by the person in good faith in the course of his or her duties; or
- (b) any sum required to settle the action or proceeding mentioned in clause (a)”.

Section 369 amended

54 Clause 369(1)(b) is repealed and the following substituted:

“(b) unpaid charges for a utility service provided to the parcel by a public utility that are owing with respect to the parcel, whether the service was supplied to the owner or a tenant of the land or building, if the municipality has:

- (i) provided prior notice to each of the owner and tenant that the charges for the utility service to the parcel are in arrears;

-
- (ii) sent a registered letter to each of the owner and tenant respecting the unpaid charges and the consequences of the unpaid charges at least 30 days before the amounts are to be added to the tax roll;
 - (iii) in the case of any deposit provided to the public utility with respect to the parcel:
 - (A) by the owner, applied the owner's deposit to the unpaid charges; or
 - (B) by the tenant, applied the tenant's deposit to the unpaid charges; and
 - (iv) discontinued the utility service to the parcel if it is possible and reasonable, in the opinion of the municipality, to do so".

Section 390 amended**55 Subsection 390(8) is repealed and the following substituted:**

"(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless:

- (a) the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date; or
- (b) the municipality or other person who served the notice, order or document by registered mail received a signed post office receipt card and:
 - (i) the delivery date shown on the signed post office receipt card is a date earlier than the fifth business day after the date of its mailing, in which case the notice, order or document is deemed to have been served on the delivery date; or
 - (ii) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the municipality or other person on a date earlier than the fifth business day after the date of its mailing, in which case the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the municipality or other person".

Section 395 amended**56 Subsection 395(4) is amended:**

- (a) by striking out "and" after clause (b);
- (b) by adding "and" after clause (c); and
- (c) by adding the following clause after clause (c):
 - "(d) the public by:
 - (i) publishing the report or a synopsis of the report in a newspaper; or
 - (ii) mailing the report or a synopsis of the report to each person whose name appears on the last revised assessment roll".

Section 403 amended

57 Clause 403(3)(a) is repealed and the following substituted:

- “(a) respecting forms for the purposes of this Act, including:
- (i) prescribing the manner in which forms are prepared and completed;
 - (ii) prescribing the circumstances in which the forms may be used;
 - (iii) prescribing different forms to be used in different circumstances; and
 - (iv) prescribing the contents of the forms”.

Section 404 amended

58 Subclause 404(1)(a)(ii) is repealed and the following substituted:

- “(ii) an employee of a municipality, other than with respect to the preparation and delivery of education property tax returns pursuant to section 311”.

Coming into force

- 59(1)** Subject to subsections (2) and (3), this Act comes into force on assent.
- (2) Sections 3, 10, 38, 46, 47, 52 and clause 23(c) come into force on January 1, 2014.
- (3) Sections 43, 44, 45, 51 and 58 come into force on assent but are retroactive and are deemed to have been in force on and from January 1, 2013.

SECOND SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 73

An Act to amend *The Municipalities Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Jim Reiter
