

BILL

No. 116

An Act to amend *The Municipalities Act* respecting Municipal Status and Non-compliance and to make consequential and related amendments to other Acts

(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, 2013 (No. 2)*.

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 **Subsection 2(1) is amended:**

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

“(a) **‘additional service area’** means a geographical area within a rural municipality or municipal district 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 or municipal district that are not additional service areas”;

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

“(g) **‘by-election’** means:

(i) with respect to a municipality other than a municipal district or rural municipality, a by-election as defined in section 2 of *The Local Government Election Act*;

(ii) with respect to a rural municipality, a by-election as defined in section 160.01 of *The Local Government Election Act*; and

(iii) with respect to a municipal district, a by-election as defined in section 2 or section 160.01 of *The Local Government Election Act* as set out in the order made pursuant to section 51.1 for the municipal district”;

(c) **by repealing clause (n) and substituting the following:**

“(n) **‘general election’** means:

(i) with respect to a municipality other than a municipal district or rural municipality, a general election as defined in section 2 of *The Local Government Election Act*;

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(ii) with respect to a rural municipality, a general election as defined in section 160.01 of *The Local Government Election Act*; and

(iii) with respect to a municipal district, a general election as defined in section 2 or section 160.01 of *The Local Government Election Act* as set out in the order made pursuant to section 51.1 for the municipal district”;

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

“(v.1) ‘**municipal district**’ means a municipal district incorporated pursuant to this Act”;

(e) in clause (w) by adding “, municipal district” after “rural municipality”; and

(f) by repealing clause (ccc) and substituting the following:

“(ccc) ‘**voter**’ means:

(i) in the case of a municipality other than a municipal district or rural municipality, an elector within the meaning of section 23 of *The Local Government Election Act*;

(ii) in the case of a rural municipality, a voter as defined for the purposes of Part VIII of *The Local Government Election Act*; and

(iii) in the case of a municipal district, an elector within the meaning of section 23 of *The Local Government Election Act*, or a voter as defined for the purposes of Part VIII of *The Local Government Election Act*, as set out in the order made pursuant to section 51.1 for the municipal district”.

Section 48.1 amended

4 Section 48.1 is amended:

(a) in subsection (1):

(i) in the portion preceding clause (a) by adding “or a municipal district” after “council of a rural municipality”; and

(ii) in clause (a) by adding “or municipal district” after “rural municipality”;

(b) in subsection (2) by adding “or a municipal district” after “council of a rural municipality”;

(c) in subsection (3) in the portion preceding clause (a) by adding “or a municipal district” after “council of a rural municipality”; and

(d) in subsection (7) in the portion preceding clause (a) by adding “or municipal district” after “rural municipality”.

Section 48.2 amended

5 Section 48.2 is amended:

(a) in subsection (1) in the portion preceding clause (a) by adding “or a municipal district” after “council of a rural municipality”; and

(b) in subsection (2) in the portion preceding clause (a) by adding “or a municipal district” after “council of a rural municipality”.

Section 48.3 amended

6 Section 48.3 is amended:

- (a) **in subsection (1) by adding “or a municipal district” after “council of a rural municipality”;**
- (b) **in subsection (2) in the portion preceding clause (a) by adding “or a municipal district” after “council of a rural municipality”; and**
- (c) **in subsection (4) by adding “or the municipal district” after “council of the rural municipality”.**

Section 50 amended

7(1) Subsection 50(1) is amended by striking out “subsection (2)” and substituting “subsections (1.1) and (2)”.

(2) The following subsection is added after subsection 50(1):

- “(1.1) A hamlet may be established as an organized hamlet only if it:
- (a) meets the prescribed minimums for all of the following:
 - (i) population;
 - (ii) number of separate dwellings or business premises;
 - (iii) taxable assessment; and
 - (b) meets any other prescribed criteria”.

Section 51 amended

8 Subsection 51(2) is repealed and the following substituted:

- “(2) An organized hamlet may be incorporated as a resort village or village only if it:
- (a) has been an organized hamlet for at least three years;
 - (b) meets the prescribed minimums for all of the following:
 - (i) population;
 - (ii) number of separate dwellings or business premises;
 - (iii) taxable assessment; and
 - (c) meets any other prescribed criteria.
- “(2.1) For the purposes of subsection (2), the regulations may establish minimums and other criteria for resort village incorporation that are different from those for village incorporation”.

New section 51.1**9 The following section is added after section 51:****“Municipal districts****51.1(1)** In this section:

(a) **‘former municipality’** means the area of a municipal district that, before the establishment of a municipal district, was, as the case may be:

- (i) an urban municipality;
- (ii) a restructured municipality; or
- (iii) a rural municipality, including an organized hamlet within a rural municipality;

(b) **‘local government Act’** means this Act, the regulations made pursuant to this Act, any other prescribed Act and the regulations made pursuant to any other prescribed Act;

(c) **‘urban municipality’** means a town, village or resort village.

(2) The councils of at least one rural municipality and at least one urban municipality may apply to the minister to incorporate as a municipal district.

(3) The application mentioned in subsection (2) must be in the form and manner directed by the minister and must contain:

- (a) resolutions of the councils making the application;
- (b) an agreement entered into by the municipalities applying to the minister that addresses the matters mentioned in subsection 53(3), and that subsection applies, with any necessary modification, for the purposes of this section; and
- (c) any other information required by the minister related to the proposed municipal district or the municipalities.

(4) On receiving the application mentioned in subsection (2) and if the minister considers it to be in the public interest to do so, the minister may, by order:

- (a) incorporate the municipal district and describe its boundaries;
- (b) assign a name to the municipal district; and
- (c) provide for the establishment of the council of the municipal district.

(5) Subject to the regulations made pursuant to an Act, a reference in the Act to:

- (a) an urban municipality is deemed to include the part of the municipal district that was formerly an urban municipality;
- (b) a rural municipality is deemed to include the part of the municipal district that was formerly a rural municipality; or
- (c) a council or the administrator of a municipality is deemed to include the council of a municipal district or the administrator of a municipal district, as the case may be.

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- (6) The Lieutenant Governor in Council may make regulations:
- (a) prescribing Acts as local government Acts;
 - (b) prescribing the manner in which local government Acts are to apply to a municipal district, including respecting how all or any provision of a local government Act will apply to a municipal district, the council of a municipal district, the administrator of a municipal district or other prescribed persons or entities;
 - (c) prescribing any other matter or thing that is required or authorized to be prescribed pursuant to this section or any of sections 2, 80, 110, 193, 215, 223, 267 and 293;
 - (d) respecting any additional or other matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the incorporation, management and operation of a municipal district or to meet the purposes of this section or any of sections 2, 80, 110, 193, 215, 223, 267 and 293.
- (7) The power to make regulations pursuant to subsection (6) is to be interpreted as including the power to determine that a municipal district is composed of different areas or parts and to prescribe different criteria, matters or things for different areas or parts of a municipal district.
- (8) If there is any conflict between this section and the regulations made pursuant to this section and any other Act or regulations, this section and the regulations made pursuant to this section prevail.
- (9) Subsection 61(3), clauses 62(a) and (c), subsection 63(2) and section 64 apply, with any necessary modification, to a minister's order made pursuant to this section.
- (10) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the purpose of amending, correcting or repealing provisions in, or adding provisions to, those regulations to facilitate the incorporation, management and operation of municipal districts or to meet the purposes of this section”.

New section 52.1

10 The following section is added after section 52:

“Initiating restructuring or change in status if municipality is not in compliance

52.1(1) The council of a municipality shall request the minister to order a restructuring of a municipality pursuant to subclause 61(2)(c)(iii) or a change in status of the municipality pursuant to clause 61(2)(d) if:

- (a) for two or more consecutive years, the municipality has not complied with the prescribed requirements of this Act or regulations or any other Act or regulations made pursuant to the other Act;
- (b) the municipality has been notified of its non-compliance pursuant to clause (a) and is unable to demonstrate compliance to the satisfaction of the minister with the matters set out in the notice within the period indicated in the notice; and
- (c) for a municipality other than a rural municipality, the municipality no longer meets the prescribed minimum population for two consecutive censuses as set out in this Act or the regulations.

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- (2) If a council does not make the request or demonstrate compliance in the period indicated in the notice mentioned in clause (1)(b), the minister shall, after completing any consultations that the minister considers appropriate with affected municipalities, make an order pursuant to subclause 61(2)(c)(iii) or clause 61(2)(d).
- (3) The Lieutenant Governor in Council may make regulations:
- (a) respecting the areas of non-compliance for the purposes of clause (1)(a);
 - (b) prescribing the minimum population and the censuses to be used for the purposes of clause (1)(c);
 - (c) respecting the process to be followed by a municipality to make the request pursuant to this section;
 - (d) respecting the notices to be given and processes to be followed by the minister with respect to the request and any order to be made pursuant to this section;
 - (e) respecting any other matter the Lieutenant Governor in Council considers necessary to carry out the intent of this section”.

Section 80 amended**11 Subsection 80(1) is repealed and the following substituted:**

- “(1) Subject to subsection (2), a council consists of:
- (a) in the case of a municipality other than a municipal district or a rural municipality, a mayor and at least two councillors;
 - (b) in the case of a rural municipality:
 - (i) a reeve; and
 - (ii) a councillor for each division; and
 - (c) in the case of a municipal district, the positions set out in the order made pursuant to section 51.1 for the municipality”.

Section 110 amended**12 Subsection 110(2) is repealed and the following substituted:**

- “(2) A person who holds the position of administrator of the municipality must:
- (a) in the case of an administrator of a municipality other than a municipal district or a rural municipality, be qualified as required by *The Urban Municipal Administrators Act*;
 - (b) in the case of a rural municipality, be qualified as required by *The Rural Municipal Administrators Act*; or
 - (c) in the case of a municipal district, be qualified as required by *The Urban Municipal Administrators Act* or *The Rural Municipal Administrators Act*”.

New section 140.1**13 The following section is added after section 140:****“Petition for a financial or management audit****140.1(1)** In this section:

- (a) **‘financial audit’** means an audit to identify:
 - (i) any instances of fraud, theft or other misappropriation of funds;
 - (ii) any improper or unauthorized transactions; or
 - (iii) any non-compliance with this Act, any other Act or any bylaw of the municipality;
 - (b) **‘management audit’** means an audit to:
 - (i) review the performance and operations of a municipality to evaluate whether its operations are undertaken economically, efficiently and effectively;
 - (ii) investigate and identify issues related to the policy, organization, operation or administration of the municipality; and
 - (iii) recommend appropriate solutions respecting the matters set out in subclauses (i) and (ii).
- (2) The voters of a municipality may petition the council to require the council to undertake a financial audit or management audit of:
- (a) the municipality;
 - (b) any council committee or other body established by the council pursuant to clause 81(a); or
 - (c) any controlled corporation.
- (3) If the administrator reports to the council that a petition is sufficient, the council shall:
- (a) at its next meeting, pass a resolution to engage the services of an auditor who meets the requirements of subsection (9) to conduct the financial audit or management audit as the case may be;
 - (b) cause the financial audit or management audit to be conducted within 180 days after the receipt by the council of the petition requesting the financial audit or management audit;
 - (c) determine with the auditor the audit required to address the matters set out in the petition; and
 - (d) fully cooperate with the auditor during the audit.
- (4) For the purposes of this section, a petition is sufficient if it is signed by the number of voters equal to one-third of the population of the municipality.
- (5) Sections 133 to 135 and 138 apply, with any necessary modification, to a petition pursuant to this section.
- (6) Section 190 applies, with any necessary modification, to an auditor appointed pursuant to this section.

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- (7) Section 404 does not apply to the requirements mentioned in clauses (3)(a) and (b).
- (8) The financial audit or management audit must be conducted in accordance with the guidelines and standards as recommended from time to time by Chartered Professional Accountants of Canada.
- (9) An auditor appointed for the purpose of this section:
- (a) must be a member in good standing of a recognized accounting profession that is regulated by an Act; and
 - (b) must not be the auditor for the municipality appointed pursuant to subsection 188(1).
- (10) The municipality shall pay all the costs of the financial audit or management audit.
- (11) Within 30 days after receiving the auditor's report, the municipality shall:
- (a) subject to subsection (12), publicize the availability of the report in the municipal office and in a newspaper that is in general circulation in the municipality; and
 - (b) provide a copy of the report, either by ordinary mail or personal delivery, to any person who requests a copy.
- (12) If the auditor's report identifies instances mentioned in clause (1)(a), the auditor shall forward the report to the Deputy Minister of Justice for further investigation, and the municipality shall refrain from providing the public notice required pursuant to subsection (11).
- (13) On the completion of any report made pursuant to this section, the auditor shall provide a copy of the report to the minister”.

Section 147 amended**14 Clauses 147(1)(f) to (h) are repealed and the following substituted:**

- “(f) other than a member of the council of a rural municipality, resort village or municipality that has adopted a bylaw pursuant to clause 89(2)(a) or (b), ceases to reside in the municipality;
- “(g) in the case of a rural municipality or a municipality other than a rural municipality that has adopted a bylaw pursuant to clause 89(2)(b), ceases to reside in Saskatchewan and for three consecutive months does not reside in Saskatchewan; or
- “(h) in the case of a rural municipality or a municipality other than a rural municipality that has adopted a bylaw pursuant to clause 89(2)(b), is convicted of making a false statement in the acceptance of his or her nomination as a candidate”.

Section 162 amended**15 The following subsection is added after subsection 162(1):**

- “(1.1) Clause (1)(b) does not apply if the Saskatchewan Municipal Board has determined the municipality's debt limit pursuant to subsection 161(2)”.

Section 188 amended**16 Subsection 188(1) is repealed and the following substituted:**

“(1) A council shall appoint an auditor for the municipality who is a member in good standing of a recognized accounting profession that is regulated by an Act”.

Section 193 amended**17 Section 193 is amended:****(a) by adding the following clauses after clause (e.3):**

“(e.31) **‘mineral’** means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after extraction, but does not include any surface or ground water, agricultural soil or sand or gravel;

“(e.32) **‘mineral resource’** means any mineral deposit that may be found on, in or under any lands in Saskatchewan, including without limitation any reservoir of oil, gas, or oil and gas and any ore body containing any mineral”; **and**

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

“(f) **‘railway roadway’** means:

(i) in the case of a hamlet, organized hamlet, a municipality other than a rural municipality or that part of a municipal district that was formerly an urban municipality, 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; and

(ii) in the case of a rural municipality or that part of a municipal district that was formerly a rural municipality, the continuous strip of land that is used by the railway company as a right of way, and includes any railway superstructure on the land”.

Section 215 amended**18 Clause 215(1)(d.1) is repealed and the following substituted:**

“(d.1) in the case of a rural municipality or a municipal district constituted by divisions, the division in which the owner or owners are entitled to vote in an election”.

Section 223 amended**19 Subsection 223(1) is amended:**

(a) in clause (b) by striking out “other than a rural municipality” and substituting “other than a municipal district or a rural municipality”;

(b) by striking out “or” after clause (b);

(c) by adding “or” after clause (c); and

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

“(d) in the case of a municipal district, any property that has a total assessment of \$250,000 or less or \$100,000 or less as set out in the order made pursuant to section 51.1 for the municipal district”.

Section 267 amended**20 Clause 267(5)(d.1) is repealed and the following substituted:**

“(d.1) in the case of a rural municipality or a municipal district constituted by divisions, the division in which the owner or owners are entitled to vote in an election”.

Section 274 amended**21(1) Subsection 274(1) is repealed and the following substituted:**

“(1) Subject to subsection (11), with respect to any year, if a council considers it equitable to do so in any of the circumstances set out in subsection (2), it may, generally or with respect to a particular taxable property, do one or more of the following, with or without conditions:

- (a) cancel or reduce tax arrears;
- (b) cancel or refund all or any part of a tax;
- (c) defer the collection of a tax”.

(2) Subsection 274(2) is amended:

(a) by striking out the portion preceding clause (a) and substituting the following:

“A council may act pursuant to subsection (1) if:”; **and**

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

“(e) in the council’s opinion, the compromise or abatement:

- (i) is in the best interests of the community; and
- (ii) is the result of a policy or program passed by bylaw or resolution for which public notice has been given in accordance with section 128”.

(3) Subsection 274(2.1) is repealed and the following substituted:

“(2.1) If a council takes an action pursuant to subsection (2), the council may:

- (a) if acting pursuant to clause (2)(b), act in the same manner with respect to the claim of any other taxing authority on whose behalf the municipality levies taxes; and
- (b) if acting pursuant to clause (2)(a), (c), (d) or (e), act in the same manner with respect to the claim of any other taxing authority on whose behalf the municipality levies taxes only with the agreement of the other taxing authority for the period agreed to by the other taxing authority”.

(4) Subsection 274(4) is amended by striking out “subsection (2) or (2.1)” and substituting “subsection (2.1)”.

(5) The following subsections are added after subsection 274(9):

“(10) Nothing in this section allows a council to cancel, reduce, refund or defer taxes for an entire class of property.

“(11) The Lieutenant Governor in Council may make regulations respecting:

- (a) limits to the compromises and abatements that may be provided by a council pursuant to this section; and
- (b) the reporting that must be done by the council of the compromises and abatements that are provided by a council pursuant to this section”.

Section 283 amended

22 Section 283 is amended:

- (a) **in subsection (2.01) in the portion preceding clause (a) by adding “or a municipal district” after “council for a rural municipality”; and**
- (b) **in subsection (2.03) by adding “or municipal district” after “rural municipality”.**

Section 285 amended

23 Subsection 285(1) is amended by striking out “A council” and substituting “Subject to the regulations, a council”.

Section 289 amended

24(1) Subsection 289(1) is amended by adding “but subject to the regulations” after “Notwithstanding any other provision of this Part”.

(2) The following subsection is added after subsection 289(3):

- “(4) The Lieutenant Governor in Council may make regulations respecting:
 - (a) limits on the minimum amounts payable as property tax that may be set by a council; and
 - (b) the reporting that must be done by the council of the minimum amounts payable as property tax set by a council”.

Section 290 amended

25(1) Subsection 290(1) is amended by adding “but subject to the regulations” after “Notwithstanding any other provision of this Part”.

(2) The following subsection is added after subsection 290(4):

- “(5) The Lieutenant Governor in Council may make regulations respecting:
 - (a) limits on the base amounts of taxes payable as property tax that may be set by a council; and
 - (b) the reporting that must be done by the council of the base amounts of taxes payable as property tax set by a council”.

New section 290.1

26 The following section is added after section 290:

“Minister’s order re non-compliance with tax tool limits

290.1(1) For the purposes of this section, ‘tax tools’ means the following:

- (a) a mill rate factor pursuant to section 285;
- (b) a minimum amount payable as property tax set pursuant to section 289;
- (c) a base amount of taxes payable as property tax set pursuant to section 290.

(2) The minister may, by order, prohibit or restrict the municipality from applying all or any of the tax tools to any class or classes of property if:

- (a) the municipality has not complied with section 285, 289 or 290; and
- (b) the minister has notified the municipality of its non-compliance pursuant to clause (a) and the municipality is unable to demonstrate to the satisfaction of the minister its compliance with the matters set out in the notice within the period indicated in the notice.

(3) If a municipality does not demonstrate compliance to the satisfaction of the minister in the period provided for in the notice mentioned in subsection (2), the minister may make an order mentioned in subsection (2).

(4) If the minister makes an order pursuant to subsection (2), the minister shall:

- (a) notify, in writing, the municipality mentioned in the order that the authority to apply all or any of the tax tools to a class or classes of property has been prohibited or restricted, as the case may be; and
- (b) cause every order made pursuant to this section to be published in Part I of the Gazette”.

Section 293 amended

27 The following clause is added after clause 293(1)(a):

“(a.1) ‘assessment’ and ‘actual assessment’ mean taxable assessment as determined in accordance with section 197”.

Section 358 amended

28(1) Subsection 358(1) is amended:

(a) **in the portion preceding clause (a) by adding “, any owner or occupant of property or a business within the municipality or the minister” after “municipality”; and**

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

“(a) the bylaw or resolution is illegal in substance or form”.

(2) **Subsection 358(2) is amended by striking out “60 days” and substituting “six months”.**

Section 369 amended

29 Section 369 is amended:

(a) **in the portion of clause (1)(b) preceding subclause (i) by adding “subject to subsection (1.1),” before “unpaid charges for a utility service”; and**

(b) **by adding the following subsection after subsection (1):**

“(1.1) Clause (1)(b) does not apply to charges respecting services supplied to a tenant of the land or building by a public utility that purchases power in bulk from SaskPower pursuant to section 34 of *The Power Corporation Act*”.

Section 395 amended**30 Subsection 395(1) is amended:**

- (a) by adding “or” after clause (a);
- (b) by striking out “or” after clause (b); and
- (c) by repealing clause (c).

Section 397 amended**31 Subsection 397(1) is amended:**

- (a) by adding “or” after clause (a);
- (b) by striking out “or” after clause (b); and
- (c) by repealing clause (c).

Section 399 amended**32(1) Subsection 399(1) is repealed and the following substituted:**

“(1) In this section, ‘**official examination**’ means:

- (a) a petition or audit pursuant to section 140.1;
- (b) a report pursuant to section 189;
- (c) an audit pursuant to section 395;
- (d) an inspection pursuant to section 396; or
- (e) an inquiry pursuant to section 397.

“(1.1) If, because of an official examination, the minister considers that summary action is necessary, the minister may, by order, direct the council, the administrator or a designated officer of the municipality to take any action that the minister considers proper in the circumstances”.

(2) The following subsection is added after subsection 399(3):

“(3.1) Any member of council who is dismissed pursuant to subsection (2) is disqualified from being nominated as a candidate in the election mentioned in subsection (3)”.

CONSEQUENTIAL AND RELATED AMENDMENTS**R.S.S. 1978, c.B-10, section 2 amended**

33 Clause 2(1)(u) of *The Business Corporations Act* is amended by adding “, municipal district” after “rural municipality”.

S.S. 2002, c.C-11.1, section 333 amended**34 Section 333 of *The Cities Act* is amended:**

- (a) in the portion of clause (1)(b) preceding subclause (i) by adding “subject to subsection (1.1),” before “unpaid charges for a utility service”; and
- (b) by repealing subsection (1.1) and substituting the following:

“(1.1) Clause (1)(b) does not apply to charges respecting services supplied to a tenant of the land or building by a public utility that purchases power in bulk from SaskPower pursuant to section 34 of *The Power Corporation Act*”.

S.S. 1986-87-88, c.C-12.1, section 6 amended

35 Clause 6(l) of *The Clean Air Act* is amended by striking out “town or village” and substituting “town, village or that part of a municipal district that is prescribed in the regulations”.

R.S.S. 1978, c.C-13, section 2 amended

36 Clause 2(1)(c.1) of *The Closing-out Sales Act* is amended by adding “, municipal district” after “rural municipality”.

R.S.S. 1978, c.D-17, section 11 amended

37 Subsection 11(1) of *The Department of Health Act* is amended by striking out “every clerk or secretary of a city, town, village or rural municipality” and substituting “every clerk, secretary or administrator of a city, town, village, municipal district or rural municipality”.

S.S. 1988-89, c.E-7.2, amended

38(1) *The Electrical Licensing Act* is amended in the manner set forth in this section.

(2) Subsection 17(4) is repealed and the following substituted:

“(4) Subject to subsection (5), a holder of a limited contractor’s licence may carry on the business of a contractor in the town, village or the prescribed part of a municipal district in which the holder resides and in any place within a radius of 80 kilometres from that town, village or prescribed part of that municipal district”.

(3) Clause 19(a) is amended by adding “, prescribed part of a municipal district” after “village”.

R.S.S. 1978, c.E-16, section 3 amended

39 Subsection 3(3) of *The Expropriation Procedure Act* is amended by adding “municipal district,” after “rural municipality,”.

S.S. 1992, c.F-15.001 amended

40(1) *The Fire Prevention Act, 1992* is amended in the manner set forth in this section.

(2) Clause 2(h) is repealed and the following substituted:

“(h) ‘local assistant’ means:

(i) with respect to a municipality that has a fire department, a fire chief or acting fire chief;

(ii) with respect to a municipality that does not have a fire department:

(A) the administrator or clerk of the municipality; or

(B) any other person appointed by the municipality in consultation with the fire commissioner; or

(iii) with respect to park land constituted pursuant to *The Parks Act* or a regional park established pursuant to *The Regional Parks Act, 1979*, a person appointed as a fire chief by the fire commissioner”.

(3) Section 7 is repealed and the following substituted:

“Appointment of fire chief for hamlets

7 The council of a municipality may appoint a fire chief with responsibility for any hamlet or area in the municipality specified in the appointment”.

S.S. 1993, c.H-0.01, section 2 amended

41 Clause 2(o) of *The Health Districts Act* is repealed and the following substituted:

“(o) ‘municipality’ includes the City of Lloydminster”.

S.S. 1997, c.H-3.01 amended

42(1) *The Highways and Transportation Act, 1997* is amended in the manner set forth in this section.

(2) Subsection 29(1) is amended in the portion preceding clause (a) by adding “, prescribed part of a municipal district” after “village”.

(3) Subsection 32(5) is amended in the portion preceding clause (a) by adding “, prescribed part of a municipal district” after “village”.

(4) Subsection 37(12) is repealed and the following substituted:

“(12) A rural municipality or a municipal district may, in writing, grant to one or more persons all of the powers granted by this section to a peace officer or a person appointed by the minister, but the power granted pursuant to this subsection may only be used within the rural municipality or the prescribed part of a municipal district with respect to suspected offences on public highways maintained by that rural municipality or by that municipal district”.

(5) Subsection 38(9) is amended:

(a) in the portion preceding clause (a) by adding “or the municipal district” after “rural municipality”;

(b) in clause (a) by adding “or by the municipal district” after “rural municipality”; and

(c) in clause (b) by adding “or by the municipal district” after “rural municipality”.

R.S.S. 1978 (Supp.), c.H-4.1, section 2 amended

43 Clause 2(i.1) of *The Home Energy Loan Act* is amended by adding “, municipal district” after “rural municipality”.

R.S.S. 1978, c.H-7, section 3 amended

44 Section 3 of *The Horse Racing Regulation Act* is amended by adding “, municipal district” after “village”.

R.S.S. 1978, c.M-29, section 2 amended

45 Clause 2(g) of *The Municipal Hail Insurance Act* is amended by adding “or that part of a municipal district that is prescribed in the regulations” after “rural municipality”.

R.S.S. 1978, c.P-7, section 19 amended

46 Subsection 19(3) of *The Pest Control Act* is amended by adding “or a municipal district” after “rural municipality”.

S.S. 2007, c.P-13.2 amended

47(1) *The Planning and Development Act, 2007* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(1)(cc):

“(cc.1) ‘**municipal district**’ means a municipal district as defined in *The Municipalities Act*”.

(3) Subsection 119.1(3) is repealed and the following substituted:

“(3) A regional planning area may consist of all or any portion of:

- (a) a city; and
- (b) its adjacent:
 - (i) rural municipality or rural municipalities; or
 - (ii) municipal district or municipal districts”.

R.S.S. 1978, c.P-19 amended

48(1) *The Power Corporation Act* is amended in the manner set forth in this section.

(2) Subsection 11(1) is amended by adding “, municipal district” after “village” wherever it appears.

(3) Subsection 11(2) is amended by adding “or the administrator of the municipal district,” after “or the secretary treasurer of the village”.

(4) Subsection 19(4) is amended:

(a) in clause (b) by adding “, the part of a municipal district that is prescribed in the regulations” after “village”; and

(b) in clause (c) by adding “, the part of a municipal district that is prescribed in the regulations” after “village”.

(5) Section 31 is amended:

(a) in subsection (1) by striking out “town or village, or in a hamlet in a rural municipality” and substituting “a town, a village, a hamlet in a rural municipality or the part of a municipal district that is prescribed in the regulations”;

(b) by repealing subsection (2) and substituting the following:

“(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a copy of a plan showing the location of the proposed power line or pipeline to each of the following:

- (a) the member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997*;

(b) the member of the Executive Council responsible for the administration of *The Saskatchewan Telecommunications Act*;

(c) the secretary or treasurer of any rural municipality or the administrator of any municipal district within which all or any part of the power line or pipeline is to be constructed”; **and**

(c) in subsection (3) by striking out “town or village, or in a hamlet in a rural municipality” and substituting “a town, a village, a hamlet in a rural municipality or that part of a municipal district that is prescribed in the regulations”.

(6) Section 32 is amended:

(a) in subsection (1) by striking out “town or village, or in a hamlet in a rural municipality” and substituting “a town, a village, a hamlet in a rural municipality or that part of a municipal district that is prescribed in the regulations”; and

(b) in subsection (2) by striking out “or rural municipality” and substituting “, rural municipality or municipal district”.

(7) Section 34 is amended:

(a) by repealing subsection (1) and substituting the following:

“(1) The corporation may contract with any city, town, village, rural municipality or municipal district for the supply of electrical energy or steam to the city, town, village or municipal district, and to their inhabitants, or to a hamlet situated within a rural municipality and to the inhabitants of that hamlet”; **and**

(b) in subsection 34(2) by striking out “or rural municipality” and substituting “, rural municipality or municipal district”.

(8) Subsection 38(1) is amended in the portion preceding clause (a) by striking out “or village” and substituting “, village or municipal district”.

S.S. 1982-83, c.P-22.1 amended

49(1) *The Prairie and Forest Fires Act, 1982* is amended in the manner set forth in this section.

(2) Clause 2(m) is repealed and the following substituted:

“(m) ‘**municipal council**’ means the council of a rural municipality, the council of a resort village within a burning permit area, or the council of a municipal district”.

(3) Clause 3(2)(b) is amended by adding “and that part of a municipal district that is prescribed in the regulations” after “rural municipality”.

(4) Subsection 6(2) is amended by adding “or municipal district” after “rural municipality”.

(5) Clause 7(1)(d) is amended by adding “or municipal district” after “rural municipality”.

(6) Subsection 7(2) is amended by striking out “secretary treasurer of a rural municipality” and substituting “secretary treasurer of a rural municipality or administrator of a municipal district”.

(7) **Subsection 7(3) is amended by striking out “secretary treasurer of a rural municipality” and substituting “secretary treasurer of a rural municipality or administrator of a municipal district”.**

(8) **Subsection 8(1) is repealed and the following substituted:**

“(1) Subject to the other provisions of this Act, if a fire originated or is burning in a rural municipality or in that part of a municipal district that is prescribed in the regulations, the rural municipality or municipal district is responsible for controlling and extinguishing the fire”.

(9) **Subsection 8(2) is amended by adding “or that part of a municipal district that is prescribed in the regulations” after “rural municipality”.**

(10) **Subsection 8(3) is amended by adding “or that part of a municipal district that is prescribed in the regulations” after “rural municipality”.**

(11) **Subsection 9(2) is amended:**

(a) **by adding “municipal districts,” after “rural municipalities,”; and**

(b) **by adding “, municipal district” after “the rural municipality”.**

(12) **Section 10 is amended by adding “, the municipal district” after “rural municipality”.**

(13) **Section 11 is amended by adding “or municipal district” after “rural municipality” wherever it appears.**

(14) **Section 11.1 is repealed and the following substituted:**

“Costs re urban and northern municipalities

11.1(1) Notwithstanding subsection 3(1), if the department incurs costs as a result of fire fighting action taken with respect to a fire that originated in a city, a town, a village, a resort village, that part of a municipal district that is prescribed in the regulations or a northern municipality, the city, town, village, resort village, municipal district or northern municipality, as the case may be, is liable for all or part of the cost of controlling and extinguishing the fire that the minister considers reasonable.

(2) The cost mentioned in subsection (1) is a debt due to the Crown, is payable on demand and may be recovered in any court of competent jurisdiction”.

(15) **Subsection 13(2) is amended by striking out “or the rural municipality” and substituting “, the rural municipality or the municipal district”.**

(16) **Subsection 13(4) is amended by striking out “or the rural municipality” and substituting “, the rural municipality or the municipal district”.**

(17) **Subsection 13.1(2) is amended by striking out “or the rural municipality” and substituting “, the rural municipality or the municipal district”.**

(18) **Section 16 is amended by adding “or municipal district” after “rural municipality”.**

(19) **Subsection 17(6) is amended:**

(a) **by adding “, a municipal district” after “a rural municipality”; and**

(b) **by adding “, municipal district” after “rural municipality”.**

(20) **Subsection 25(2) is amended by adding “, the municipal district” after “rural municipality”.**

R.S.S. 1978, c.R-17, section 2 amended

50 Clause 2(e) of *The Rehabilitation Act* is amended by adding “, municipal district” after “rural municipality”.

R.S.S. 1978, c.R-19, section 2.2 amended

51 Section 2.2 of *The Religious Societies Land Act* is amended by striking out “or rural municipality” and substituting “, rural municipality or municipal district”.

R.S.S. 1978, c.R-25 amended

52(1) *The Rural Municipal Administrators Act* is amended in the manner set forth in this section.

(2) Clause 2(a) is amended by adding “or a municipal district” after “rural municipality”.

(3) Subsection 11(1) is amended by striking out “of a rural municipality”.

(4) Subsection 11.1(1) is amended by adding “or a municipal district” after “rural municipality”.

(5) Subsection 12(2) is amended by striking out “of a rural municipality”.

(6) Section 13 is amended:

(a) in subsection (1) by striking out “of a rural municipality”; and

(b) in subsection (2) by striking out “of a rural municipality”.

(7) Subsection 15(1) is amended by striking out “of a rural municipality”.

(8) Subsection 18(2) is amended by adding “or municipal district” after “rural municipality”.

R.S.S. 1978, c.S-8, section 2 amended

53 Clause 2(e) of *The Saskatchewan Assistance Act* is amended by adding “, municipal district” after “rural municipality”.

R.S.S. 1978, c.S-24, section 2 amended

54 Clause 2(1)(n) of *The Saskatchewan Housing Corporation Act* is amended by adding “, municipal district” after “rural municipality”.

R.S.S. 1978, c.S-29, section 2 amended

55 Clause 2(j) of *The Saskatchewan Medical Care Insurance Act* is amended by adding “, municipal district” after “rural municipality”.

S.S. 1992, c.S-35.1 amended

56(1) *The SaskEnergy Act* is amended in the manner set forth in this section.

(2) Section 26 is amended:

(a) in paragraph (1)(a)(ii)(A) by adding “or that part of a municipal district that is prescribed in the regulations” after “rural municipality”; and

(b) in clause (2)(d) by adding “or municipal district” after “rural municipality”.

(3) Subclause 27(1)(a)(i) is amended by adding “or that part of a municipal district that is prescribed in the regulations” after “rural municipality”.

(4) Section 33 is amended:

(a) in clause (2)(a) by adding “or that part of a municipality that is prescribed in the regulations” **after** “northern municipality”; **and**

(b) in clause (6)(b) by adding “or the part of a municipality that is prescribed in the regulations” **after** “northern municipality”.

(5) Subsection 59(1) is repealed and the following substituted:

“(1) Subject to subsection (1.1), if SaskPower and a municipality, other than a rural municipality or northern municipality, have entered into an agreement before the coming into force of this section respecting payments in lieu of taxes based on any of the services mentioned in subsection (4), the corporation:

(a) shall perform the duties and responsibilities of SaskPower under that agreement; and

(b) may exercise the powers of SaskPower, under that agreement.

“(1.1) If a municipality mentioned in subsection (1) has entered into an agreement mentioned in that subsection and the municipality is incorporated into a municipal district pursuant to *The Municipalities Act*, this section applies only to that part of the municipal district that was formerly the municipality”.

R.S.S. 1978, c.S-52, section 21 amended

57 Clause 21(2)(a) of *The Snowmobile Act* is amended by adding “or of that part of a municipal district that is prescribed in the regulations” **after** “village”.

R.S.S. 1978, c.T-2, section 2 amended

58 Clause 2(d) of *The Tax Enforcement Act* is repealed and the following substituted:

“(d) ‘**head of the council**’ means the mayor or reeve of a municipality, as the case may be”.

S.S. 2004, c.T-18.1 amended

59(1) *The Traffic Safety Act* is amended in the manner set forth in this section.

(2) Clause 209(6.1)(c) is amended:

(a) in subclause (i) by adding “or in the prescribed part of a municipal district,” **after** “hamlet,”; **and**

(b) in subclause (ii) by adding “or of the prescribed part of a municipal district,” **after** “hamlet,”.

(3) Section 217 is amended:

(a) in subclause (1)(b)(ii) in the portion preceding paragraph (A) by adding “or the prescribed part of a municipal district” **after** “rural municipality”;

(b) in subsection (3) by adding “or the prescribed part of a municipal district” **after** “rural municipality”; **and**

(c) in subsection (6) by adding “or the prescribed part of a municipal district” **after** “rural municipality”.

(4) Subsection 223(1) is amended in the portion preceding clause (a) by adding “or the prescribed part of a municipal district” **after** “rural municipality”.

(5) **Subsection 225(2) is amended by adding** “or the prescribed part of a municipal district” **after** “rural municipality”.

(6) **Section 227 is amended in the portion preceding clause (a) by adding** “or the prescribed part of a municipal district” **after** “rural municipality”.

S.S. 2010, c.W-11.1 amended

60(1) *The Weed Control Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

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

“(p.1) ‘**municipal district**’ means a municipal district as defined in *The Municipalities Act*”; **and**

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

“(q) ‘**municipality**’ means a rural municipality, an urban municipality or a municipal district”.

(3) Subsection 6(1) is amended:

(a) in clause (b) by adding “or of a municipal district” **after** “rural municipality”; **and**

(b) in clause (c) by adding “, 2010” **after** “*The Northern Municipalities Act*”.

(4) Paragraphs 21(1)(b)(iii)(A) and (B) are repealed and the following substituted:

“(A) in the case of land situated in an urban municipality or the prescribed part of a municipal district, after a reasonable effort has been made; or

“(B) in the case of land situated in a rural municipality or the prescribed part of a municipal district, after two visits on two different days”.

(5) Subclause 23(b)(ii) is amended by adding “or a municipal district that is constituted by divisions” **after** “rural municipality”.

(6) Subsection 29(5) is amended:

(a) by adding “or mayor” **after** “reeve”; **and**

(b) by adding “or a municipal district that is constituted by divisions” **after** “rural municipality”.

Coming into force

61(1) Subject to subsections (2) and (3), this Act comes into force on assent.

(2) Sections 17, 21, 24, 25, 26, 27, 29 and 34 come into force on assent, but are retroactive and are deemed to have been in force on and from January 1, 2014.

(3) Sections 7, 8 and 10 come into force on proclamation.

THIRD SESSION

Twenty-seventh Legislature

SASKATCHEWAN

B I L L

No. 116

An Act to amend *The Municipalities Act* respecting
Municipal Status and Non-compliance and to
make consequential and related amendments to
other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Jim Reiter
