

# *The Northern Municipalities Act*



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Chapter N-5.1\* of the *Statutes of Saskatchewan, 1983* (effective October 1, 1983), as amended by the *Statutes of Saskatchewan, 1983, c.80, 1983-84, c.6 and 10, 1984-85-86, c.10, 16, 38, 68 and 85, 1986, c.3, 5, 17, 25, 26 and 33, 1988-89, c.42, 46 and 55, 1989-90, c.5 and 48, 1990-91, c.S-63.1, 1991, c.T-1.1 and 10, 1992, c.A-24.1 and S-35.1, 1993, c.L-33.1, O-1.1, T-20.1, 17, 18, 34, 45 and 55; 1994, c.P-37.1; 1995, c.27; 1996, c.9 and 54; 1997, c.H-3.01, 37 and 43; 1998, c.28; 1999, c.N-4.001 and 7; 2000, c.L-5.1, 19 and 50; 2001, c.T-14.1, c.20, 23 and 24; 2002, c.C-11.1, R-8.2, S-35.02 and c.37; 2003, c.29 and 34; 2004, c.L-16.1, T-18.1, 19, 51, 53 and 65; 2005, c.M-36.1, S-35.03 and 42; 2006, c.18 and 41; 2007, c.P-13.2 and 30; 2008, c.7; and 2008, c.33.*

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

**This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.**

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		300	R.S.S. c.N-5 repealed
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## CHAPTER N-5.1

### An Act respecting Local Government in Northern Saskatchewan

#### PART I General

##### Short title

1 This Act may be cited as *The Northern Municipalities Act*.

##### 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 a northern municipality for a period of more than 30 days; or
  - (iii) not licensed pursuant to clause 141(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*;
- (e) **“clerk”** means the clerk or administrator of a northern municipality depending on whether the office of clerk or administrator is required to be established pursuant to section 49;
- (e.1) **“conseil scolaire”** means the Conseil scolaire fransaskois established pursuant to section 42.1 of *The Education Act, 1995*;
- (f) **“council”** means the council of a northern municipality and includes the minister acting on behalf of the district;
- (f.1) **“court”**, other than in section 198, means the Court of Queen’s Bench;
- (g) **“Crown”** means Her Majesty in right of Saskatchewan;
- (h) **“department”** means the department over which the minister presides;

- (i) **“district”** means the Northern Saskatchewan Administration District not including any area within the boundaries of a town, northern village or northern hamlet;
- (i.1) **“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*;
- (j.01) **Repealed.** 1999, c.7, s.3.
- (j.1) **“general election”** means an election held every three years to elect all the members of council pursuant to *The Local Government Election Act*;
- (j.11) **“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;
- (j.2) **“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 a northern municipality; and
  - (iv) any pipeline on or under land in a northern municipality;
- (j.21) **“Indian band”** means a band as defined in the *Indian Act (Canada)* and includes the council of a band;
- (j.3) **“judge”** means a judge of the court sitting at the judicial centre nearest to which a northern municipality is situated;
- (k) **“land”** does not include improvements;
- (l) **“local advisory committee”** means a committee mentioned in subsection 5(3);
- (l.1) **“local assistant”** means local assistant as defined in *The Fire Prevention Act, 1992*;



(m) “**member**”, when used with reference to a member of council, includes the mayor and aldermen or, when used with reference to a local advisory committee, includes the chairman and members of the local advisory committee;

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

(n.1) “**municipal employee**” means a person who is in receipt of or entitled to any remuneration for labour or services performed for a northern municipality;

(n.2) **Repealed.** 2005, c.M-36.1, s.448.

(n.3) “**newspaper**” means a publication or local periodical that:

(i) contains primarily items of news; and

(ii) is distributed at least weekly in a northern 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 intended primarily for advertising or an advertising supplement to or contained in a newspaper;

(o) “**northern hamlet**” means a northern hamlet established pursuant to an order of the minister under section 14;

(p) “**northern municipality**” means a town, a northern village, a northern hamlet or the district;

(q) “**northern settlement**” means a northern settlement established pursuant to an order of the minister under section 14;

(r) “**northern village**” means a northern village established pursuant to an order of the minister under section 14 or a community continued as a northern village pursuant to Part XIII;

(s) “**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;

(t) “**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;

(u) “**parcel**” means:

(i) the whole or a portion of a quarter section or of a lot or block in an approved plan;

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- (ii) a number of quarter sections or of lots or blocks in an approved plan when assessed together; or
- (iii) any unsubdivided or unsurveyed land used for a single assessment or any subdivided or surveyed land for which a plan has not been approved;
- (v) **“person”** includes:
  - (i) unincorporated local government bodies;
  - (ii) associations and organizations, whether incorporated or unincorporated;
  - (iii) partnerships;
  - (iv) churches; and
  - (v) the heirs, executors, administrators or other legal representatives of a person mentioned in subclauses (i) to (iv);
- (w) **“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 products that may be designated by the minister but does not include a flowline;
- (w.1) **“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;
- (w.2) **“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;
- (x) **“prescribed”** means prescribed in the regulations;
- (y) **“Provincial Court”** means the Provincial Court of Saskatchewan;
- (z) **“public work”** means:
  - (i) any building or part of a building acquired, constructed or renovated for use by the department;
  - (ii) any land acquired for or connected with a building or part of building mentioned in subclause (i);
  - (iii) any matter or thing done or to be done in connection with any building or land mentioned in subclause (i) or (ii);
  - (iv) sewage, water, gas and power services and sewage treatment facilities connected with any building or land mentioned in subclause (i) or (ii); or

(v) all appointments, furnishings and equipment in, on, installed or placed in any building or land mentioned in subclause (i) or (ii), except any such appointments, furnishings and equipment that may be designated by the minister;

(aa) **Repealed.** 1984-85-86, c.68, s.3.

(bb) **“recreational subdivision”** means a subdivision of resource lands that is designated by the minister as a recreational subdivision;

(cc) **“resident”** means a person who is determined to be a resident in accordance with the rules concerning residency set out in *The Local Government Election Act*;

(dd) **“resource lands”** means lands within the meaning of *The Resource Lands Regulations* made pursuant to *The Provincial Lands Act*;

(ee) **“revenue sharing account”** means the Northern Revenue Sharing Trust Account established in Part XII;

(ee.01) **“Saskatchewan Municipal Board”** means the board established pursuant to *The Municipal Board Act*;

(ee.1) **Repealed.** 2005, c.M-36.1, s.448.

(ee.2) **“school division”** means a school division within the meaning of *The Education Act, 1995*;

(ee.3) **“security”** includes a debenture, promissory note, term deposit and any other type of negotiable instrument the use of which is approved by the minister or by the Saskatchewan Municipal Board;

(ff) **“special franchise”** means every right, authority or permission to construct, maintain or operate in, under, above or through any highway, road, street, lane, public place or public water within the jurisdiction of the northern municipality, any poles, wires, pipes, conduits, buildings, erections, structures or other things:

(i) for the purposes of bridges or motor omnibus systems; or

(ii) for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, power, transportation, telegraphic or other service;

(gg) **“spouse”** means:

(i) the legally married spouse of a person, with whom the person is cohabiting; or

(ii) a person who is cohabiting and has cohabited with another person as spouses continuously for at least two years.

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(hh) “**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;

(ii) “**town**” means a town established pursuant to an order of the minister under section 14 or a community continued as a town pursuant to Part XIII.

(2) A reference in this Act to *The Northern Administration Act* is a reference to that Act as it existed on the day before the coming into force of this Act.

(3) A reference in this Act to an Act of the Parliament of Canada or to any regulations made pursuant to any such Act is a reference to the Act or regulations as amended from time to time.

(4) 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.

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

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

1983, c.N-5.1, s.2; 1984-85-86, c.68, s.3;  
1989-90, c.5, s.10; 1989-90, c.48, s.3; 1993, c.34,  
s.3; 1993, c.55, s.182; 1993, c.T-20.1, s.6; 1995,  
c.27, s.3; 1996, c.54, s.3; 1999, c.7, s.3; 2001,  
c.20, s.42; 2002, c.C-11.1, s.397 and c.37, s.3;  
2005, c.M-36.1, s.448; 2008, c.33, s.3.

## N.S.A.D. continued

3(1) The Northern Saskatchewan Administration District is continued and is comprised of the prescribed area.

(2) This Act applies to the Northern Saskatchewan Administration District.

1983, c.N-5.1, s.3.

PART II  
Northern Local Government

STRUCTURE

## District

4 The minister or the department may exercise the powers and perform the duties conferred or imposed on him or it in this Act inside the district and in any prescribed areas outside the district.

1983, c.N-5.1, s.4.

**Northern settlements**

**5(1) Repealed.** 1993, c.34, s.4.

(1.1) All northern settlements established by an order made pursuant to section 14 prior to the repeal of subsection 5(1) are continued.

(2) A northern settlement is not a municipal corporation.

(3) A local advisory committee elected in accordance with Part III shall act in an advisory capacity to the minister with respect to the affairs of the northern settlement.

1983, c.N-5.1, s.5; 1993, c.34, s.4.

**Northern hamlets**

**6(1)** The residents of a northern settlement, or of any area in the district that is subdivided for residential purposes other than a recreational subdivision, may apply to the minister, by petition in accordance with this Part, to have the northern settlement or area established as a northern hamlet if the northern settlement or area:

(a) has a population of 50 or more; and

(b) contains 25 or more separate dwelling units or business premises.

(2) A northern hamlet is a municipal corporation.

(3) The powers of a northern hamlet are exercisable by a council consisting of a mayor and two aldermen elected in accordance with *The Local Government Election Act*.

(4) The council of a northern hamlet may, by bylaw, increase the number of aldermen to four, but, if the bylaw is passed after April 15 in the year of a general election, the bylaw does not apply to that general election.

1983, c.N-5.1, s.6; 1984-85-86, c.68, s.4; 1993, c.34, s.5; 1995, c.27, s.4.

**Northern villages**

**7(1)** The council of a northern hamlet may apply to the minister, by petition in accordance with this Part, to have the northern hamlet established as a northern village if the northern hamlet:

(a) has a population of 100 or more; and

(b) contains 50 or more separate dwelling units or business premises.

(2) A northern village is a municipal corporation.

(3) The powers of a northern village are exercisable by a council consisting of a mayor and four councillors elected in accordance with *The Local Government Election Act*, but the council may, by bylaw:

(a) increase the number of councillors to any even number; or

(b) decrease the number of councillors to any even number that is not less than two.

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(4) If a bylaw passed pursuant to subsection (3) is passed after April 15 in the year of a general election in the northern village, the bylaw does not apply to that general election.

1983, c.N-5.1, s.7; 1984-85-86, c.68, s.5; 1995, c.27, s.5; 2002, c.37 s.4.

**Towns**

8(1) The council of a northern village may apply to the minister, by petition in accordance with this Part, to have the northern village established as a town where the actual resident population in the area is 500 or more.

(2) A town is a municipal corporation.

(3) Subject to subsection (4), the powers of a town are exercisable by a council consisting of a mayor and six councillors elected in accordance with *The Local Government Election Act*.

(4) The council of a town may, by bylaw:

(a) increase the number of councillors to any even number; or

(b) decrease the number of councillors to any even number that is not less than two.

(5) If a bylaw passed pursuant to subsection (4) is passed after April 15 in the year of a general election in the town, the bylaw does not apply to that general election.

(6) **Repealed.** 2002, c.37, s.5.

1983, c.N-5.1, s.8; 1983-84, c.10, s.3; 1984-85-86, c.68, s.6; 2002, c.37, s.5.

**Application of Act to certain towns**

8.1(1) Parts I, II and XII, clauses 130(1)(g) and (h), sections 134 and 157 and subsection 161(1) of this Act apply to the Town of La Ronge.

(2) *The Municipalities Act* applies, with any necessary modification, to the Town of La Ronge.

(3) If there is a conflict between the provisions of this Act that are applicable to the Town of La Ronge and *The Municipalities Act*, the provisions of this Act prevail.

2002, c.37, s.6; 2005, c.M-36.1, s.448.

**PROCEDURE FOR ESTABLISHING NORTHERN MUNICIPALITIES**

**Contents of petition**

**9(1)** Where an application by petition is required by this Act to establish a northern municipality, the petition is to be in the form required by the minister and to contain:

- (a) in the case of a petition for the formation of a northern village or a town, the signatures of at least 15 electors;
  - (b) in the case of a petition for the formation of a northern hamlet, the signatures of at least 10 electors; and
  - (c) the name and address of a person residing within the proposed northern municipality who will undertake on behalf of the petitioners all further communications with the minister respecting the petition.
- (2) Every person who signs a petition shall verify his signature by a declaration under oath.
- (3) Every petition is to be accompanied by a map or plan showing in detail the boundaries of the proposed northern municipality.

1983, c.N-5.1, s.9.

**Notice of petition**

**10(1)** On receipt of a petition, the minister shall immediately require the person mentioned in clause 9(1)(c) to:

- (a) publish in a newspaper circulating in the proposed northern municipality; and
- (b) post in at least three widely-separated places within the boundaries of the proposed northern municipality;

a notice, in the form required by the minister, stating a time, not less than 30 days from the posting and first publication of the notice, by which complaints are to be lodged with the minister against the establishment of the northern municipality.

- (2) Every complainant shall state clearly in his complaint the reasons why he is opposed to the establishment of the northern municipality.
- (3) The person mentioned in clause 9(1)(c) shall furnish proof that notices have been posted and published as required by subsection (1) by a declaration under oath.

1983, c.N-5.1, s.10.

**Census**

**11(1)** Prior to the expiration of the 30 days mentioned in subsection 10(1), the minister shall appoint a person to take a census of the actual residents of the proposed northern municipality.

- (2) Notwithstanding subsection (1), if a census was taken of the proposed northern municipality within two years of the day on which the minister receives the petition, the minister may rely on the population figures in the census.

1983, c.N-5.1, s.11.

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## NORTHERN MUNICIPALITIES

**Public meeting**

**12** Where the minister is of the opinion that a public meeting should be held to discuss a petition, he shall immediately require the person mentioned in clause 9(1)(c) to call a public meeting by:

- (a) publishing in a newspaper circulating in the proposed northern municipality; and
- (b) posting in at least three widely-separated places within the boundaries of the proposed northern municipality;

a notice, in the form required by the minister, stating the time at and place where the public meeting will be held.

1983, c.N-5.1, s.12; 1988-89, c.55, s.23.

**Vote**

**13(1)** The minister may, in his discretion, order that a vote of electors be taken on the question of the establishment of a northern municipality.

(2) When a vote is ordered pursuant to subsection (1), it is to be held in the same manner as a vote on a bylaw under *The Local Government Election Act*, and, subject to subsection (3), 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*.

(3) The minister may, by order, provide for the doing of anything required to be done by a council under *The Local Government Election Act* to carry out a vote in accordance with this section.

1983, c.N-5.1, s.13.

**ORDERS ESTABLISHING AND ALTERING BOUNDARIES AND  
NAMES OF NORTHERN MUNICIPALITIES**

**Contents of establishing order**

**14(1)** Subject to subsection (2), where, in the opinion of the minister, a northern municipality should be established or where a vote has been held pursuant to section 13 and a majority of those voting vote in favour of the establishment of the northern municipality, the minister shall, by order:

- (a) declare the northern municipality to be established, assign to it a name 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, and that day may be prior to the effective date of the order;
- (d) appoint a person to act as the returning officer at the election;
- (e) fix a day, hour and place for the first meeting of the council;
- (f) provide for any other thing the minister considers necessary to facilitate the incorporation of the northern municipality and to enable it to hold its first election and first meeting of council.



(2) An order made pursuant to subsection (1) is to be published in Part I of the Gazette, and the publication of the order is conclusive proof of the legal formation of the northern municipality in accordance with this Act.

1983, c.N-5.1, s.14; 1984-85-86, c.68, s.7; 1993, c.34, s.6; 1995, c.27, s.6.

**Consequences of establishing order re northern hamlet**

**15** When an order establishing a northern settlement as a northern hamlet is made:

- (a) the local advisory committee of the former northern settlement continues in office as the council of the northern hamlet, and the chairman of the local advisory committee continues as the mayor of the northern hamlet, until the date specified in the order;
- (b) all minister's orders relating to the former northern settlement continue as bylaws of the northern hamlet for one year, insofar as they are not inconsistent with this Act, unless they are earlier repealed or others are made in their place;
- (c) all assessments are continued until a reassessment takes place;
- (d) all actions by or against the Crown may be continued and maintained by or against the Crown, and all rights of action by or against the Crown may be commenced by or against the northern hamlet;
- (e) all property vested in the minister and held for the benefit of the northern settlement is vested in the northern hamlet and, subject to any trusts or other conditions that may be applicable, may be dealt with by it in its own name; and
- (f) all other assets, liabilities, rights, duties, functions and obligations of the minister on behalf of the northern settlement are vested in the northern hamlet and may be dealt with by it in its own name insofar as the rights, duties, functions and obligations are not inconsistent with this Act.

1983, c.N-5.1, s.15; 1993, c.34, s.7.

**Consequences of establishing order re town or northern village**

**16** When an order establishing a town or a northern village is made:

- (a) the council of the former northern municipality continues in office until the date specified in the order;
- (b) each official and employee of the former northern municipality continues as an official or employee of the new northern municipality with the same rights and duties until the council of the new northern municipality otherwise directs;

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- (c) all bylaws and resolutions of the former northern municipality continue as the bylaws and resolutions of the new northern municipality, insofar as they are not inconsistent with this Act, until they are repealed or others are made in their place;
- (d) all assessments are continued until a reassessment takes place and all taxes due to the former northern municipality are deemed to be taxes due to the new northern municipality and may be collected and dealt with as if the taxes were imposed in accordance with this Act;
- (e) all rights of action and actions by or against the former northern municipality may be commenced, continued or maintained by or against the new northern municipality;
- (f) all property vested in the former northern municipality is vested in the new northern 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 northern municipality are vested in the new northern municipality and may be dealt with by it in its own name insofar as the rights, duties, functions and obligations are not inconsistent with this Act.

1983, c.N-5.1, s.16.

**Annexation****17(1) Where:**

- (a) a majority of the residents of an area in the district adjacent to a northern municipality desire annexation to the northern municipality and present a petition to that effect to the council of the northern municipality; and
- (b) the council by resolution agrees to the proposed annexation;

the minister may, by order, annex that area to the northern municipality.

**(2) Where the council of a northern municipality:**

- (a) requests that an area of the district adjacent to the northern municipality be annexed; and
- (b) has given every assessed owner of land in the area proposed to be annexed an opportunity to be heard at a meeting of the council by:
  - (i) serving a notice of the meeting on each such owner personally or by sending it to him by registered mail to his last known address; and
  - (ii) publishing a copy of the notice of the meeting in a newspaper circulating in the district and the northern municipality;

at least 30 days prior to the date set for the meeting of the council;

the minister may, by order, annex the area described in clause (a) to the northern municipality.

1983, c.N-5.1, s.17.

**Annexation**

**17.1(1)** Where a majority of the residents of an area in the district adjacent to a northern settlement desire annexation to the northern settlement and present a petition to that effect to the minister, the minister may, by order, annex that area to the northern settlement.

(2) Where the minister determines that an area of the district adjacent to a northern settlement should be annexed to a northern settlement, the minister may, by order, annex that area to the northern settlement if every assessed owner of land in the area proposed to be annexed has been given an opportunity to be heard at a public meeting by, at least 30 days prior to the meeting:

- (a) serving a notice of the meeting on each owner personally or by sending it to the owner by registered mail to the owner's last known address; and
- (b) publishing a copy of the notice of the meeting in a newspaper circulating in the district and northern settlement.

1993, c.34, s.8.

**Alteration of boundaries**

**18** Where it is shown to the satisfaction of the minister that the boundaries of a northern municipality, other than the district, or a northern settlement ought to be altered, the minister may, by order:

- (a) in the case of a northern municipality other than the district, alter the area of the northern municipality after consulting with the council of the northern municipality; and
- (b) in the case of a northern settlement, alter the area of the northern settlement.

2001, c.24, s.3.

**Contents of annexation or alteration orders**

**19(1)** An order made pursuant to section 17, 17.1 or 18 is to be published in Part I of the Gazette and takes effect on the date and on any terms and conditions that may be set out in the order, including, without limiting the generality of the foregoing, any provisions respecting:

- (a) assessment;
- (b) taxation;
- (c) total or partial exemption from taxation;
- (d) construction of local improvements;
- (e) adjustment of liabilities; and
- (f) all other matters affecting the common interests of the northern municipality and the district or the northern settlement and the district, or arising out of or in connection with the annexation or alteration of the boundaries of the northern municipality or northern settlement;

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- (2) When making an order pursuant to section 17, 17.1 or 18, the minister shall:
- (a) describe the effect of the alteration on the boundaries of the northern municipality or northern settlement; and
  - (b) describe the new boundaries of the northern municipality or northern settlement.
- (3) On and from the effective date of an order made pursuant to section 17, 17.1 or 18, each description of the boundaries of the northern municipality or northern settlement 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 northern municipality or northern settlement.

1983, c.N-5.1, s.19; 1993, c.34, s.10; 2001, c.24, s.4.

**Consequences of removal from district**

**20** When a portion of the district is removed from the district by the establishment of a northern village or by the annexation of an area of the district to a northern village or a town:

- (a) the minister shall forward to the northern municipality a statement of all unpaid taxes due at the time of its formation in the area affected, and all such taxes are deemed to be due to the northern municipality to which they are transferred;
- (b) proceedings for the collection of arrears of taxes due in respect of lands subject to tax enforcement action are to be continued until completed by the minister; and
- (c) the minister shall transfer to the northern municipality any assets held in or receivable by the revenue sharing account that are derived from sources of revenue inside that portion of the district.

1983, c.N-5.1, s.20.

**Reversion of status**

**21(1)** Where the conditions of incorporation with respect to a northern municipality set out in this Part no longer exist, the minister may, by order:

- (a) disorganize a northern hamlet and revert its status to that of a northern settlement;
- (b) disorganize a northern village and revert its status to that of a northern hamlet;
- (c) notwithstanding *The Municipalities Act*, disorganize a town and revert its status to that of a northern village.

- (2) Where a council submits a request to the minister or where there has been a failure to elect a council:
- (a) the minister shall cause a notice to be published and posted in any form and manner that he considers appropriate, stating a time, not less than four weeks from the first publication of the notice, by which complaints are to be lodged with the minister against the dissolution of the northern municipality, and every objection is to clearly state the reasons for the objection;
  - (b) where a complaint against the dissolution of the northern municipality is lodged with the minister within the time set forth in the notice mentioned in clause (a), the minister may order that a vote be taken in the northern municipality on the question of the dissolution of the northern municipality and section 13 applies *mutatis mutandis* to the taking of the vote; and
  - (c) the minister shall consider the result of the vote mentioned in clause (b), but it is not binding on him, and the minister may, by order, disorganize a northern municipality, and revert its status to that of any other northern municipality.
- (3) An order made pursuant to subsection (1) or (2) is to be published in Part I of the Gazette and is to contain:
- (a) the date fixed for the expiry of the term of office of the council of the northern municipality whose status is being reverted;
  - (b) in the case of a northern municipality that is reverted to the status of:
    - (i) a northern village or a northern hamlet:
      - (A) the date, hour and place fixed for the election of the new council and for the first meeting of the new council; and
      - (B) the new council's first term of office;
    - (ii) a northern settlement, the date, hour and place fixed for a public meeting to elect a local advisory committee and its first term of office; which day may be prior to the effective date of the order; and
  - (c) the name of the person appointed to act as the returning officer at the election.
- (4) Where the status of a northern municipality is reverted pursuant to subsection (1) or (2), the election of a new council or local advisory committee is to be held in accordance with this Part.
- (5) An order reverting the status of a northern municipality may appoint one or more persons to adjust and settle the assets and liabilities of the northern municipality and, if any such appointments are made, is to specify the remuneration payable to them.

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(6) Subject to the other provisions of this Act and to any directions that may be specified in a reversion order, the persons appointed pursuant to subsection (5) shall sell, dispose of and convert into money sufficient assets of the northern municipality to liquidate its liabilities and to pay their own remuneration as fixed by the order, and shall dispose of any remaining assets as directed by the minister.

(7) Where there are insufficient realizable assets to satisfy the liabilities of the northern municipality and the remuneration of the persons appointed pursuant to subsection (5), the persons may, in the same manner as the minister is authorized to do by this Act, assess, levy, collect and enforce payment of any sum that may be required to satisfy the indebtedness and all associated expenses, including their remuneration.

1983, c.N-5.1, s.21; 1984-85-86, c.68, s.8; 2005, c.M-36.1, s.448.

**Consequences of reversion order**

**22(1)** When an order reverting the status of a northern village to a northern hamlet or reverting the status of a town to a northern village is made:

- (a) the council of the former northern municipality continues in office until the date specified in the order;
- (b) each official and employee of the former northern municipality continues as an official or employee of the new northern municipality with the same rights and duties until the council of the new northern municipality otherwise directs;
- (c) all bylaws and resolutions of the former northern municipality continue as the bylaws and resolutions of the new northern municipality, insofar as they are not inconsistent with this Act, until they are repealed or others are made in their place;
- (d) all assessments are continued until a reassessment takes place and all taxes due to the former northern municipality are deemed to be taxes due to the new northern municipality and may be collected and dealt with as if the taxes were imposed in accordance with this Act;
- (e) all rights of action and actions by or against the former northern municipality may be commenced, continued or maintained by or against the new northern municipality;
- (f) all property vested in the former northern municipality is vested in the new northern 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 northern municipality are vested in the new northern municipality and may be dealt with by it in its own name, insofar as the rights, duties, functions and obligations are not inconsistent with this Act.

- (2) When an order reverting the status of a northern hamlet to a northern settlement is made:
- (a) each official and employee of the northern hamlet continues as an official or employee of the northern hamlet until the effective date of the order, at which time the office of each such official and employee ceases to exist;
  - (b) all bylaws and resolutions of the northern hamlet cease to exist on the effective date of the order;
  - (c) all rights of action and actions by or against the northern hamlet may be commenced, continued or maintained by or against the minister on behalf of the district;
  - (d) all property vested in the northern hamlet is vested in the minister on behalf of the district and, subject to any trusts or other conditions that may be applicable, may be dealt with by the minister for the benefit of the northern settlement in accordance with this Act; and
  - (e) all other assets, liabilities, rights, duties, functions and obligations of the northern hamlet are vested in the minister on behalf of the district and may be dealt with by the minister for the benefit of the northern settlement in accordance with this Act.

1983, c.N-5.1, s.22.

**Dissolution of northern settlement**

- 22.1(1)** The minister shall issue an order dissolving a northern settlement if:
- (a) the population of the northern settlement is less than 30;
  - (b) the local advisory committee of the northern settlement, by resolution, requests that the northern settlement be dissolved; or
  - (c) there is a failure to elect a local advisory committee.
- (2) An order made pursuant to subsection (1) is to provide that the area that has ceased to be a northern settlement is part of the district.
- (3) On the dissolution of a northern settlement, the assets and liabilities of the northern settlement become assets and liabilities of the district.
- (4) On the dissolution of a northern settlement:
- (a) the members of the local advisory committee and all employees of the northern settlement cease to have any authority;
  - (b) all taxes and revenues due to the northern settlement are deemed to be taxes and revenues due to the district;
  - (c) all rights of action and actions by or against the northern settlement may be commenced, continued or maintained by or against the minister;

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(d) all lands and improvements vested in the minister on behalf of the northern settlement are vested in the minister on behalf of the district, and subject to any trusts or other conditions that may be applicable, may be dealt with by the minister in his or her own name; and

(e) all other assets, liabilities, rights, duties, functions and obligations of the minister on behalf of the northern settlement are vested in the minister on behalf of the district, and may be dealt with by the minister in his or her own name.

1995, c.27, s.7.

**Change of name**

**23(1)** At the request of a northern settlement or a northern municipality, other than the district, the minister may alter the name of the northern settlement or northern municipality and, in that case:

(a) notice of the alteration is to be published in Part I of the Gazette; and

(b) in the case of a northern municipality, any seal formerly used by the northern municipality continues to be the seal of the northern municipality until changed by the council.

(2) A change in the name of a northern settlement or a northern municipality made in accordance with this section does not affect any obligation, right, action or property incurred, established, taken or acquired prior to the change.

1993, c.34, s.11.

## PART III

**Elections in Northern Municipalities**

**24 to 26 Repealed.** 1984-85-86, c.68, s.9.

## ELECTION PROCEDURES

**Northern settlements**

**27(1)** The electors residing within the boundaries of each northern settlement shall elect, from their number, a chairman and the number of members determined in accordance with subsection (3) to constitute a local advisory committee:

(a) in the case of a first general election, at the public meeting named in the minister's order establishing the northern settlement; and

(b) in the case of a subsequent general election, at a public meeting held on one of:

(i) the second last Wednesday in September;

(ii) the last Wednesday in September; or

(iii) the first Wednesday in October;

that is designated by a majority vote of the local advisory committee and publicized in accordance with subsection (2).



(2) On or before the August 31 prior to the day on which a subsequent general election is to be held, a local advisory committee shall cause a notice of the day designated for the purposes of clause (1)(b) to be:

- (a) published in a newspaper circulating in the northern settlement; and
- (b) posted in at least three widely-separated places within the boundaries of the northern settlement.

(3) At each public meeting, the electors shall determine one of two or four as the number of members constituting the local advisory committee.

(4) Subject to the terms of the minister's order establishing a northern settlement, the term of office of the chairman and each member of a local advisory committee commences at the first meeting of the committee following the general election and, unless their offices are sooner vacated, continues until the first meeting of the local advisory committee following the next general election.

1983, c.N-5.1, s.27; 1984-85-86, c.68, s.10.

#### **Qualifications of candidates**

**28** A person is qualified to be nominated as a candidate for chairman or member of the local advisory committee in a northern settlement if he:

- (a) is at least 18 years of age, is a Canadian citizen and has resided in the northern settlement for at least six months immediately preceding the day of the election; and
- (b) is not disqualified pursuant to this or any other Act.

1984-85-86, c.68, s.11.

#### **Disqualification of candidates**

**28.1(1)** A judge of a court is not qualified to be nominated or elected or to hold office as a member of a local advisory committee.

(2) No person is disqualified from being nominated, elected or holding office as a member of a local advisory committee by reason of his having an interest in a contract with the northern settlement.

(3) An employee of the minister on behalf of a northern settlement may seek nomination and election if he has first obtained a leave of absence in accordance with subsection 80(1) of *The Labour Standards Act*.

(4) Notwithstanding subsection 80(2) of *The Labour Standards Act*, an employee described in subsection (3) who is elected is deemed to have resigned from his position of employment on the day before the day on which he is declared elected unless for any reason the results of the election are overturned.

1984-85-86, c.68, s.11.

## PART IV

**Vacancies on Councils and Local Advisory Committees****Disqualification**

**29(1)** If, after he is elected, a member of a council or local advisory committee:

- (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 or local advisory committee;
- (b) absents himself from all meetings of the council or local advisory committee for three consecutive months without authorization by resolution of the council or local advisory committee, during which period at least two meetings have been held; or
- (c) ceases to reside in the northern municipality;

his seat on the council or local advisory committee becomes vacant.

(2) Where it is alleged that a person who is duly elected as a member of a council or local advisory committee 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 the council or local advisory committee 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.

1984-85-86, c.68, s.12; 1989-90, c.48, s.4.

**Resignation**

**30(1)** A member of a council or local advisory committee may resign his seat by delivering a written notice to the clerk of the northern municipality or, in the case of a member of a local advisory committee, the minister, and the resignation takes effect and his seat on the council or local advisory committee becomes vacant on the later of:

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

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

1984-85-86, c.68, s.12.

**Vacancies**

**31(1)** If a vacancy arises in the office of mayor of a northern municipality or chairman of a local advisory committee, the council or local advisory committee shall, at its next meeting, appoint an alderman or member of the committee to act as mayor or chairman until a by-election is held, but a vacancy on the council or local advisory committee 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 or chairman, the member who had been appointed as mayor or chairman shall resume his office as alderman or member if the term of his office has not expired.

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

1984-85-86, c.68, s.12.

## PART V Conflict of Interests

### Interpretation

32 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 or a local advisory committee 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 the council or local advisory committee; or

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

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 northern 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 northern municipality;

(vi) by reason of his purchasing or owning a security of the northern municipality;

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(vii) by reason of his having made a deposit with the northern 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 or local advisory committee;

(x) as the publisher of a newspaper who publishes advertisements for or on behalf of the northern 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 the council or local advisory committee 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 northern 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.

1984-85-86, c.68, s.13; 1993, c.34, s.12.

## MEMBERS OF COUNCILS AND LOCAL ADVISORY COMMITTEES

**Disclosure of land holdings**

**33(1)** This section applies only to those northern municipalities in which the council has, by bylaw, provided that this section is applicable.

(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 northern municipality or within the area extending 16 kilometres beyond the boundaries of the northern 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).



























































































































































































































































































































































































































































































































