

**2003**

**CHAPTER 41**

An Act to amend *The Urban Municipality Act, 1984* and to make related amendments to certain Acts

(Assented to June 27, 2003)

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 Urban Municipality Amendment Act, 2003*.

**S.S. 1983-84, c.U-11 amended**

**2** *The Urban Municipality Act, 1984* is amended in the manner set forth in this Act.

**Section 2 amended**

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

- (a) by repealing clause (d.1);**
- (b) by repealing clauses (m) and (n);**
- (c) by repealing clause (w);**
- (d) by repealing clause (ff); and**
- (e) by repealing clause (ll) and substituting the following:**

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

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

**New section 6**

**4 Section 6 is repealed and the following substituted:**

**“Incorporation orders**

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

- (a) a resort village as a village if:
  - (i) the resort village:
    - (A) has a population of 100 or more; and
    - (B) contains 50 or more separate dwelling units or business premises; and
  - (ii) the council of the resort village, by resolution, requests the change in status; or

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

**Section 9 amended**

**5 Section 9 is amended by striking out the portion preceding clause (a) and substituting the following:**

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

**Section 11 amended****6 Subsection 11(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

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

**Section 15 amended****7 Clause 15(2)(e) is repealed and the following substituted:**

“(e) after consulting with the councils of the municipalities that are amalgamating or restructuring:

- (i) subject to subclause (iii), establish the number of councillors that are to be elected to the new council;
- (ii) establish the term of office of the mayor and the councillors for the new council; and
- (iii) provide that the new urban municipality may be divided into wards in the manner set out in section 25”.

**Section 25 amended****8 Subsections 25(2) and (3) are repealed.****Section 26 amended****9 Subsection 26(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

“If a council passes a bylaw pursuant to section 25, the council shall, by bylaw:”.

**New sections 27 and 27.1****10 Sections 27 and 27.1 are repealed and the following substituted:****“Establishing wards**

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

- (a) determine the number of wards into which the urban municipality is to be divided;
- (b) establish boundaries for each ward;
- (c) assign a number or name, or a number and name, for each ward;
- (d) determine the number of councillors to be elected for each ward; and
- (e) determine the number of councillors, if any, to be elected by a vote of electors of the urban municipality in addition to the councillors elected for each ward.

(2) When establishing wards, boundaries of wards and the number of councillors to be elected pursuant to this section, the municipal wards commission shall ensure that:

(a) if one member of council is to be elected from each ward, the population of each ward at the time the boundaries are established does not vary by more than 25% from the quotient obtained by dividing the total population of the urban municipality by the number of wards into which the urban municipality is to be divided; or

(b) if more than one member of council is to be elected from any ward, the population per councillor at the time the boundaries are established does not vary by more than 25% from the quotient obtained by dividing the total population of the urban municipality by the total number of councillors to be elected from the wards.

(3) Subject to subsection (4), for the purposes of this Part a municipal wards commission shall determine the population of the urban municipality by using the latest census taken pursuant to the *Statistics Act* (Canada).

(4) If a municipal wards commission considers it appropriate, the municipal wards commission may adjust the population of the urban municipality to include any of the following:

(a) seasonal residents and other electors of the urban municipality;

(b) other published population information;

(c) a census undertaken by the urban municipality.

**“Review of wards**

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

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

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

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

(a) at the request of the council or on its own initiative, may review the wards of the urban municipality at any time and for any reason; and

(b) shall review the wards of the urban municipality at least once every nine years”.

**Section 32 amended****11 Subsection 32(1) is repealed and the following substituted:**

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

**Section 36 amended****12 Subsection 36(1) is repealed and the following substituted:**

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

**New section 43****13 Section 43 is repealed and the following substituted:****“First meeting and regular meetings**

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

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

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

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

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

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

**Section 47 amended****14 Clause 47(1.1)(b) is amended by striking out “city or”.****Section 53 amended****15 Clause 53(1)(a) is amended by striking out “, other than a city,”.****New section 54****16 Section 54 is repealed and the following substituted:****“Manager**

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

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

(a) be passed by a majority of the total number of members of the council; and

(b) set out the powers and duties of the manager”.

**Section 58 amended**

**17(1) Subsection 58(3) is amended by striking out “Subject to subsection (3.1), at” and substituting “At”.**

**(2) Subsection 58(3.1) is repealed.**

**Section 63 amended**

**18(1) Subsection 63(1) is amended by striking out “, other than a city, unless he” and substituting “unless he or she”.**

**(2) Subsection 63(1.1) is amended by striking out “, other than a city,”.**

**Section 65 amended**

**19 Subsection 65(1) is amended:**

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

“(c) subject to subsection (1.1), when cash collections have accumulated to the amount:

(i) of \$1,000, or another amount determined by bylaw that is equal to or less than the amount for which the treasurer is bonded, in the case of an urban municipality other than a town; and

(ii) of \$3,000, or another amount determined by bylaw that is equal to or less than the amount for which the treasurer is bonded, in the case of a town;

or more frequently as the treasurer may in his or her discretion determine but in any case not less than once a month, deposit in the name of the urban municipality in a bank or credit union designated by the council, of which the treasurer may not be an employee, all moneys received by the treasurer”; **and**

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

“(g) submit to the council:

(i) a bank reconciliation;

(ii) a monthly financial statement or a monthly statement showing all receipts and payments; and

(iii) any other financial statements that the council may, by resolution, request”.

**New section 71**

**20 Section 71 is repealed and the following substituted:**

“Solicitor

**71** Every council of a town:

(a) shall:

(i) retain a solicitor, which may be a partnership; or

(ii) employ a solicitor; and

(b) shall determine the duties, remuneration and terms of retention or employment of the solicitor”.

Section 73.2 repealed

**21 Section 73.2 is repealed.**

Section 92 amended

**22 Subsection 92(8) is repealed.**

Section 121.5 amended

**23 Clause 121.5(c) is amended by striking out “*The Alcohol Control Act*” and substituting “*The Alcohol and Gaming Regulation Act, 1997*”.**

Section 193 amended

**24 Subsection 193(2) is repealed and the following substituted:**

“(2) The following are subject to the approval of the Saskatchewan Municipal Board:

(a) the rates, charges, tolls or rents set by a council for the use of water or sewer services;

(b) any discounts or additional amounts or percentages to be charged for arrears relating to the rates, charges, tolls or rents mentioned in clause (a)”.

Section 210 amended

**25 Subsection 210(2) is amended by striking out “Subject to section 212.1, a bylaw” and substituting “A bylaw”.**

Section 212.1 repealed

**26 Section 212.1 is repealed.**

Section 213 amended

**27 Subclause 213(1)(a)(v) is repealed and the following substituted:**

“(v) in any other manner approved by the Saskatchewan Municipal Board”.

Section 214 amended

**28 Subsection 214(2.1) is repealed.**

New section 215

**29 Section 215 is repealed and the following substituted:**

“**Consolidation of long-term debt**

**215(1)** A council may, by bylaw, consolidate the amount of the long-term debt to be created pursuant to two or more existing bylaws.

(2) No bylaw made pursuant to subsection (1) takes effect until it is approved by the Saskatchewan Municipal Board”.

Section 216 amended

**30 Subsection 216(5) is repealed.**

New section 218

**31 Section 218 is repealed and the following substituted:**

“**Form of securities**

**218** Securities, including debentures and any coupons attached to them, that are issued by an urban municipality pursuant to the authority of a bylaw to incur a long-term debt are to be in the form that may be required by the Saskatchewan Municipal Board”.

## Section 228 amended

**32 Section 228 is amended:**

- (a) **by repealing clause (d); and**
- (b) **by repealing clause (e) and substituting the following:**

“(e) any other purposes authorized by the Saskatchewan Municipal Board”.

## Section 234 amended

**33 Clause 234(1)(a) is amended:**

- (a) **by repealing subclause (v); and**
- (b) **by repealing subclause (vi) and substituting the following:**

“(vi) any other securities authorized by the Saskatchewan Municipal Board”.

## New section 239.1

**34 Section 239.1 is repealed and the following substituted:****“Fixed assessment of farm lands**

**239.1(1)** Subject to subsection (2) but notwithstanding any other provision of this Act, if, within the urban municipality, there is land used exclusively for farming purposes, and a person whose principal occupation is farming is assessed with respect to the land, the council may enter into an agreement with the owner of that land providing for:

- (a) a fixed value to be placed on the land and any improvements on the land for assessment purposes; or
  - (b) a fixed rate of taxation on the assessed value of the land and any improvements on the land or, if the value of the land and any improvements on the land has been fixed by agreement, on the fixed value, for all purposes or any specified purposes.
- (2) No agreement pursuant to subsection (1) is to be entered into:
- (a) unless it is authorized by bylaw;
  - (b) with respect to any land of an owner comprising less than:
    - (i) in the case of a town, eight hectares; or
    - (ii) in the case of an urban municipality other than a town, two hectares; or
  - (c) with respect to any land that has been subdivided into lots.
- (3) Subject to subsection (4), an agreement entered into pursuant to subsection (1):
- (a) remains in force for any period, not exceeding five years, that may be specified in the agreement; and
  - (b) may be renewed from time to time for periods not exceeding five years each.



(4) Notwithstanding anything contained in an agreement entered into pursuant to subsection (1) or in a bylaw renewing that agreement, the agreement or the renewal, as the case may be, is deemed to have been terminated and is void on:

- (a) the placing, erection or construction of any additional improvement on the land to which the agreement or renewal applies after the date on which the agreement or renewal became effective;
- (b) the use of any part of the land for any purpose other than farming or the use of any improvement on the land otherwise than in conjunction with the land;
- (c) the owner of the land ceasing to own any part of the land so as to reduce his or her ownership to less than:
  - (i) in the case of a town, eight hectares; or
  - (ii) in the case of an urban municipality other than a town, two hectares; or
- (d) the subdivision of the land or any part of the land into lots.

(5) If an agreement pursuant to subsection (1) cannot be reached or if, on application by an owner of land used exclusively for farming purposes, the council does not promptly enter into an agreement pursuant to subsection (1), the owner may petition the Saskatchewan Municipal Board to adjudicate in the matter.

(6) On a petition pursuant to subsection (5), the Saskatchewan Municipal Board may make any order pursuant to subsection (7) if it is satisfied that:

- (a) the land and any improvements are used exclusively for farming purposes;
- (b) a person whose principal occupation is farming is assessed with respect to the land and the improvements on the land, if any;
- (c) the land comprises not less than:
  - (i) in the case of a town, eight hectares; or
  - (ii) in the case of an urban municipality other than a town, two hectares; and
- (d) the land has not been subdivided into lots.

(7) In the circumstances mentioned in subsection (6), the Saskatchewan Municipal Board may:

(a) order the municipality to assess the land and any improvements on the land at a stated sum; and

(b) fix the maximum rate of taxation for all purposes or any specified purposes to be imposed on the assessed value of the land and improvements or on the value thereof as fixed by the order for assessment purposes.

(8) Subsections (3) and (4) apply, with any necessary modification, to an order made pursuant to subsection (7)".

**Section 248 amended**

**35 Subsection 248(10) is repealed and the following substituted:**

"(10) If any land, improvement or business is sold, when requested by the agency or, if an urban municipality carries out its own valuations and revaluations, when requested by the urban municipality's assessor, the vendor and the purchaser shall notify the agency or the assessor, as the case may be, of the purchase and sale in the form prescribed pursuant to *The Assessment Management Agency Act*".

**Section 251 amended**

**36 Subsection 251(3) is amended in the portion preceding clause (a) by striking out "assessor" and substituting "secretary of the board of revision".**

**Section 252 amended**

**37(1) The following subsection is added after subsection 252(7):**

"(7.1) Notwithstanding subsection (7) but subject to the conditions prescribed in section 252.2, the chairperson may appoint one member of the board of revision to serve as a panel".

**(2) Subsection 252(8) is amended by adding "or (7.1)" after "subsection (7)".**

**New section 252.2**

**38 The following section is added after section 252.1:**

**"Simplified appeals**

**252.2(1)** This section applies, at the option of the appellant, to an appeal concerning the assessment of:

(a) residential lands, improvements or both, regardless of the total assessment; or

(b) lands, improvements or both that have a total fair value assessment of \$250,000 or less.

(2) Notwithstanding subsection 252(7), the chairperson of the board of revision may appoint one person from among the members of the board of revision to hear and rule on appeals to which this section applies.

(3) A notice of appeal pursuant to this section must be in the form prescribed pursuant to clause 249(1)(b) and subsection 251(4).

(4) Section 253.1 does not apply to an appellant in an appeal to which this section applies”.

**Section 279.2 amended**

**39(1) Subsection 279.2(1) is repealed and the following substituted:**

“(1) If the incidence of taxation in an urban municipality changes as a result of a revaluation pursuant to *The Assessment Management Agency Act*, the council of the urban municipality may, by bylaw, implement a plan to phase-in the changes in taxes over a period that is not longer than the period between revaluations as set out in subsection 22(1) of *The Assessment Management Agency Act*”.

**(2) Clause 279.2(2)(a) is amended by striking out “class or subclass of land or improvements set by regulation or bylaw made pursuant to this section” and substituting “prescribed class of land or improvements”.**

**(3) Clause 279.2(3)(b) is repealed and the following substituted:**

“(b) a funding of the difference through a levy on:

- (i) land or improvements; or
- (ii) a class of land or improvements”.

**(4) Subsection 279.2(7) is repealed.**

**Section 279.3 amended**

**40(1) Clause 279.3(2)(b) is repealed and the following substituted:**

“(b) if the council of an urban municipality has established subclasses by bylaw made pursuant to subsection (6.1), a subclass”.

**(2) Subsection 279.3(6) is repealed.**

**Section 279.4 amended**

**41(1) Subsection 279.4(4) is repealed.**

**(2) Subsection 279.4(5) is amended by striking out “where an urban municipality has established subclasses” and substituting “if an urban municipality has established subclasses by bylaw made pursuant to subsection (4.1)”.**

**Section 279.5 amended**

**42(1) Subsection 279.5(3) is repealed.**

**(2) Subsection 279.5(5) is amended by striking out** “where an urban municipality has established subclasses” **and substituting** “if an urban municipality has established subclasses by bylaw made pursuant to subsection (4)”.

**S.S. 1993, c.L-33.1 amended**

**43(1) *The Local Improvements Act, 1993* is amended in the manner set forth in this section.**

**(2) The long title is amended by striking out** “Urban and Northern”.

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

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

“(b) ‘assessor’ means:

(i) the person appointed as assessor by the council of a municipality; or

(ii) in the case of the Northern Saskatchewan Administration District, the person appointed as assessor by the minister responsible for the administration of *The Northern Municipalities Act*”;

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

“(i) council of a municipality”; **and**

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

“(r) ‘municipality’, except in subclauses (b)(i) and (h)(i), includes the Northern Saskatchewan Administration District”.

**(4) Subsection 29(2.1) is repealed and the following substituted:**

“(2.1) If the municipality undertaking the local improvement and entering into the agreement pursuant to subsection (1) is an urban municipality, section 197 of *The Urban Municipality Act, 1984* applies, with any necessary modification, with respect to the work and the agreement”.

**R.S.S. 1978, c.W-4, section 22.1 amended**

**44 Subsection 22.1(4) of *The Wascana Centre Act* is repealed.**

**S.S. 1996, c.67, section 37 amended**

**45 That portion of section 37 of *The Urban Municipality Amendment Act, 1996* that enacts section 253.2 of *The Urban Municipality Act, 1984* is repealed.**

**S.S. 1997, c.52 amended**

**46(1)** *The Urban Municipality Amendment Act, 1997* is amended in the manner set forth in this section.

**(2) Clause 17(b) is repealed.**

**(3) Section 30 is repealed.**

**S.S. 1998, c.42 amended**

**47(1)** *The Urban Municipality Amendment Act, 1998* is amended in the manner set forth in this section.

**(2) Sections 6 to 8 are repealed.**

**(3) Section 14 is repealed.**

**(4) Section 25 is repealed.**

**S.S. 2000, c.32, section 25 amended**

**48** Subsection **25(3)** of *The Urban Municipality Amendment Act, 2000* is repealed.

**Coming into force**

**49** This Act comes into force on assent.

