

2004

CHAPTER 54

An Act to amend *The Cities Act*

(Assented to November 30, 2004)

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 Cities Amendment Act, 2004*.

S.S. 2002, c.C-11.1 amended

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

Section 2 amended

3 **Clause 2(1)(x) is repealed and the following substituted:**

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

Section 4 amended

4 **The following subsection is added after subsection 4(3):**

“(4) Notwithstanding subsection 10(1), a city may exercise its capacity, rights, powers and privileges as a natural person outside its boundaries if the exercise of those powers is in pursuit of a municipal purpose as set out in subsection (2)”.

Section 8 amended

5 **Subsection 8(4) is repealed and the following substituted:**

“(4) Any fee that a council may establish pursuant to subclause (3)(c)(i) for a licence must not exceed the cost to the city for:

- (a) administering and regulating the activity for which the licence is required; and
- (b) enforcing payment of the licence fee”.

New section 73

6 **Section 73 is repealed and the following substituted:**

“Majority decision

73 Unless a greater percentage of votes is required by council or by any other provision of this or any other Act, at every meeting of council, all questions are to be decided by the majority of the votes”.

Section 74 repealed

7 **Section 74 is repealed.**

New section 78

8 Section 78 is repealed and the following substituted:**“Defeat of proposed bylaw**

78 A proposed bylaw is defeated if it does not receive third reading within two years after first reading”.

Section 95 amended

9 Clause 95(b) is repealed and the following substituted:

“(b) on or within 31 days after the general election”.

New section 100

10 Section 100 is repealed and the following substituted:**“Delegation of authority**

100(1) In this section, ‘committee’ means a council committee or other body established by a council pursuant to section 55.

(2) A council may delegate any of its powers or duties to an employee, agent or committee appointed by it, except those powers or duties set out in section 101.

(3) When delegating a matter to an employee, agent or committee appointed by it, the council may authorize the employee, agent or committee to further delegate the matter”.

Section 101 amended

11 Subsection 101(1) is amended:

(a) in clause (i) by adding “operating” before “reserve”; and

(b) by repealing clauses (n) and (o) and substituting the following:

“(n) its power pursuant to section 55 to establish council committees and other bodies and to define their functions;

“(o) its power to set the remuneration for members of council and for members of council committees and other bodies established by the council pursuant to section 55”.

Section 174 amended

12 Subsection 174(1) is amended by striking out “A city” and substituting “The assessor”.

Section 177 amended

13(1) Clause 177(1)(a) is repealed and the following substituted:

“(a) the registered owner as shown in the records of the Land Titles Registry”.

(2) Clause 177(2)(a) is repealed and the following substituted:

“(a) the registered owner as shown in the records of the Land Titles Registry”.

Section 181 amended

14(1) Clause 181(1)(a) is amended by striking out “or a fictitious name”.

(2) Clause 181(3)(b) is amended by adding “or a fictitious name” after “entered”.

Section 184 amended

15(1) Subsection 184(1) is amended by striking out “a city” and substituting “the assessor”.

(2) Subsection 184(3) is amended by striking out “on or before April 1 in any year is effective with respect to that year” and substituting “is effective with respect to the year in which it is passed”.

Section 186 amended

16(1) Subsection 186(1) is amended by striking out “A city” and substituting “The assessor”.

(2) Subsection 186(4) is amended by striking out “city, the city” and substituting “assessor, the assessor”.

Section 188 amended

17 Section 188 is amended by striking out “city” and substituting “assessor”.

Section 213 amended

18 Subsections 213(3) and (4) are repealed and the following substituted:

“(3) Within 15 days after receiving a copy of the application for leave to appeal to the appeal board pursuant to subsection (2), the assessor of each city or other municipality affected may each file with the appeal board a written objection to the application.

“(4) If the assessor of a city or other municipality files a written objection pursuant to subsection (3), the assessor shall:

- (a) state the grounds for the objection; and
- (b) give a copy of the written objection to the appellant and to every other party to the appeals”.

New section 229

19 Section 229 is repealed and the following substituted:

“Subdivision of land

229(1) Subject to subsection (2), if, after the assessment roll is confirmed, a parcel of land is subdivided or titles are issued pursuant to a condominium plan that is approved by the Controller of Surveys, the assessor may:

- (a) cancel the assessment of the parcel;
- (b) reassess the land; and
- (c) amend the assessment and tax rolls accordingly.

(2) Notices of a reassessment pursuant to subsection (1) are to be given in the same manner as a notice of a new assessment, and any interested party may appeal to the board of revision against the decision of the assessor.

(3) An appellant to the board of revision pursuant to subsection (2) or the city may appeal the decision of that board to the appeal board.

(4) The provisions of this Part governing appeals against assessments apply, with any necessary modification, to appeals pursuant to this section”.

New section 231**20 Section 231 is repealed and the following substituted:****“Proof of contents of assessment roll**

231 A copy of all or any portion of the assessment roll, certified as a true copy by the assessor, is admissible in evidence as proof, in the absence of evidence to the contrary, of the contents of the assessment roll”.

Section 234 amended**21 Clause 234(1)(c) is repealed and the following substituted:**

“(c) the taxable assessment as determined pursuant to section 167”.

Section 244 amended**22(1) Subsection 244(6) is repealed.****(2) Clause 244(7)(b) is repealed.****Section 262 amended****23(1) Subclause 262(1)(n)(iii) is repealed.****(2) The following subsection is added after subsection 262(7):**

“(8) Notwithstanding the repeal of subclause (1)(n)(iii), any buildings and lands that were exempt from taxation pursuant to that subclause before it was repealed continue to be exempt from taxation as long as those buildings and lands are used in good faith in connection with and for the purpose of the association or organization specified in that subclause, as that subclause existed before it was repealed”.

Section 270 amended**24 Subsection 270(1) is amended by striking out “section 179 or 180” and substituting “section 178 or 179”.****Section 273 amended****25 Subsection 273(2) is repealed.****New section 276****26 Section 276 is repealed and the following substituted:****“Taxable property**

276(1) A special tax bylaw passed pursuant to section 275 authorizes the council to impose the tax with respect to property in the city that will benefit from the specific service or purpose stated in the bylaw.

(2) If a city provided a special service with respect to property the cost of which the city was entitled to levy against the assessed owner of the property pursuant to *The Urban Municipality Act, 1984*, and if the city continues that service with respect to that property pursuant to a special tax bylaw passed pursuant to section 275, the council may impose the tax authorized by the special tax bylaw against that property notwithstanding that the property is otherwise exempt from taxation pursuant to section 262”.

Section 277 amended**27 Clause 277(b) is repealed and the following substituted:**

“(b) identify the properties that will benefit from the service or purpose and against which the special tax is to be imposed”.

Section 325 amended

28 Subsection 325(1) is amended by striking out the portion preceding clause (a) and substituting the following:

“If a person refuses to allow or interferes with an entry or inspection described in section 20, 21, 22, 23, 324 or 327, or if a person fails to respond to a designated officer’s reasonable requests for access to property for the purposes mentioned in any of those sections, the city may apply to a justice of the peace or a provincial court judge for a warrant authorizing a person named in the warrant to:”.

New section 326

29 Section 326 is repealed and the following substituted:

“Warrants – general

326(1) A justice of the peace or a provincial court judge may issue a warrant authorizing a designated officer to enter and search any place or premises named in the warrant if the justice or judge is satisfied by information on the oath of the designated officer that there are reasonable grounds to believe that an offence against this Act or a city bylaw has occurred and evidence of that offence is likely to be found in the place or premises to be searched.

(2) With a warrant issued pursuant to subsection (1), the designated officer may:

- (a) enter at any time and search any place or premises named in the warrant;
- (b) open and examine any receptacle that the designated officer finds in the place or premises;
- (c) require the production of and examine any records, documents or property that the designated officer believes, on reasonable grounds, may contain information related to an offence against this Act or against a city bylaw;
- (d) remove, for the purpose of making copies, any records or documents examined pursuant to this section; and
- (e) seize and remove from any receptacle, place or premises searched anything that may be evidence of an offence against this Act or against a city bylaw”.

Section 327 amended

30 The following subsection is added after subsection 327(9):

“(10) If an animal has been declared dangerous by an order issued pursuant to subsection (9), any person who fails to comply with any part of that order made against him or her with respect to that animal is guilty of an offence”.

Section 328 amended**31(1) Subsection 328(4) is repealed.****(2) Subsections 328(5) to (7) are repealed and the following substituted:**

“(5) A city may cause an interest based on an order made pursuant to this section to be registered in the Land Titles Registry against the title to the land that is the subject of the order.

“(6) If an interest is registered pursuant to subsection (5), the interest runs with the land and is binding on the owner and any subsequent owner.

“(7) The city shall cause an interest that is registered pursuant to subsection (5) to be discharged when:

(a) the order has been complied with; or

(b) the city has performed the actions or measures mentioned in the order”.

New section 346**32 Section 346 is repealed and the following substituted:****“Civil liability not affected**

346 A person who is guilty of an offence pursuant to this Act may also be liable in a civil proceeding”.

Section 362.1 amended**33 Section 362.1 is amended:****(a) by renumbering it as subsection 362.1(1); and****(b) by adding the following subsections after subsection (1):**

“(2) The purchaser of the personal property from the city becomes the owner of the personal property and any claim of an earlier owner is converted into a claim for the proceeds of the sale, after the charges have been deducted for hauling, storage and other necessary expenses, including the cost of sale, that have been incurred by the city.

“(3) If no claim is made for the proceeds within one year after the date of sale of the personal property, the proceeds form part of the general funds of the city”.

Coming into force**34** This Act comes into force on assent.