

2007

CHAPTER 32

An Act to amend *The Municipalities Act* and to make a related amendment to another Act

(Assented to May 17, 2007)

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, 2007*.

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 Section 2 is amended:

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

“(l.1) ‘**emergency**’ means a present or imminent situation or condition that requires prompt action to prevent or limit:

- (i) loss of life;
 - (ii) harm or damage to the safety, health or welfare of people; or
 - (iii) damage to property or the environment”;
- and**

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

“(dd.1) ‘**pipeline**’ means a line of pipe, situated in, on or under a continuing strip of land or a 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”.

Section 8 amended

4 Clause 8(1)(l) is repealed and the following substituted:

“(l) the abandonment, discontinuance, dismantling, removal or decommissioning of any use, building, or other structure, including former railway lines, and the reclamation of the land on which the use, building or other structure is located”.

Section 13 amended

5 Subsection 13(6) is amended by striking out “A person” and substituting “Subject to subsection 346(2.1), a person”.

Section 60 amended**6 The following subsections are added after subsection 60(2):**

“(3) If the Saskatchewan Municipal Board approves an application submitted to it pursuant to this section, the minister shall make an order pursuant to subclause 61(2)(c)(i) that implements the Saskatchewan Municipal Board’s approval.

“(4) If the Saskatchewan Municipal Board rejects an application submitted to it pursuant to this section, the minister shall cause a notice of the rejection to be published in a newspaper serving the area that would have been affected.

“(5) No subsequent application pursuant to Division 1 that is, in the opinion of the Saskatchewan Municipal Board, similar to an application that has been rejected may be made until at least three years after the rejection of the application”.

Section 133 amended**7 Subsection 133(4) is repealed and the following substituted:**

“(4) The petition must have attached to it a signed statement of a person stating:

- (a) that the person is the representative of the petitioners;
- (b) that the municipality may direct any inquiries about the petition to the representative; and
- (c) the date on which the first signature was collected.

“(4.1) No signatures collected before the date mentioned in clause (4)(c) shall be included in the petition”.

Section 134 amended**8 Clause 134(3)(f) is repealed and the following substituted:**

“(f) who signed the petition before the date mentioned in clause 133(4)(c)”.

New section 151**9 Section 151 is repealed and the following substituted:****“Reimbursement**

151(1) The council may reimburse the person with respect to whom an application pursuant to this Part was made for any costs and expenses that the council considers reasonable, other than costs that have already been awarded to the person by the judge, if:

- (a) the application is dismissed; or
- (b) an order is issued declaring the person able to remain a member of council.

(2) The council may reimburse a citizen for legal expenses incurred in bringing an application pursuant to this Part, if:

- (a) the application is successful; or
- (b) an order is issued declaring that the person with respect to whom the application was made is disqualified to remain a member of council”.

New section 153.1

10 The following section is added after section 153:

“Public reporting of theft and fraud

153.1(1) A council may, by bylaw, establish a policy to be followed when reporting theft or fraud of municipal funds or property to the public.

(2) In a bylaw passed pursuant to subsection (1), a council shall address all of the following matters:

- (a) the minimum threshold for loss of funds or property that will be reported to the public;
- (b) the content of the notice, and the method of providing the notice to the public;
- (c) any other matter that the council considers appropriate.

(3) The bylaw may specify different policies for the reporting of theft or fraud by an elected official, a municipal employee, an employee of a controlled corporation, or any other person or corporation.

(4) The minister may make regulations:

- (a) setting the minimum threshold for loss of funds or property to be reported to the public;
- (b) respecting the content of the notice and the method of providing the notice to the public”.

Section 207 amended

11 The following subsection is added after subsection 207(2):

“(2.1) Notwithstanding clause (2)(b), if the improvement is a house trailer, the assessed person is the owner of the house trailer”.

Section 210 amended

12 Subsection 210(3) is repealed and the following substituted:

“(3) Subject to *The Education Act, 1995*, in the absence of any statement made pursuant to subsection (1), a person is deemed to be a taxpayer of the public school division”.

New sections 317.1 and 317.2

13 The following sections are added after section 317:

“Establishing tax increment financing programs

317.1(1) A council may, by bylaw, establish tax increment financing programs in designated areas of the municipality for the purpose of encouraging investment or development in those areas.

(2) The Lieutenant Governor in Council may make regulations respecting tax increment financing programs and the required contents of a bylaw to be passed pursuant to this section.

“Provisions of tax increment financing programs

317.2 A tax increment financing program may provide:

- (a) that some or all of the incremental municipal taxes coming from the designated area are to be placed into a reserve fund;
- (b) that money in a reserve fund is to be used to:
 - (i) benefit the area by acquiring, constructing, operating, improving and maintaining works, services, facilities and utilities of the municipality;
 - (ii) repay borrowings associated with activities undertaken pursuant to subclause (i);
 - (iii) fund a financial assistance program for persons who invest in developing or constructing property in the area; or
 - (iv) give financial assistance to persons who invest in developing or constructing property in the area; or
- (c) for any other matter consistent with the purpose of the program that the council considers necessary or advisable”.

New section 338.1

14 The following section is added before section 339:

“Interpretation of Division

338.1 For the purposes of this Division, ‘municipality’ includes a controlled corporation”.

Section 340 amended

15 Subsection 340(1) is repealed and the following substituted:

“(1) A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from any public works, including streets, or from the operation or non-operation of a public utility”.

Section 343 amended

16 The following subsection is added after subsection 343(1):

“(1.1) For the purposes of this section, a street, road or other public place is to be considered in a reasonable state of repair if those who use the street, road or other public place can, exercising ordinary care, do so with safety”.

Section 345 amended

17 Clause 345(a) is amended by adding “, curb, pavement markings, traffic control device” after “railing”.

Section 346 amended

18 The following subsection is added after subsection 346(2):

“(2.1) Notwithstanding subsections (1) and (2), every person is deemed not to suffer any damages, and, without restricting the generality of the foregoing, property is deemed not to be injuriously affected or suffer any diminution of value by reason of denial or removal of access to a street, if other access exists or is provided”.

Section 354 amended

19 Section 354 is amended:

(a) by repealing clauses (a) and (b) and substituting the following:

“(a) **‘firefighter’** means a fire chief and any person employed by, appointed by or performing duties for a municipality, whether for wages or otherwise, as a firefighter or to provide fire protection services;

“(b) **‘municipal officer’** means all employees of the municipality, of any committee or other body established by council pursuant to clause 81(a), of a public utility board established by council pursuant to subsection 33(2), and of a controlled corporation of a municipality”; **and**

(b) in clause (c) by striking out “a fire or” and substituting “an”.

New section 355

20 Section 355 is repealed and the following substituted:

“Immunity re acts of members of council and council committees

355(1) No action or proceeding lies or shall be instituted against a member of council, a member of a committee or other body established pursuant to clause 81(a), a member of a public utility board established pursuant to subsection 33(2), a member of a controlled corporation of a municipality or any municipal officer, volunteer worker or agent of the municipality for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

(2) Subsection (1) does not affect the liability of a mere contractor with the municipality, nor of any official or employee of any contractor, by reason of whose act or neglect the damage was caused”.

Section 356 amended

21 Subsection 356(1) is repealed and the following substituted:

“(1) A municipality is vicariously liable for loss or injury arising from any act or omission of a municipal officer, a volunteer worker or an agent of the municipality acting in the course of his or her duties if the officer, volunteer worker or agent would otherwise be personally liable”.

Section 357 amended**22 Subsection 357(1) is repealed and the following substituted:**

“(1) No action or proceeding lies or shall be instituted against the municipality or a firefighter for any loss, injury or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the firefighter while performing his or her duties, including the performance of those duties outside the municipality or in an emergency”.

Section 362 amended**23 Subsection 362(5) is repealed.****Section 390 amended****24 The following subsection is added after subsection 390(4):**

“(5) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceedings relating to the notice, order or document”.

Section 392 amended**25 Subsection 392(1) is amended by striking out “section 60” and substituting “subsection 60(1)”.****R.S.S. 1978, c.T-2, section 3 amended**

26(1) Section 3 of *The Tax Enforcement Act* is amended in the manner set forth in this section.

(2) Subsection (7.1) is amended by striking out “Land may be” and substituting “Subject to subsection (7.2), land may be”.

(3) The following subsection is added after subsection (7.1):

“(7.2) In the case of a municipality other than a rural municipality, subsection (7.1) does not apply if the tax arrears are with respect to a house trailer that is not owned by the owner of the land”.

Coming into force

27(1) Subject to subsection (2), this Act comes into force on assent.

(2) Sections 11, 12 and 26 of this Act come into force on assent but are retroactive and are deemed to have been in force on and from January 1, 2007.