

The Rural Municipality Act, 1989

Repealed

by Chapter M-36.1 of the *Statutes of Saskatchewan, 2005*
(effective January 1, 2006).

Formerly

Chapter R-26.1 of the *Statutes of Saskatchewan, 1989-90*
(effective January 1, 1990) as amended by 1990-91, c.S-63.1;
1992, c.A-24.1, S-35.1, 62 and 63; 1993, c. L-33.1, T-20.1 and 55;
1994, c.P-37.1 and 29; 1995, c.30; 1996, c.F-19.1 and 58; 1997,
c.H-3.01, W-13.11, 37 and 48; 1998, c.C-45.2, W-13.12 and 32;
1999, c.C-4.01, N-4.001 and 9; 2000, c.L-5.1 and 25; 2001,
c.T-14.1, 20, 23 and 38; 2002, c.C-11.1, R-8.2, S-35.02 and 38;
2003, c.36; 2004, c.L-16.1, 10, 51 and 53; and 2005, c.S-35.03.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**Editorial Appendix
(Amendments)**

CHAPTER R-26.1
An Act respecting Rural Municipalities

PART I
Title and Interpretation

Short title

1 This Act may be cited as *The Rural Municipality Act, 1989*.

Interpretation

2(1) In this Act:

- (a) **“administrator”** means the person appointed as the administrator of a municipality pursuant to section 49;
- (b) **“assessor”** means:
 - (i) the assessor of a municipality;
 - (ii) the administrator of a municipality where the municipality has not appointed an assessor;
- (c) **“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 the municipality for a period of more than 30 days;
or
 - (iii) not licensed pursuant to clause 213(1)(d);
- (d) **“burgess”** means a person who on the day of the election is at least 18 years of age and a Canadian citizen, and who, immediately preceding the day of the election:
 - (i) is the registered owner of taxable land in the municipality, but, if the land is owned under bona fide agreement for sale, is the purchaser;
 - (ii) is assessed as an occupant of any land in the municipality that is exempt from taxation;
 - (iii) is assessed with respect to an improvement in the municipality;
 - (iv) is an occupant of land or improvements that are used for business purposes;
 - (iv.1) is licensed in the municipality with respect to a trailer, mobile home or portable shack pursuant to this Act;

(v) is:

(A) a resident of the municipality and is a shareholder of; or

(B) a resident of Saskatchewan and is the chief executive officer of;

a duly incorporated co-operative, a corporation or a religious association that is assessed on the last revised assessment roll with respect to land or an improvement that is not exempt from taxation or that is licensed in the municipality with respect to a home-based business pursuant to this Act;

(vi) is:

(A) a person who is not in his or her own right qualified under subclause (i), (ii), (iii), (iv) or (iv.1) or paragraph (v)(A); and

(B) the spouse of a person mentioned in subclause (i), (ii), (iii), (iv) or (iv.1) or paragraph (v)(A) and residing with that person in the municipality;

(e) **“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;

(f) **“council”** means the council of a municipality;

(g) **“councillor”** means a member of the council other than the reeve;

(h) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;

(i) **“division”** means a division of a municipality;

(j) **“elector”** means a person other than a burgess who on the day of the election is at least 18 years of age and a Canadian citizen, and who, immediately preceding the day of the election:

(i) has resided in the municipality for at least six months; or

(ii) is the spouse of and resides with a burgess in Saskatchewan but outside the municipality;

(k) **Repealed.** 1996, c.58, s.3.

(l) **“hamlet”** means:

(i) an unincorporated community with five or more occupied dwellings individually situated on lots, blocks or parcels, with at least 10 subdivided lots, blocks or parcels, the majority of which is an average size of less than one acre; or

(ii) any unincorporated area that the minister, by order, may declare to be a hamlet;

- (l.1) **“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 or agricultural purposes;
- (m) **“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 the municipality; and
 - (iv) any pipeline on or under land in the municipality;
- (m.1) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (n) **“judge”** means a judge of the court sitting at the judicial centre nearest to which a municipality is wholly or mainly situated;
- (o) **“land”** does not include improvements;
- (p) **“last revised assessment roll”** means the assessment roll of the municipality as finally revised by the board of revision;
- (p.1) **“local assistant”** means a local assistant as defined in *The Fire Prevention Act, 1992*;
- (q) **“local registrar”** means a local registrar of Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (r) **“list of assessed owners”** includes a copy of that list certified as such by the administrator;
- (s) **“local time”** means:
- (i) if the municipal office is situated in an area using mountain standard time, mountain standard time; or
 - (ii) in areas other than an area mentioned in subclause (i), central standard time;
- (s.1) **“mine”** means a mine as defined in *The Mineral Resources Act, 1985*;
- (t) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (u) **“municipal administration advisor”** means a municipal administration advisor appointed pursuant to *The Department of Rural Development Act*;

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(u.001) “**municipal district**” means an area incorporated as a municipal district pursuant to section 13.3;

(u.01) “**municipal inspector**” means a municipal inspector as defined in *The Fire Prevention Act, 1992*;

(u.1) “**municipal road**” means a public highway that is under the direction, management and control of a municipality pursuant to section 187;

(v) “**municipality**” means a rural municipality or a municipal district and “**municipal**” has a corresponding meaning;

(v.1) “**newspaper**” means a publication or local periodical that:

(i) contains primarily items of news; and

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

(w) “**occupant**” means the resident occupier of land or, if there is no resident occupier of it:

(i) a person entitled to the possession of the land; or

(ii) a lessee of the land;

(x) “**organized hamlet**” means an area declared to be an organized hamlet by order of the minister pursuant to section 14;

(y) “**other taxing authority**” means any local government authority or association for which a municipality, pursuant to an Act, may be required to levy taxes, and includes:

(i) a conservation and development area within the meaning of *The Conservation and Development Act*;

(ii) a regional library as defined in *The Public Libraries Act, 1996*;

(iii) a school division; and

(iv) the Saskatchewan Municipal Hail Insurance Association;

(z) “**owner**” means a person who has any right, title, estate or interest in any land or improvement other than that of an occupant or a mortgagee;

(aa) “**parcel**” 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;

(bb) **“pipeline”** means a line of pipe, other than a flowline, situated in, on or under a continuing strip of land or pipeline right-of-way and used for the transportation of:

- (i) petroleum;
- (ii) petroleum products;
- (iii) gas; or
- (iv) any other prescribed substance;

(cc) **Repealed.** 1996, c.58, s.3.

(cc.1) **Repealed.** 1997, c.48, s.3.

(dd) **“prescribed”** means prescribed by regulations made by the Lieutenant Governor in Council unless the context otherwise requires;

(dd.1) **“provincial highway”** means a provincial highway as defined in *The Highways and Transportation Act, 1997*;

(ee) **“public highway”** means a public highway as defined in *The Highways and Transportation Act, 1997*;

(ff) **“public work”** means lands, streams, watercourses and property acquired for public works, dams or dugouts erected or made for the storage of water, roads, signs, culverts, bridges, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any public work, and any work or service or any combination of work or services authorized pursuant to *The Local Improvements Act, 1993*;

(gg) **“railway company”** means every railway company:

- (i) owning or operating a railway in Saskatchewan, whether the head office is situated in Saskatchewan or elsewhere; and
- (ii) that transacts business in Saskatchewan, whether as an original enterprise of undertaking or under a lease, contract or agreement or otherwise;

but does not include a street railway or tramway;

(hh) **“railway roadway”**:

- (i) outside of a hamlet or an organized hamlet, means a continuous strip of land that is used by a railway company as a right-of-way and includes any railway superstructure on that land; and
- (ii) within a hamlet or an organized hamlet, means a continuous strip of land, not exceeding 31 metres in width, that is owned or occupied by a railway company and includes any railway superstructure on that land;

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(ii) **“railway superstructure”** means the grading, ballasts, embankments, ties, rails and fastenings, miscellaneous track accessories and appurtenances, switches, poles, wires, conduits and cables, fences, sidings, spurs, trestles, bridges, subways, culverts, tunnels, cattle guards, cattle passes, platforms, stockyards, hog shelters, scales, turntables, cinder and service pits, hoists, signals and signal towers, grade crossing protective appliances, water tanks, stand pipes, pump sheds, dams, spillways, reservoirs, wells, pumping machinery, pipelines or bins, sheds or other storage facilities, that have a floor space of not more than 9.3 square metres, owned by a railway company or used by it in the operation of a railway;

(jj) **“reeve”** means the reeve of a municipality;

(jj.1) **“resource production equipment”** includes fixtures, machinery, tools, railroad spur tracks and other appliances by which a mine or petroleum oil or gas well is operated, but does not include tipples, general offices, general stores, rooming houses, public halls or yards;

(kk) **“returning officer”** means a person appointed by council as the returning officer or, if no such appointment is made, the administrator;

(ll) **“road allowance”** means a road allowance laid out under the authority of an enactment of Saskatchewan or Canada;

(mm) **“roadway”** means that part of a public highway designed or intended for use by vehicular traffic;

(mm.1) **“school division”** means a school division within the meaning of *The Education Act, 1995*;

(nn) **“transient trader”** means a person carrying on business in the municipality who:

- (i) offers to provide services for a price;
- (ii) offers goods or merchandise for sale by retail or by auction; or
- (iii) solicits any person who is not a wholesale or retail dealer for orders:
 - (A) to provide future services for a price; or
 - (B) for the future delivery of goods or merchandise; and
- (iv) is not a person:
 - (A) required to be licensed under *The Direct Sellers Act*; or
 - (B) occupying land or improvements that are used for business purposes;

(oo) **“urban municipality”** means:

- (i) an urban municipality; or
- (ii) a city;

(oo.1) **“vehicle”** means a vehicle as defined in *The Highway Traffic Act*;

(pp) **“voter”** means a person who is qualified to vote, either as an elector or a Burgess at municipal elections, on bylaws and on questions.

- (2) When, in this Act, expressions are used requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done, in the presence of agents that are authorized to attend and have in fact attended at the time and place where the act or thing is done, the act or thing done is not invalidated by reason only of the non-attendance of any agent at the time and place.
- (3) For the purposes of *The Fire Prevention Act, 1992*, a reference to the secretary treasurer of a rural municipality shall be deemed to be a reference to the administrator of the rural municipality.
- (4) For the purposes of clause (1)(1.1) and sections 208 and 286 of this Act, and for the purposes of *The Rural Municipality Assessment and Taxation Regulations*, “**premises**” means the store, office, warehouse, factory, building, enclosure, yard or any other space occupied or used by a person for the purposes of a business.
- (5) Unless expressly stated otherwise, all references in this Act or the regulations to “municipality” or “rural municipality” are deemed to include reference to a municipal district.
- (6) Unless expressly stated otherwise, all references in any other Act or regulations to “rural municipality” are deemed to include reference to a municipal district.
- (7) Unless expressly stated otherwise:
- (a) a municipal district may exercise all the powers given to, and shall perform all the duties imposed on, a rural municipality by or pursuant to this Act, the regulations or any other Act or regulations;
 - (b) the council of a municipal district may exercise all the powers given to, and shall perform all the duties imposed on, a council of a rural municipality by or pursuant to this Act, the regulations or any other Act or regulations; and
 - (c) the minister may deal with a municipal district in the same manner as a rural municipality for the purposes of this Act, the regulations or any other Act or regulations.
- (8) Any reference in a prescribed provision to land or improvements includes a reference to both land and improvements.
- (9) Any reference in a prescribed provision to both land and improvements includes a reference to land or improvements.

1989-90, c.R-26.1, s.2; 1992, c.63, s.3; 1993, c.T-20.1, s.7; 1994, c.29, s.3; 1995, c.30, s.3; 1996, c.58, s.3; 1997, c.H-3.01, s.75 and c.48, s.3; 1998, c.32, s.3; 1999, c.9, s.3; 2000, c.25, s.3; 2001, c.20, s.43 and c.38, s.3; 2002, c.38, s.3; 2002, c.C-11.1, s.406.

Rules of residence

2.1 For the purposes of this Act:

- (a) the residence of a person is the place in which the person’s habitation is fixed and to which, when the person is absent from that place, he or she has the intention of returning;
- (b) a person who is temporarily absent from the place where the person’s habitation is fixed does not lose his or her residence;

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- (c) no person, while he or she remains in Saskatchewan, is deemed to have lost his or her residence until he or she has acquired another residence;
- (d) no person has more than one residence in Saskatchewan and, if the person has more than one home in Saskatchewan, he or she shall elect one home as his or her residence.

2001, c.38, s.4.

Extension of time

3(1) Where anything to be done by the minister, a park authority or a board of revision, or by a council with respect to the establishment of mill rate factors pursuant to subsection 330.3(7), cannot be or is not done within the number of days or at a time fixed by or pursuant to this Act, the minister may, by order, set a further or other time for doing it, whether the time at or within which it ought to have been done has or has not expired.

(2) Anything done at or within the time specified in an order pursuant to subsection (1) is valid as if it had been done at or within the time fixed by or pursuant to this Act.

(3) Subject to subsections (4) and (5), where anything to be done by a council other than with respect to the establishment of mill rate factors pursuant to subsection 330.3(7), by a hamlet board, by a municipal employee or by a board, committee, association, commission or other organization established by a council pursuant to this Act, other than a board of revision, cannot be or is not done within the number of days or at a time fixed by or pursuant to this Act, the council may, by bylaw, set a further or other time for doing it, whether the time at or within which it ought to have been done has or has not expired.

(4) A bylaw pursuant to subsection (3) must be passed within 30 days after the time fixed by or pursuant to this Act has expired.

(5) No council shall pass a bylaw pursuant to subsection (3) extending the time fixed by or pursuant to this Act by more than 90 days.

(6) Anything done at or within the time specified in a bylaw passed pursuant to subsection (3) is as valid as if it had been done at or within the time fixed by or pursuant to this Act.

(7) Notwithstanding any other provision of this Act, where a time fixed by or pursuant to this Act is extended by minister's order pursuant to subsection (1) or by bylaw pursuant to subsection (3), a like delay is allowed with respect to any later date that is fixed by or pursuant to this Act on the basis of the earlier date.

(8) The Saskatchewan Assessment Management Agency established pursuant to *The Assessment Management Agency Act* shall be promptly notified, in writing:

- (a) by the secretary to the board of revision, where the minister extends a time fixed by or pursuant to this Act for anything to be done by the board of revision; and
- (b) by the administrator of the municipality, where the council extends a time fixed by or pursuant to section 294, 301 or 324

2001, c.38, s.5.

PART II
Municipal Organization

DIVISION 1
Incorporation and Alteration of Boundaries of Rural Municipalities

Organization

- 4(1) The minister, by order, may:
- (a) constitute any area as a municipality; and
 - (b) assign a name and number to the municipality.
- (2) The minister shall:
- (a) divide every municipality into divisions; and
 - (b) assign a number to each division.
- (3) The minister shall describe the boundaries of a municipality and of its divisions, but no municipality is deemed, for the purposes of this Act, to include within its boundaries:
- (a) any park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 1979*;
 - (b) any area included in an Indian reserve; or
 - (c) any area included in an urban municipality.
- (4) The organization of a municipality is effective on and from:
- (a) the date that the minister may specify in the order made pursuant to subsection (1); or
 - (b) if no date is specified in the order, the January 1 next following the date of the order.
- (5) Notwithstanding any other provision of this Act, at the request of the hamlet board, the minister may designate an organized hamlet with a population in excess of 100 as a separate division within the municipality in which it is located, to be represented by its own councillor.

1989-90, c.R-26.1, s.4; 1994, c.29, s.4.

Notice of organization

- 5(1) The minister shall cause a notice of the organization of a municipality to be published in the Gazette.
- (2) A notice mentioned in subsection (1) is admissible as *prima facie* evidence:
- (a) of the organization of the municipality named in the notice on the date determined in accordance with subsection 4(4); and
 - (b) that the formalities required by this Act with respect to the organization of a municipality have been complied with.

1989-90, c.R-26.1, s.5.

c. R-26.1**RURAL MUNICIPALITY, 1989****Rural municipality a body corporate**

6 Every rural municipality is a body corporate, under the name of “The Rural Municipality of _____ (*naming the same*) No. _____”.

2001, c.38, s.6.

Seal

7(1) Each municipality shall have a seal.

(2) The administrator shall keep the seal and cause it to be affixed as required by law or by order of the council.

1989-90, c.R-26.1, s.7.

Execution of documents

7.1 Unless a council otherwise directs, the reeve or the administrator, or an alternate of the reeve or the administrator designated by the council, shall sign every order, agreement or other document made or executed on behalf of the municipality.

1998, c.32, s.5.

Change of name

8(1) The minister may alter the name of a municipality or hamlet on the petition of the council and shall cause notice of the alteration to be published in the Gazette.

(2) No change in the name of a municipality made in accordance with this section affects any obligation incurred, right established, action done or property acquired prior to the change of name.

(3) When the name of a municipality is changed, the seal used by the municipality prior to its change of name shall continue to be the seal of the municipality until the council changes the seal.

1989-90, c.R-26.1, s.8.

Boundary lines

9(1) For the purposes of this Act, when a municipality or division is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Saskatchewan lands survey, the boundary lines of the municipality or division, except as varied by the description given in the notice required by section 5, shall be the road allowances on the south and west sides that are included in the municipality or division.

(2) Notwithstanding any other provision of this Act, a road allowance between an Indian reserve and a municipality is deemed to be in the municipality.

(3) If a road allowance mentioned in subsection (1) or (2), or any other roadway for which title has been issued, has been widened or diverted by an approved plan of survey, the land acquired for the widening or diversion is, for the purpose of this section, deemed to be part of the road allowance or roadway, unless otherwise ordered by the minister.

(4) In the case of those municipalities that border on the Province of Manitoba, that portion of the road allowance lying to the north and to the east of those municipalities within Saskatchewan are, notwithstanding any other provision of this Act, deemed to be included within the respective boundaries of those municipalities.

1989-90, c.R-26.1, s.9; 2000, c.L-5.1, s.467.

Alteration of boundaries; disorganizations

10(1) The minister, by order:

- (a) may withdraw any area from a municipality;
- (b) may annex to a municipality any area adjacent to it;
- (c) may:
 - (i) alter the boundaries of one or more of the divisions of a municipality;
 - (ii) eliminate or create one or more divisions; and
 - (iii) renumber the divisions;
- (d) may disorganize a municipality; or
- (e) may amalgamate municipalities by combining two or more municipalities into a single municipality.

(2) The minister shall cause a notice of an order made pursuant to subsection (1) to be published in the Gazette.

(3) Notwithstanding any other provision of this Act, when an order is made under subsection (1) the minister, by the same or another order, may make provision for:

- (a) the date on which the order becomes effective;
- (b) subject to subsection (5), if necessary:
 - (i) the appointment of a returning officer;
 - (ii) the dates for receiving nominations and holding elections for councillors; and
 - (iii) the date on which the council shall hold its first meeting; and
- (c) subject to subsection (4) and section 11, the adjustment, settlement and disposition of all matters arising out of the action taken, including, in the case of disorganization of a municipality, the disposition of the assets and settlement of the liabilities of the disorganized municipality, and every decision of the minister with respect to the adjustment, settlement and disposition is final and binding on all parties affected.

(4) If the municipalities affected by an order pursuant to subsection (1) have agreed on the terms of adjustment, settlement and disposition of all matters arising as a result of the order, the minister may incorporate any of those terms that the minister considers advisable into the order mentioned in subsection (3).

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(5) Every election necessary as a result of the alteration, amalgamation or disorganization of municipalities pursuant to this section shall be held in accordance with the provisions of this Act respecting elections and the minister, in the order mentioned in subsection (3), shall:

- (a) fix the dates for receiving nominations;
- (b) fix the polling places; and
- (c) appoint election officials.

(6) When a municipality is disorganized or two or more municipalities are amalgamated pursuant to this section:

- (a) the municipalities and the councils cease, on the day on which the disorganization or the amalgamation becomes effective, to have or enjoy any of the rights, powers and privileges conferred on them by this Act;
- (b) all suits and rights of action by or against the municipality that has been disorganized or the municipalities that have been amalgamated may be continued or maintained:
 - (i) in the case of a disorganization, by or against the municipality, designated by an order of the minister, that contains all or any portion of the disorganized municipality; and
 - (ii) in the case of an amalgamation, by or against the municipality that is formed as a result of the amalgamation.

(7) All bylaws that are in force in an area affected by an order made pursuant to subsection (1) continue in force in that area, to the extent that they are not inconsistent with this Act or any other Act, until they are repealed or others are made in their place.

1989-90, c.R-26.1, s.10; 1992, c.63, s.4.

Settlement of taxes; tax liabilities

11(1) Where a part of a municipality is organized as or added to another municipality or urban municipality, the administrator of the municipality from which land is taken shall, as soon as possible after the date of the organization or addition, furnish the administrator of the municipality or urban municipality that is gaining the land with:

- (a) a copy of the assessment and tax roll pertaining to the part of the municipality that is organized as or added to the municipality or urban municipality; or
- (b) a statement setting out the pertinent details of information reflected in the assessment and tax roll pertaining to that part of the municipality.

(2) The taxes that are owing with respect to the part of a municipality that is organized as or added to a municipality or urban municipality are hereby:

- (a) transferred to the municipality or urban municipality; and
- (b) deemed to be owed to it.

(3) A municipality or urban municipality to which taxes are transferred by subsection (2):

(a) is entitled to continue any proceedings commenced pursuant to any *Tax Enforcement Act*; and

(b) for the purpose of collecting the taxes, stands in the place and has all the rights of the municipality from which the part was taken.

(4) When a municipality is disorganized and if any estate or other property of that municipality is to be transferred to another municipality or to an urban municipality, the minister may order that the title to and rights with respect to that estate or property shall be vested in the other municipality or urban municipality, and every decision of the minister in that respect is final and binding on all parties affected.

(5) If a tax lien has been registered against any parcel of land of a municipality formed as or added to another municipality or urban municipality and the lien has not been withdrawn before the date of that formation or addition, the administrator of the municipality from which the land is taken shall furnish the administrator of the municipality or urban municipality that is gaining the land with a statement setting out the:

(a) proceedings taken to date to acquire title; and

(b) costs incurred.

1989-90, c.R-26.1, s.11.

Errors in defining boundaries

12 No order purporting to be made pursuant to section 4, 10 or 13.3 shall be construed to be invalid solely because of non-compliance with any of the matters required as preliminary to the order, and no misnomer, inaccurate description or omission in any order shall suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

1989-90, c.R-26.1, s.12; 2001, c.38, s.8.

Correcting orders

13(1) No misnomer, misdescription or omission in any order made by the minister pursuant to this Act suspends or impairs in any way the operation of this Act with respect to the matter misnamed, misdescribed or omitted and it may be corrected at any time by the minister.

(2) A correction made pursuant to subsection (1) may be made effective on the date specified in the correcting order, which date may be retroactive to the date of the original order.

1989-90, c.R-26.1, s.13.

DIVISION 2
**Restructuring of Rural Municipalities and
 Incorporation of Municipal Districts**

Interpretation of Division**13.1** In this Division:

- (a) **“municipality”** means a rural municipality, a municipal district or an urban municipality;
- (b) **“party”** means a party to a restructuring agreement;
- (c) **“restructuring agreement”** means a restructuring agreement entered into pursuant to section 13.2.

2001, c.38, s.9.

Restructuring agreements

13.2(1) If two or more municipalities wish to restructure to form one or more new municipalities or municipal districts under this Act, the municipalities shall:

- (a) enter into a restructuring agreement; and
 - (b) apply to the minister to issue an order incorporating the new municipalities or municipal districts.
- (2) The restructuring agreement must include:
- (a) a provision stating whether the parties intend to form:
 - (i) one or more new municipalities; or
 - (ii) one or more new municipal districts;
 - (b) the name of each new municipality or municipal district;
 - (c) the manner in which the council of each new municipality or municipal district is to be constituted, including whether two or more municipalities or municipal districts propose to establish a joint council; and
 - (d) the terms and conditions pursuant to which the restructuring agreement may be amended by the councils of the new municipalities or municipal districts.
- (3) The restructuring agreement may include terms and conditions respecting any or all of the following matters:
- (a) the disposition of the assets of the parties and manner of dealing with the liabilities of the parties;
 - (b) the imposition of special levies for any or all of the following purposes:
 - (i) to equalize municipal mill rates among the parties;
 - (ii) to renew municipal infrastructures;

- (iii) to remedy and reclaim contaminated sites;
- (iv) to settle any liabilities of any of the parties;
- (c) the allocation of conditional and unconditional grants that were due to one or more of the parties before the restructuring agreement came into effect;
- (d) the disbursement of surplus funds and reserves of one or more of the parties;
- (e) the application of tax tools, as prescribed by this Act, to municipal tax levies;
- (f) the location of the municipal office of each new municipality or municipal district;
- (g) any other matter that the parties consider necessary to facilitate restructuring.

2001, c.38, s.9; 2002, c.38, s.4.

Restructuring orders

13.3(1) Where the parties to a restructuring agreement wish to form one or more new municipalities or municipal districts under this Act, the parties shall:

- (a) apply in writing to the minister; and
- (b) provide the minister with a copy of the restructuring agreement.

(2) Where the minister considers a provision of a restructuring agreement to be unclear or uncertain, or where the minister considers it otherwise appropriate, the minister may request that the parties reconsider the restructuring agreement for the purpose of amending the restructuring agreement.

(3) On receipt of an application pursuant to subsection (1) and after the parties have reconsidered the restructuring agreement if requested to do so pursuant to subsection (2), and where the minister is satisfied that the restructuring agreement has been made in accordance with this Act and any other Act or law affecting rural municipalities or municipal districts, the minister shall issue an order incorporating the new municipalities or municipal districts in accordance with the intention of the parties.

(4) Where the minister issues an order establishing one or more new municipalities or municipal districts, the minister shall:

- (a) include in the order the terms and conditions of restructuring that are contained in the restructuring agreement;
- (b) subject to subsection (5), describe the boundaries of each new municipality or municipal district and its divisions;
- (c) assign a number to each new municipality or municipal district; and
- (d) specify the date on which the order becomes effective.

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(5) No new rural municipality or municipal district is deemed, for the purposes of this Act, to include within its boundaries:

- (a) any park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 1979*;
- (b) any area included in an Indian reserve; or
- (c) any area included in an urban municipality that is not part of the restructuring.

(6) The minister shall cause a notice of an order made pursuant to this section to be published in the Gazette.

(7) The incorporation of a new municipality or municipal district under this Act is effective on and from the date specified in the order pursuant to clause (4)(d).

2001, c.38, s.9; 2002, c.38, s.5.

Effect of restructuring

13.4 Subject to the restructuring agreement entered into pursuant to section 13.2 and the order issued pursuant to section 13.3, on the day on which the order issued pursuant to section 13.3 becomes effective:

- (a) the former municipalities and the councils cease to have or enjoy any of the rights, powers and privileges conferred on them by this Act or any other Act;
- (b) all actions or proceedings by or against the former municipalities may be commenced, continued or maintained by or against the new municipalities or municipal districts that are incorporated pursuant to the order;
- (c) all bylaws and resolutions that are in force in an area affected by the order continue in force in that area, to the extent that they are not inconsistent with this Act or any other Act, until they are repealed or other bylaws or resolutions are made in their place;
- (d) every employee of the former municipalities continues as an employee of one of the new municipalities or municipal districts with the same rights and duties until the council of that new municipality or municipal district directs otherwise;
- (e) all taxes and revenues due to the former municipalities are deemed to be taxes and revenues due to the new municipalities or municipal districts and may be collected and dealt with by the new municipalities or municipal districts as if they had imposed them;
- (f) all land and improvements vested in the former municipalities are vested in the new municipalities or municipal districts and, subject to any trusts or other conditions that may be applicable, may be dealt with by the new municipalities or municipal districts in their own name; and
- (g) all other assets, liabilities, rights, duties, functions and obligations of the former municipalities are vested in the new municipalities or municipal districts and may be dealt with by them in their own name.

2001, c.38, s.9; 2002, c.38, s.6.

Application of *The Urban Municipality Act, 1984*

13.5(1) The council of a rural municipality or municipal district established pursuant to this Division may, by bylaw, declare any provision of *The Urban Municipality Act, 1984* to apply to any area within its jurisdiction.

(2) Notwithstanding any other provision of this Act or any other Act or law, where a bylaw is passed pursuant to subsection (1), the provisions of *The Urban Municipality Act, 1984* set out in the bylaw apply to the area set out in the bylaw.

2001, c.38, s.9.

Municipal district a body corporate

13.6 Every municipal district is a body corporate, under the name of "The Municipal District _____ (*naming the same*) No. _____".

2001, c.38, s.9.

DIVISION 3 Organized Hamlets

Procedure for declaration; hamlet board

14(1) In this section, "**voter**" means an elector or a burgess with respect to any land or improvement in a hamlet.

(2) Subject to subsection (4), on receipt of a petition signed by at least 30 persons representing at least two-thirds of the voters of a hamlet, other than a hamlet that is adjacent to an urban municipality, the minister, by order, may designate the area of the hamlet and declare it to be an organized hamlet.

(3) The petition shall:

- (a) show the land in the hamlet owned or occupied by the voter who signed the petition; and
- (b) be accompanied by a certificate of the administrator:
 - (i) verifying the land locations shown on the petition; and
 - (ii) stating that the petitioners constitute at least two-thirds of the voters of the hamlet.

(4) Where a hamlet is located adjacent to an urban municipality and:

- (a) the urban municipality refuses to annex the area of the hamlet;
- (b) natural physical barriers separate the hamlet from the urban municipality;
- (c) there is a lack of continuity in the development between the hamlet and the urban municipality; or
- (d) access between the hamlet and the urban municipality is limited;

the minister, on receipt of a petition of 30 persons representing at least two-thirds of the voters of the hamlet, by order, may designate the area of the hamlet and declare it to be an organized hamlet.

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(4.1) Where, for any reason, an urban municipality ceases to be an urban municipality and becomes part of a rural municipality, the former urban municipality may be designated by the minister as an organized hamlet without need of petition.

(5) The minister, by order, may alter the boundaries of any organized hamlet.

(6) Subject to subsection (8), the hamlet board consists of three voters of the organized hamlet, elected by the voters of the organized hamlet.

(6.1) Subject to subsections (6.2) and (6.3), a member of a hamlet board holds office for a term of three years commencing on the date of his or her election.

(6.2) Members of a hamlet board who hold office on the coming into force of subsection (6.1) hold office until the day they would have held office if that provision had not come into force.

(6.3) At the first election of members of the hamlet board following the coming into force of this subsection, the voters of the organized hamlet shall elect three members, one of whom shall be elected to serve a one-year term, one of whom shall be elected to serve a two-year term, and one of whom shall be elected to serve a three-year term.

(7) The hamlet board shall, within seven days following the election of the hamlet board or following the election to fill a vacancy, notify the municipality in writing of the names, addresses and telephone numbers of the members and secretary of the hamlet board.

(8) A councillor for a rural municipality who represents an organized hamlet with a population in excess of 100 that constitutes its own division is, by virtue of his or her office, an additional member of the hamlet board.

1989-90, c.R-26.1, s.14; 1994, c.29, s.5; 2001, c.38, s.11.

Powers and duties of hamlet board and council

15(1) The council shall:

- (a) allocate all grants received on behalf of the hamlet; and
- (b) allot at least 40% but not more than 75%, as may be agreed to by the council and the hamlet board, of the taxes collected for municipal purposes and the municipal portion of fees payable pursuant to clauses 213(1)(d) and (e) from within the organized hamlet;

to a special hamlet account to be expended at the request of the hamlet board for any purpose authorized by this Act.

(2) On or before March 1 in any year, the hamlet board may request a special levy within the organized hamlet and the council shall make the levy.

(2.1) Notwithstanding clause 330(1)(a), with the consent of the hamlet board, a council may establish a uniform mill rate within the organized hamlet that is different from the mill rate applied elsewhere within the municipality.

(3) On receipt of a request pursuant to subsection (2), the council shall levy the required special levy, and a sum equal to 85% of that levy, or another percentage agreed to by the council and the hamlet board, shall be added to the allotment mentioned in subsection (1).

- (4) When the hamlet board requests the council to make an expenditure for any purpose authorized by this Act, the municipality shall, if money is available to the credit of the organized hamlet, make the expenditure.
- (5) When the hamlet board requests the council to pay an indemnity to members of the hamlet board, the council shall, if money is available to the credit of the organized hamlet, authorize by resolution the payment of an indemnity of not more than \$20 per meeting and not more than \$100 per year to each member of the hamlet board.
- (6) The council, on the request of the hamlet board, may provide for the installation of a waterworks system or a sewage system in the organized hamlet, and, where the council provides for the installation, the waterworks system or sewage system shall be constructed, operated and maintained in accordance with the regulations prescribed by the Lieutenant Governor in Council.
- (6.1) The hamlet board and the council may agree that the hamlet board shall be responsible, if there are sufficient funds available to the credit of the organized hamlet, for providing one or more services within the organized hamlet, and may by that agreement require the municipality to:
- (a) retain the services of one or more employees and specify their duties;
 - (b) enter into agreements with other parties for the purpose of carrying out the terms of the agreement between the hamlet board and the council.
- (7) The Lieutenant Governor in Council may make regulations:
- (a) providing for the appointment of an appeal board to hear and determine any matter in dispute between the council and the hamlet board;
 - (b) prescribing the procedure to be followed by an appeal board hearing and determining any matter in dispute referred to it by the council of a municipality or a hamlet board;
 - (c) governing the construction, operation and maintenance of waterworks systems and sewage systems for organized hamlets;
 - (d) respecting the revenues arising from the operation of waterworks systems and sewage systems of organized hamlets;
 - (e) requiring and governing reports to be given by councils of municipalities to hamlet boards;
 - (f) governing the meetings of voters of organized hamlets;
 - (g) respecting the members and officers of hamlet boards and governing the procedures of hamlet boards;
 - (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this section or section 14.

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Reversion to former status

16(1) The council shall request reversion of the status of an organized hamlet if no active board with respect to that organized hamlet has existed for the immediately preceding two years.

(2) The minister, by order, may revert any organized hamlet to the status of a hamlet:

- (a) on receipt of a request pursuant to subsection (1); or
- (b) if the minister considers it to be in the public interest to do so.

1989-90, c.R-26.1, s.16.

PART III
Municipal Government
COUNCIL

Structure

17(1) The council shall exercise the powers of the municipality.

(2) The council shall consist of:

- (a) a reeve, who shall be head of the council; and
- (b) one councillor for each division.

(3) The election of members of the council:

- (a) in the case of odd-numbered divisions and the election of reeves, shall be held in even-numbered years; and
- (b) in the case of even-numbered divisions, shall be held in odd-numbered years.

(4) Subject to subsections (4.1) to (7), the reeve and each councillor hold office for a term of two years commencing at the first meeting of the council following his or her election.

(4.1) A member of council who was elected pursuant to clause (3)(a) and who is in office on the day this subsection comes into force continues in office until December 31, 2004, at which time the members of council who are elected at the election in 2004 assume office and, unless their offices are sooner vacated, continue in office until the first meeting of the council following the next election held pursuant to clause (3)(a).

(4.2) A member of council who was elected pursuant to clause (3)(b) and who is in office on the day this subsection comes into force continues in office until December 31, 2003, at which time the members of council who are elected at the election in 2003 assume office and, unless their offices are sooner vacated, continue in office until the first meeting of the council following the next election held pursuant to clause (3)(b).

(5) If an order is made pursuant to subsection 10(1), the minister may, in the order, alter the term of office of the reeve or any councillor.

(6) If, as a result of annexation pursuant to section 10, a new election is required, the minister shall, in the order, fix the terms of the newly elected members of the council.

(7) Where the election for reeve and councillors in any municipality is not held in accordance with subsection (3), the minister, at any time, by order, may extend the term of office of the reeve or any councillor in the municipality for a time sufficient for the election of a reeve and councillors to be held in accordance with subsection (3).

1989-90, c.R-26.1, s.17; 2003, c.36, s.3.

Qualification for nomination

18(1) Subject to subsection (2), a person is qualified for nomination as reeve or councillor if he or she is:

- (a) at least 18 years of age;
- (b) a Canadian citizen;
- (c) eligible to vote in the municipality;
- (d) a resident of Saskatchewan; and
- (e) not disqualified by reason of any provision of this or any other Act.

(2) No person may be nominated or elected as:

- (a) a member of council for more than one division; or
- (b) a councillor of a division and reeve of the municipality.

(3) Except in the case of the annual election held in the last year of a councillor's term of office, no councillor, or person who has been declared elected to a future term of office as councillor pursuant to section 82 or 89, is eligible for nomination or election as reeve, unless he or she has, prior to filing his or her nomination paper, filed his or her resignation as councillor with the administrator, which resignation:

- (a) in the case of an annual election, takes effect at midnight on December 31 following the nomination period or on an earlier date specified in the resignation; or
- (b) in the case of an election other than an annual election, takes effect immediately.

1989-90, c.R-26.1, s.18; 1995, c.30, s.6.

Disqualification

19(1) Subject to section 20, the following persons are not qualified to be nominated or elected as a member of a council:

- (a) a paid employee of the municipality or a surety of such an employee;
- (b) an auditor, or any person who within the two years immediately preceding the date of the election has been an auditor, of the municipality; or
- (c) any person who has a direct or indirect contract with or on behalf of the municipality.

(2) **Repealed.** 1992, c.63, s.6.

(3) **Repealed.** 1992, c.63, s.6.

1989-90, c.R-26.1, s.19; 1992, c.63, s.6.

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Exceptions to section 19

20 No person is disqualified from being nominated or elected as a member of the council of a municipality solely by reason of his or her:

- (a) being a shareholder in a corporation that has dealings or contracts with the municipality or having a contract for the publication of an advertisement in a newspaper;
- (b) entering into a contract or agreement with the municipality on terms common to all voters of the municipality; or
- (c) having a special interest in a contract for goods or services or being a director or officer of a corporation that has dealings or contracts with the municipality to provide goods or services if:
 - (i) the goods or services are not readily available from a resident of the municipality other than the person seeking nomination;
 - (ii) the price of those goods or services is reasonable; and
 - (iii) every member of the council present and eligible to vote voted in favour of the contract.

1989-90, c.R-26.1, s.20.

Declaration of office

21 Every member of the council, before entering on the duties of his or her office, shall make and subscribe a declaration in the prescribed form, which declaration the member shall promptly deposit in the office of the administrator.

1989-90, c.R-26.1, s.21.

Information from members of district planning commission

22(1) When any member of a district planning commission within the meaning of *The Planning and Development Act, 1983* is required to furnish information pursuant to clause 36(2)(d) of *The Urban Municipality Act, 1984*, section 36 of that Act applies, with any necessary modification, to members of that commission appointed by a rural municipality.

(2) For the purposes of this section, a director of a corporation is deemed not to include a director of a co-operative as defined by *The Co-operatives Act* or *The New Generation Co-operatives Act*.

1989-90, c.R-26.1, s.22; 1999, c.N-4.001, s.355.

Resignation

23(1) A member of a council may resign his or her seat by delivering a written notice to the administrator, and, except in the case of a resignation for the purposes of subsection 18(3), the resignation takes effect and his or her seat on the council becomes vacant on the later of:

- (a) the receipt of the notice by the administrator; or
 - (b) any future date specified in the notice.
- (2) A notice of resignation pursuant to subsection (1) is irrevocable.

(3) The administrator shall bring to the attention of the council at its next meeting every notice of resignation submitted pursuant to subsection (1) and, subject to subsections 25(3) to (5), the council shall, at that meeting, take steps in accordance with section 25 to fill the vacancy for the remainder of the term.

(4) Subsection (3) applies notwithstanding that the resignation does not become effective until a future date.

1989-90, c.R-26.1, s.23.

Declaration of vacancy

24(1) If, after the election of a person as a member of the council, any of the following events occurs, the person's seat on council becomes vacant when that event occurs:

- (a) the person is convicted of an offence punishable by imprisonment for five or more years;
- (b) the person absents himself or herself, without being previously authorized by resolution of the council to do so, from all meetings of the council for a period of three consecutive months, commencing on the first day of the month next following the last meeting attended by the person, during which period at least two meetings of the council are held;
- (c) the person ceases to reside in Saskatchewan and for three consecutive months does not reside in Saskatchewan;
- (d) the person is not qualified pursuant to this Act or any other Act to be nominated or elected or to hold office as a member of a council; or
- (e) the person fails or refuses to make and subscribe the declaration mentioned in section 21 within three months after the person has been elected a member of the council.

(2) Where it is alleged that a person who is duly elected as a member of a council was not validly elected or since the election has become disqualified from holding office as a member, the person's office nevertheless is not vacated and the person is not prevented from voting or acting as a member of council unless and until:

- (a) the person resigns;
- (b) the person files a disclaimer pursuant to *The Controverted Municipal Elections Act*; or
- (c) a judge holds that the person was not validly elected or that, since the election, the person has become disqualified from holding office as a member.

1992, c.63, s.7.

Vacancy

25(1) Subject to subsections (3) and (4), if a seat on council becomes vacant by reason of death, resignation or otherwise, the council shall within 30 days:

- (a) set a day for the closing of a nomination period, which is to be a Monday; and

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(b) appoint a returning officer to hold an election to fill the vacancy for the remainder of the term;

and the provisions of this Act with respect to elections apply, with any necessary modification, to an election held pursuant to this section.

(2) If the council neglects or refuses to comply with subsection (1), the minister may appoint a returning officer and fix a date for an election to fill the vacancy.

(3) If a vacancy on the council occurs on or after September 1 in any year, the council may proceed to fill the vacancy.

(4) If the council does not proceed to fill a vacancy described in subsection (3) in any year other than the year in which the term of office expires and notice of the vacancy is received by the administrator not less than 15 days prior to the closing of the nomination period, the returning officer shall take the necessary steps to have the vacancy filled at the next annual election.

(5) If a member of the council whose term of office does not expire at the end of the then current year submits his or her notice of resignation to the administrator not less than 15 days prior to the closing of the nomination period and specifies a day in the future, but not beyond the end of the current year, on which the resignation is to become effective, the returning officer shall take the steps necessary to elect, at the next annual election, a reeve or councillor, as the case may require, to fill the vacancy for the unexpired term.

(6) If a person is elected at the annual election to fill a vacancy of a member of council whose term would have expired at the end of the then current year, the person so elected shall continue to be a member of the council for the ensuing two years.

(7) If the number of members of the council is reduced by resignation or otherwise below the number required to constitute a quorum, the minister may appoint a returning officer and fix a date for an election to fill the vacancies.

1989-90, c.R-26.1, s.25; 1992, c.63, s.8.

Appointment of reeve or councillor

26 If the voters neglect or refuse to elect a reeve or if the voters of any division of a municipality neglect or refuse to elect a councillor, the minister may appoint a person to act as reeve or councillor, as the case may require.

1989-90, c.R-26.1, s.26.

Appointment of member of council

27(1) The Lieutenant Governor in Council may:

(a) at any time appoint a person to act as reeve or as councillor for one or more of the divisions of a municipality; or

(b) appoint a person or persons to act as reeve and councillor for all the divisions of the municipality.

(2) Every person appointed pursuant to subsection (1):

(a) has the same powers and authority as those conferred by this Act on a person who is elected as a reeve or councillor, as the case may be; and

(b) shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine by order.

- (3) When a person is appointed to act as reeve or councillor pursuant to this section, the person who was previously elected to that position shall cease to hold office.
- (4) When one person has been appointed to act as both reeve and councillor of a municipality, that person may also be appointed to act as administrator.
- (5) An appointment made pursuant to subsection (1) may be terminated at any time by order of the Lieutenant Governor in Council.
- (6) On the issue of an order pursuant to subsection (5) terminating the appointment of a person or persons to act as reeve or as councillors for one or more divisions of a municipality, the minister, by order, shall:
- (a) appoint a returning officer and fix a nomination period for the purpose of nominating candidates to fill the vacancies on the council;
 - (b) specify the terms of office of the persons to be elected;
 - (c) name a place for receiving nominations;
 - (d) name one or more polling places for each division;
 - (e) appoint a deputy returning officer for each polling place; and
 - (f) make any further provision for the election that he or she considers advisable;

and the election of persons to fill the vacancies shall be conducted in accordance with the provisions of this Act governing elections.

1989-90, c.R-26.1, s.27; 1992, c.63, s.9.

Powers and duties of reeve

- 28** The reeve is the chief executive officer of the municipality and the reeve shall:
- (a) be vigilant and active in causing the laws governing the municipality to be duly executed;
 - (b) oversee the conduct of all municipal employees and, so far as is in his or her power, cause all cases of negligence, carelessness and violation of duty by municipal employees to be duly prosecuted; and
 - (c) communicate to the council all information and recommend any measures that may tend to the improvement of the finances and welfare of the municipality and its inhabitants.

1989-90, c.R-26.1, s.28.

Remuneration, etc.

- 29(1)** The council shall pay to each member of council, in an amount that the council shall fix:
- (a) remuneration for attending meetings of council;
 - (b) remuneration for each day necessarily occupied by the member in the performance of his or her duties;
 - (c) an allowance for each kilometre necessarily travelled by the member to and from meetings of council and in the performance of his or her duties on council; and

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- (d) subject to subsections (3) and (4), remuneration for each day necessarily occupied by the member in the performance of other duties associated with the municipality, if that work has been previously authorized to be performed by a resolution of the council, and for the distance necessarily travelled in that respect.
- (2) The council shall pay to the reeve or deputy reeve, in an amount that the council shall fix:
- (a) remuneration for each day, not exceeding 15 days in each year and not including days occupied for the purposes mentioned in subsection (1), necessarily occupied by him or her; and
 - (b) an allowance for each kilometre necessarily travelled by him or her;
- in supervising the work of the municipal office and signing cheques.
- (3) If the duties mentioned in clause (1)(d) are performed in an emergency and without authorization, the council may, as it considers advisable, make payment to the member of council who performed the duties.
- (4) No payment shall be made to a member of the council pursuant to this section other than clause (1)(a) until:
- (a) the member who is claiming payment has filed with the administrator an itemized account showing the work done or services performed and the distance travelled; and
 - (b) a resolution has been passed by the council authorizing the payment.

1989-90, c.R-26.1, s.29.

Designation of general expenses

30 Subject to the *Income Tax Act* (Canada), as amended from time to time, one-third of the remuneration paid by the municipality, pursuant to this Act or any other Act, to each member of council in each year for his or her services shall be designated as having been paid with respect to general expenses, incidental to the discharge of his or her duties as a member, incurred by the member.

1989-90, c.R-26.1, s.30.

Prohibition re certain expenditures by council members

31(1) Subject to subsection (2), no member of council shall:

- (a) expend, authorize or purport to authorize the expenditure of municipal funds on or with respect to a public work in the municipality; or
- (b) order any labour or materials for such a public work;

without being authorized to do so.

(2) A member of council is deemed not to have contravened subsection (1) where the member has purported to authorize repairs in an emergency to public works not exceeding the amount set by the council by bylaw.

(3) A person who contravenes subsection (1) is personally responsible for payment in full of the amounts so expended.

1989-90, c.R-26.1, s.31.

MEETINGS OF COUNCIL AND VOTERS

Quorum

32 A majority of the whole council is necessary to form a quorum and no business is to be transacted unless there is a quorum.

1989-90, c.R-26.1, s.32.

First meeting

33 The first meeting of council each year shall be held not later than January 15 at the time and place specified by the administrator by notice served pursuant to subsection 36(2).

1989-90, c.R-26.1, s.33.

Regular meetings

34(1) The council may at any meeting at which all the members are present decide by resolution to hold regular meetings, and the resolution shall state the day, hour and place of each regular meeting.

(2) No notice is necessary with respect to a meeting held pursuant to this section.

1989-90, c.R-26.1, s.34.

Special meetings

35(1) The administrator shall call a special meeting of the council at the written request of the reeve or of a majority of the members of council.

(2) No business other than the business stated in the notice of a special meeting shall be transacted at the special meeting of a council unless all of the members of the council are present and unanimously consent to the transaction of other business.

(3) Notwithstanding subsection 36(2), the reeve may call a special meeting of the council on any notice, either verbal or written, that the reeve considers sufficient if each member of council gives his or her written consent to that notice prior to the commencement of the meeting.

1989-90, c.R-26.1, s.35.

Place, notice of meeting

36(1) The council shall hold its meetings at any place in Saskatchewan that it shall fix by resolution.

(2) The administrator shall serve written notice of the first and of each special meeting to each member of council either:

(a) personally to the member of council at his or her place of residence or, if the member is absent, to an adult who apparently resides at that place, at least 48 hours prior to the day of the meeting; or

(b) by mail to the last known address of the member of council being served, at least seven days prior to the day of the meeting.

(3) **Repealed.** 1996, c.58, s.4.

1989-90, c.R-26.1, s.36; 1996, c.58, s.4.

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Meetings are public

37(1) The council shall hold its meetings openly and no person shall be excluded except for improper conduct.

(2) The person presiding over the meetings may cause to be expelled and excluded any person who is guilty of improper conduct at a meeting.

1989-90, c.R-26.1, s.37.

Procedures of council

38 Subject to this Act, each council may make its own rules with respect to the following:

- (a) its proceedings at meetings;
- (b) the calling of meetings;
- (c) regulating the conduct of members of council;
- (d) the appointment of committees of council; and
- (e) the transaction of its business.

1989-90, c.R-26.1, s.38.

Reeve to preside

39 The reeve shall:

- (a) preside at every meeting of the council; and
- (b) preserve order and enforce the rules of procedure.

1989-90, c.R-26.1, s.39.

Deputy reeve

40(1) The council shall, at its first meeting each year or as soon thereafter as conveniently possible, appoint a member of council to act as deputy reeve for that year or for any shorter period that the council may fix.

(2) A member of the council who is appointed as deputy reeve pursuant to subsection (1) holds the office of deputy reeve for the term for which he or she is appointed and until his or her successor is appointed.

(3) In the absence of the reeve or when the position of reeve is vacant, the deputy reeve has the powers and duties of reeve.

(4) The council may appoint an acting deputy reeve to act in the absence of the deputy reeve.

1989-90, c.R-26.1, s.40.

Chairperson to preside

41(1) In the absence of the reeve, deputy reeve or acting deputy reeve from a meeting, the administrator shall request the council appoint one of its members as chairperson to preside at the meeting, and the council shall make the appointment.

(2) The person appointed pursuant to subsection (1) has the powers and duties of the reeve while presiding at the meeting.

1989-90, c.R-26.1, s.41.

Validity of proceeding

42 No act or proceeding of a council that is not adopted at a regular or special meeting has any effect.

1989-90, c.R-26.1, s.42.

Motions

43 The reeve shall submit to the council every question on a motion of any of its members, and no seconder is required.

1989-90, c.R-26.1, s.43.

Council voting procedures

43.1 At every meeting of a council, all members of the council present shall vote on all questions, unless disqualified from doing so pursuant to subsection 45(1) or (1.1).

1995, c.30, s.7.

Decisions

44 All questions at a meeting of council shall be decided by a majority of votes but, in the case of an equality of votes, the question is deemed to be decided in the negative.

1989-90, c.R-26.1, s.44.

Declaration of pecuniary interest

45(1) When a member of a council has a pecuniary interest in any matter in which the council or a committee, board, association, commission or other organization established pursuant to this Act by a council is concerned and is present at a meeting of the council, committee, board, association, commission or other organization at which the matter is considered, the member shall:

- (a) when the matter arises, disclose that he or she has a pecuniary interest; and
- (b) leave the meeting while the matter is under discussion.

(1.1) Notwithstanding subsection (1), where the matter being considered with respect to which a member has a pecuniary interest is solely the payment of an account for which an expenditure has previously been approved by council and the payment is an amount that is not greater than the amount previously approved, the member shall still disclose that he or she has a pecuniary interest and refrain from participating in the decision but need not leave the meeting while the matter is under discussion.

(2) No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the voting on any question involving a matter in which he or she has a pecuniary interest.

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(3) The administrator or other person charged with the responsibility of keeping the minutes of the meeting of the council, committee, board, association, commission or other organization shall record in the minutes:

- (a) every declaration of a pecuniary interest; and
- (b) the fact that a member leaves the meeting after declaring a pecuniary interest.

(4) Any voter may apply to a judge for a determination of the question of whether a person has contravened this section within three years after the commission of the alleged offence and, in his or her application, shall state the grounds on which he or she alleges that a contravention of this section has been committed.

(5) If the judge determines that a person has contravened this section and the contravention has resulted in personal financial gain, the judge may require the person to make restitution and, if he or she finds that the contravention was not made through inadvertence or by reason of an honest mistake, the judge:

- (a) shall, in the case of a member of council, declare the seat of the member vacant; and
- (b) may:
 - (i) disqualify the person from holding office in any municipality for a period of not more than three years from the date of the determination;
 - (ii) award costs of the application to or against any party to the application and may fix the amount of costs to be taxed by the local registrar.

(6) An appeal lies from any order made pursuant to subsection (5) to the Court of Appeal, and the Court of Appeal may:

- (a) give any judgment that ought to have been pronounced; or
- (b) grant a new trial for the purpose of taking existing or additional evidence and may remit the case to the trial judge or another judge and, subject to any direction of the Court of Appeal, the case is to be proceeded with as if there had been no appeal.

(7) For the purposes of this Act, “**pecuniary interest**” means an interest that a member of a council has in any matter if:

- (a) the member or his or her 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 financially affected by a decision of council; or
- (b) the member or his or her spouse, parent or child could make a financial profit from or be adversely financially affected by a decision of council;

but does not include a pecuniary interest in any matter that a member may have:

- (c) as a voter;
- (d) as a user of any public utility service supplied to him or her by the municipality in the same manner and subject to the same conditions that are applicable to other persons;

- (e) by reason of his or her being entitled to receive, on terms common to other persons, any service or commodity or any subsidy, loan or other benefit offered by the municipality;
- (f) by reason of his or her purchasing or owning a security of the municipality;
- (g) by reason of his or her having made a deposit with the municipality the whole or part of which is or may be returnable to him or her in the same manner as such a deposit is or may be returnable to other persons;
- (h) by reason of his or her having an interest in any land or buildings affected by a local improvement;
- (i) by reason of his or her being a member of any committee, board, association, commission or other organization as an appointee of the council;
- (j) as the publisher of a newspaper who publishes advertisements for or on behalf of the 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;
- (k) 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 council or a member of a volunteer municipal service agency; or
- (l) by reason of his or her being a shareholder of a co-operative or credit union that carries on business with the municipality.

1989-90, c.R-26.1, s.45; 1994, c.29, s.7; 1995, c.30, s.8.

Declaration that bylaw or resolution is void

46(1) Subject to subsection (2), when a contravention of section 45 occurs at a meeting of a council or at a meeting of another body to which section 45 applies, the proceedings related to the matter are not invalidated, but the council or other body may, within three years after the day on which a bylaw or resolution was passed or a decision was made, declare the bylaw, resolution or decision to be void.

(2) Subsection (1) does not apply to a Development Appeals Board or a municipal planning commission established pursuant to *The Planning and Development Act, 1983*.

1994, c.29, s.8.

Loss of quorum

47(1) Any member of a council who declares a pecuniary interest pursuant to section 45 is not to be counted for the purpose of determining whether a quorum of the council is present when the question or matter is put to a vote.

(2) If the number of members of council declaring a pecuniary interest on a matter pursuant to section 45 results in a loss of a quorum at a meeting with respect to the question or matter, the remaining number of members is deemed to be a quorum for that question or matter, unless that number is less than two.

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(3) When all, or all but one, of the members of a council have declared a pecuniary interest in a matter pursuant to section 45, the council, by resolution, may apply to a judge *ex parte* for an order authorizing the council to give consideration to, discuss and vote on that question or matter.

(4) The judge, on an application brought pursuant to subsection (3), may declare, by order, that section 45 does not apply to all or any of the members of the council with respect to the question or matter in relation to which the application is brought, and the council may then give consideration to, discuss and vote on the question or matter as if those members had no pecuniary interest in the question or matter, subject to any conditions and directions that the judge may state in the order.

1989-90, c.R-26.1, s.47.

Conflict of interest

47.1 In addition to the rules and procedures set out in sections 45 to 47, a council may, by bylaw, establish any conflict of interest rules and procedures for its members that the council considers appropriate.

2001, c.38, s.13.

Public meeting of voters

48(1) The reeve, when authorized by resolution of the council, may call a public meeting of the voters for the discussion of any municipal matter.

(2) If the reeve receives a petition signed by not less than 20 voters in the municipality requesting that a public meeting be held for the discussion of a municipal matter set out in the petition, the reeve shall cause a public meeting of the voters to be held not later than 30 days after the day on which he or she receives the petition.

(3) The reeve shall cause a notice of every public meeting held pursuant to this section, stating:

- (a) the time;
- (b) the place; and
- (c) the purpose;

of the meeting to be published in at least one issue of a newspaper circulating in the municipality, which notice shall be published at least seven days prior to the day of the meeting.

1989-90, c.R-26.1, s.48.

MUNICIPAL EMPLOYEES

Appointment

49(1) The council shall appoint an administrator and any other employees that the council considers necessary or expedient for carrying into effect the provisions of this or any other Act affecting the municipality or any of its bylaws.

(2) Subject to section 56, each municipal employee holds office:

(a) **Repealed.** 1992, c.63, s.10.

(b) in accordance with the terms set out in the bylaw or resolution by which he or she is appointed.

1989-90, c.R-26.1, s.49; 1992, c.63, s.10; 1994, c.29, s.9.

Duties

50(1) Subject to *The Labour Standards Act* and *The Trade Union Act*, each municipal employee shall perform the duties assigned to him or her by this or any other Act and any other duties that the council may assign to the municipal employee.

(2) The council may procure instruction for one or more of the municipal employees to better enable them to carry out their duties.

1989-90, c.R-26.1, s.50.

Administrator

51(1) No person may be appointed as administrator or may continue to serve as administrator unless he or she holds a valid certificate of membership and qualification issued pursuant to *The Rural Municipal Administrators Act*.

(2) When an administrator is unable to perform his or her duties or is absent or the office of administrator is vacant, the council may appoint an acting administrator and, while so acting, the person so appointed has all the powers and duties of the administrator.

(3) No person appointed as an acting administrator shall hold office for a period of longer than three months, but the board of examiners appointed pursuant to section 51.1, if it is satisfied that the council has taken reasonable steps to obtain the services of a qualified person, may grant to the council a permit authorizing the retention of the services of that person for any period, not to exceed one year, that it shall specify in the permit.

(4) An acting administrator appointed pursuant to subsection (2) during the illness or leave of absence of the administrator may continue in office without obtaining a permit pursuant to subsection (3) until the earlier of:

(a) six months after the date on which the administrator's illness or leave of absence commenced; and

(b) the date on which the administrator resumes his or her duties or terminates his or her employment.

(5) Any person who contravenes this section is guilty of an offence against this Act.

1989-90, c.R-26.1, s.51; 1998, c.32, s.6; 2001, c.38, s.14.

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Board of examiners established

51.1(1) The Saskatchewan Association of Rural Municipalities and the Rural Municipal Administrators' Association of Saskatchewan shall enter into an agreement to establish a board of examiners.

- (2) The purposes of the board of examiners are:
- (a) to determine the qualifications for the office of administrator;
 - (b) to establish and conduct examinations or tests of competence required to acquire a certificate of qualification as an administrator; and
 - (c) to issue certificates of qualification to persons who qualify for the office of administrator.
- (3) The board of examiners is to consist of:
- (a) one person appointed by the Saskatchewan Association of Rural Municipalities;
 - (b) one person appointed by the Rural Municipal Administrators' Association of Saskatchewan; and
 - (c) one or more persons appointed jointly by the associations mentioned in clauses (a) and (b).
- (4) The board of examiners established by the agreement entered into pursuant to subsection (1) is a body corporate.
- (5) The agreement entered into pursuant to subsection (1) may contain:
- (a) any provision for the operation, funding or general conduct of the board of examiners that is not inconsistent with this Act; and
 - (b) any provision setting out the method of determining qualifications for the issuance of certificates of qualification that is not inconsistent with the bylaws or rules of the Rural Municipal Administrators' Association of Saskatchewan passed pursuant to section 9 of *The Rural Municipal Administrators Act*.
- (6) All documents of any kind or description that are, as at June 30, 2001, in the possession of the board of examiners appointed pursuant to *The Department of Rural Development Act* are to be transferred to the board of examiners established by the agreement entered into pursuant to subsection (1).
- (7) The board of examiners established by the agreement entered into pursuant to subsection (1) is not an agent of the Crown in right of Saskatchewan.

2001, c.38, s.15.

Power of reeve to suspend

52(1) The reeve may suspend any municipal employee and he or she, on the suspension, shall report:

- (a) the suspension; and
 - (b) the reasons for the suspension;
- to the council.

- (2) When a municipal employee is suspended pursuant to subsection (1), the council may dismiss or reinstate the municipal employee.
- (3) If a municipal employee is dismissed, he or she shall not receive any salary or remuneration from the date of the suspension of the employee.
- (4) Subsection (3) does not apply where the suspended employee is the administrator.

1989-90, c.R-26.1, s.52.

Holding other office prohibited

53 No member of council is eligible to be appointed to the position of an employee of the municipality in which he or she serves as a member.

1989-90, c.R-26.1, s.53; 1992, c.63, s.11.

Liability

54(1) No administrator or other municipal employee shall:

- (a) fail to discharge the duties of his or her office;
 - (b) knowingly sign a false statement, report or return required by this Act or any law in force in Saskatchewan; or
 - (c) fail to hand over to his or her successor in office or any other person whom the council or the minister may designate in writing all moneys, books, papers and other property of the municipality in his or her possession.
- (2) The municipality shall pay the cost of:
- (a) defending an action or proceeding against a municipal employee or an employee of a board, association, commission or other organization established by a council claiming liability on the part of that employee for acts or omissions done or made by the employee in the course of his or her duties or any sum required to settle the action or proceeding; and
 - (b) damages and costs awarded against an employee mentioned in clause (a) as a result of a finding of liability on the part of that employee for acts or omissions done or made by the employee in the course of his or her duties.
- (3) Any person who contravenes clause (1)(b) or (c) is guilty of an offence against this Act.
- (4) A municipality shall pay the costs mentioned in subsection (2) with respect to the members of a community advisory committee established by the council of the municipality pursuant to section 172.2.

1989-90, c.R-26.1, s.54; 2001, c.38, s.16.

c. R-26.1

RURAL MUNICIPALITY, 1989

Bonding

55(1) The council shall require and make arrangements for:

- (a) the administrator; and
- (b) every other municipal employee or employee of a board, association, commission or other organization established by the council that it considers necessary;

before commencing the duties of his or her office to give any security that the council considers expedient for the faithful performance of his or her duties, in the form of a bond or policy of guarantee of a corporation empowered to grant securities, bonds or policies for the integrity and the faithful accounting of public employees or persons occupying positions of trust, and the bond or policy of guarantee may cover a single employee or a number of them.

(2) The bonds or policies of guarantee shall be for the amounts for each employee mentioned in subsection (1) that may be directed by council, but the amount shall be in a sum of not less than \$10,000 with respect to each employee.

(3) At the first meeting of the council in January in each year:

- (a) the administrator shall provide to the reeve all bonds or policies of guarantee of employees mentioned in subsection (1); and
- (b) the reeve shall lay the bonds or policies of guarantee before the council which shall renew or change them as may be required.

(4) The members of the council who fail to provide for the bonding required by this section are jointly and severally liable for any default of any employee mentioned in subsection (1) to the extent of the sum for which bonding should have been provided.

(5) When, on the demand of any member of council that is duly recorded in the minutes of a meeting of the council, a majority of the council refuses or neglects to provide the bonding required to be provided by this section, that member of council is relieved from all personal liability pursuant to subsection (4).

(6) The premiums payable with respect to any bond or policy of guarantee given pursuant to this section are payable by the municipality out of its general funds.

1989-90, c.R-26.1, s.55.

Dismissal of administrator

56(1) The dismissal of an administrator by the council shall be by resolution and a written notice of it shall be given to the administrator.

(2) An administrator who is dismissed by the council, within 14 days of receipt of the notice mentioned in subsection (1), may make application, to be accompanied by a fee of \$100, to the secretary of the Rural Municipalities Board of Reference established pursuant to section 56.1 for an investigation into the dismissal.

(3) A copy of the application under this section shall be sent by the applicant by registered mail to the reeve and to the chairperson of the board of reference established pursuant to section 56.1.

1989-90, c.R-26.1, s.56; 2000, c.25, s.4.

Rural Municipalities Board of Reference

56.1(1) A Rural Municipalities Board of Reference may be established by agreement between:

- (a) the Saskatchewan Association of Rural Municipalities; and
- (b) the Rural Municipal Administrators Association of Saskatchewan.

(2) An agreement entered into pursuant to subsection (1) may contain any provision that is not inconsistent with this Act for the operation, funding or general conduct of the board of reference that the associations mentioned in subsection (1) may agree on.

(3) The board of reference is a body corporate.

(4) The board of reference must consist of:

- (a) one person appointed by the Saskatchewan Association of Rural Municipalities;
- (b) one person appointed by the Rural Municipal Administrators Association of Saskatchewan; and
- (c) one person appointed jointly by the associations mentioned in clauses (a) and (b) who is not:
 - (i) a member of either association; or
 - (ii) an employee or representative of the Government of Saskatchewan.

(5) The members of the board of reference shall appoint one of their number as chairperson of the board.

(6) No action or proceeding lies or shall be instituted against the Government of Saskatchewan or the minister for any action or decision of the board of reference.

2000, c.25, s.5.

Investigation into dismissal

57(1) The board of reference shall hold an investigation within 45 days of the date of receipt of an application mentioned in subsection 56(2).

(2) The secretary of the board shall serve notice of the time and place of an investigation on each party at least 10 days prior to the date fixed for holding the investigation.

(3) Any party to an investigation, at his or her own expense, may be represented by counsel or by an agent.

1989-90, c.R-26.1, s.57; 2000, c.25, s.6.

Service of documents

58 Service of a notice or document required for an investigation may be effected by registered letter addressed to the last known residence or business of the person to be served, and proof that the letter was so addressed and mailed is proof of service.

1989-90, c.R-26.1, s.58.

c. R-26.1

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Evidence procedure

59(1) For the purpose of procuring the attendance of a person as a witness at an investigation, the board of reference may, if it considers advisable or at the request of the person whose conduct is being investigated, issue a writ of *subpoena ad testificandum* or *subpoena duces tecum* and the proceedings and penalties in the case of disobedience to the writs shall be the same as in civil cases in the court.

(2) The board shall keep any record of the proceedings of an investigation that it considers necessary.

(3) Subject to any regulations, the board may:

(a) determine its own procedure; and

(b) receive and accept any evidence and information on oath, affidavit or otherwise that it considers advisable, whether admissible as evidence in a court of law or not.

(4) *The Arbitration Act, 1992* does not apply to an investigation.

1989-90, c.R-26.1, s.59; 1992, c.A-24.1, s.61;
2000, c.25, s.7.

Scope of investigation

60 The scope of an investigation and the findings of the board of reference, unless the board otherwise determines, shall be limited to the reasons for dismissal set out in the notice mentioned in section 56.

1989-90, c.R-26.1, s.60; 2000, c.25, s.8.

Findings of board

61 The board of reference shall send a statement with respect to its findings to:

(a) **Repealed.** 2000, c.25, s.9.

(b) the parties to the investigation;

(c) The Saskatchewan Association of Rural Municipalities; and

(d) The Rural Municipal Administrators' Association of Saskatchewan;

within 75 days of the date of receipt of an application mentioned in subsection 56(2) and, where the board is of the opinion that the dispute between the council and the applicant may be settled, it may take any action it considers advisable to assist in the settlement of that dispute.

1989-90, c.R-26.1, s.61; 2000, c.25, s.9.

Expenses of investigation

62(1) The board of reference may order the return to the administrator who is the subject of an investigation of all or part of the deposit of \$100 and, in that case, shall order the council to forward to the board an amount equal to the amount so ordered to be returned.

(2) **Repealed.** 2000, c.25, s.10.

(3) **Repealed.** 2000, c.25, s.10.

(4) An administrator who is the subject of an investigation is liable for the payment of all expenses incurred by:

- (a) him or her; or
- (b) his or her representative;

in connection with the investigation by the board, and the municipality is liable for the payment of all expenses incurred by it or its representative.

1989-90, c.R-26.1, s.62; 2000, c.25, s.10.

Duties of administrator

63(1) The administrator shall:

- (a) attend all meetings of the council and truly record in the minutes, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) enter in the minutes of every meeting the names of the members of the council present at the meeting;
- (b.1) ensure:
 - (i) that the minutes of each meeting are approved at the next regular meeting of the council; and
 - (ii) that the last page of the minutes of each meeting is signed by the presiding member of council;
- (c) **Repealed.** 1995, c.30, s.9.
- (d) conduct the correspondence of the council as directed by it;
- (e) transcribe into a special book, to be provided for the purpose, a true and correct copy of every bylaw passed by the council, and prepare a proper index for the bylaws;
- (f) receive and keep safely all moneys belonging to the municipality, from whatever source;
- (g) not more than once a day and at the end of the last working day of each month, deposit into any bank or credit union designated by the council all collections received by the administrator:
 - (i) when the administrator has accumulated collections equal to the greater of:
 - (A) \$10,000; and
 - (B) any amount set by the council that does not exceed the amount for which the administrator is bonded; or
 - (ii) when collections are less than the greater of the amounts mentioned in paragraphs (i)(A) and (B) but the administrator considers it appropriate to deposit the collections;

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- (h) submit for the consideration of the council all accounts and charges against the municipality that he or she receives;
 - (i) disburse the funds of the municipality to the persons and in the manner that is directed by law or by the bylaws or resolutions of the council;
 - (j) make all payments on behalf of the municipality by cheque signed by the administrator, or the assistant administrator if the administrator is absent or the council so authorizes, and countersigned by the reeve, or by the deputy reeve if the reeve is absent or, subject to subsection (2), by transfer electronically or otherwise drawn on the chartered bank or credit union in which the moneys of the municipality are deposited;
 - (k) collect and receive all moneys paid to the municipality from whatever source, and except in the case of payments made by electronic transfer of funds or through a third party that collects moneys on behalf of the municipality, issue receipts for the moneys paid;
 - (l) keep in:
 - (i) a cash book; or
 - (ii) any other book or record;
 a complete and detailed record of all the financial transactions of the municipality;
 - (m) submit monthly to the council a statement showing all receipts and disbursements during the preceding month, the balance carried forward to that month, the balance on hand at the end of the month, the reconciled bank and cash balances and the budgeted amounts after adoption of the current budget;
 - (n) produce, when called for by the council, auditor, municipal administration advisor or other competent authority, all books, vouchers, papers and moneys belonging to the municipality, and, on his or her ceasing to hold office, hand them over to his or her successor or any person that the council may direct;
 - (o) produce, during office hours, when requested by any voter, copies of the financial statements received pursuant to subsection 110(6) of *The Education Act, 1995*;
 - (p) prepare faithfully and duly transmit to the minister any reports and statements that the minister may require in the form that he or she may direct;
 - (q) prepare the financial statement required by subsection 70(1).
- (2) No payment pursuant to clause (1)(j) shall be made by transfer unless:
- (a) the council has, by resolution, given authority to make payments by transfer; and
 - (b) each transfer is certified by the administrator and the reeve or deputy reeve.

(3) Every member of the council to whom a copy of the minutes of a meeting of the council has been delivered or transmitted shall permit any voter of his or her division to inspect the copy after the minutes have been approved by the council.

(4) For the purposes of clause (1)(g), the council shall not designate a bank or credit union of which the administrator is an employee.

1989-90, c.R-26.1, s.63; 1994, c.29, s.10; 1995, c.30, s.9; 1996, c.58, s.5; 1997, c.48, s.5; 1998, c.C-45.2, s.476; 1999, c.9, s.4; 2002, c.38, s.7.

Power to pay certain wages and accounts

64(1) Notwithstanding any other provision of this Act, the council may authorize by bylaw the administrator jointly with the reeve, the deputy reeve or any other municipal employee designated in the bylaw to:

- (a) issue any cheques that are required to pay the wages of municipal employees and all employee deductions and employer contributions required by law with respect to those wages on a weekly, bi-weekly or monthly basis; or
- (b) pay all accounts against the municipality with respect to light, heat, telephone and water and sewage prior to those accounts being passed by the council.

(2) The administrator shall advise the council:

- (a) if any cheque has been issued pursuant to clause (1)(a), of:
 - (i) the date, number and amount of each cheque issued;
 - (ii) the name of the person to whom each cheque was issued; and
 - (iii) the total amount paid by the cheques for ratification by council; and
- (b) of any payment made pursuant to clause (1)(b);

at the council meeting next following the issuance of the cheque or making of the payment.

(3) A council may, by bylaw:

- (a) authorize the administrator to establish bank accounts for the payment of salaries and wages or for any other purpose designated in the bylaw on which cheques may be drawn or funds may be electronically transferred:
 - (i) by the administrator or any other municipal employee designated in the bylaw; or
 - (ii) jointly by the administrator and either the reeve, the deputy reeve or any other municipal employee designated in the bylaw; and
- (b) provide that the signatures of any or all of the persons authorized to sign cheques by a bylaw passed pursuant to this section may be reproduced on cheques.

1989-90, c.R-26.1, s.64; 1998, c.32, s.7.

65 Repealed. 1995, c.30, s.10.

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Records, etc., open to inspection

66(1) Any voter may at all reasonable times inspect:

- (a) any contract or bylaw and any account paid by the council that relate to it;
- (b) any report of any committee or of any employee of the municipality after it has been submitted to the council, other than an opinion or report of legal counsel engaged by the municipality;
- (c) the minutes of council, after they have been approved by the council; and
- (d) any reports and records authorized by the council;

and the administrator shall within a reasonable time after a request by a voter, furnish the voter with copies of any of those documents or parts of them that the voter requested at the rate of 1¢ per word, each figure to be counted as a word.

(2) On payment by any voter of the fee set by the council, the administrator shall mail to that voter within a reasonable time after the minutes have been approved by the council, a copy of the minutes of all subsequent council meetings held up to December 31 in that year.

(3) The fee set by council pursuant to subsection (2) is not to exceed the reasonable costs incurred by the municipality in furnishing the copies to the voter.

1989-90, c.R-26.1, s.66; 1997, c.48, s.6; 1998, c.32, s.8.

Preservation of public documents

67(1) A council shall preserve all public documents of the municipality until:

- (a) the documents may be destroyed in accordance with a records retention and disposal schedule adopted by the council, by bylaw; or
- (b) the documents are, with the consent of the Saskatchewan Archives Board, deposited with the board for preservation in the archives.

(2) The following documents of the municipality must be preserved permanently and are not subject to a records retention and disposal schedule:

- (a) annual financial statements;
- (b) tax and assessment rolls;
- (c) minister's orders;
- (d) bylaws and minutes, with the exception of repealed bylaws, which may be destroyed in accordance with a records retention and disposal schedule;
- (e) cemetery records.

(3) The Lieutenant Governor in Council may make regulations respecting the contents of the records retention and disposal schedule mentioned in this section.

2001, c.38, s.17.

Appointment of auditor

68(1) Every council shall appoint an auditor who is a member in good standing of an accounting profession recognized pursuant to one of the following Acts:

- (a) *The Management Accountants Act*;
- (b) *The Certified General Accountants Act, 1994*;
- (c) *The Chartered Accountants Act, 1986*.

(2) No person who is a member of the council, the administrator or employed by the municipality in any capacity, other than as auditor, shall be appointed auditor.

(3) The auditor, whether appointed for a stated period or otherwise, is the auditor of the municipality until his or her services are dispensed with by resolution of the council, and a resolution dispensing with his or her services does not take effect until the expiration of 30 days after the day on which notice of dismissal is mailed to the auditor.

(4) If, in the opinion of the minister, the auditor appointed by a council has not discharged his or her duties in a satisfactory manner, the minister may require the council to appoint another person as auditor.

(5) If a member of the staff of the auditor is placed in direct charge of the actual conduct of an audit, the person so placed in charge shall not proceed with the audit unless he or she has obtained an authorization in writing from the board or is a member of a society or association of accountants approved by the board.

1989-90, c.R-26.1, s.68; 2001, c.38, s.18.

Duties of auditor

69(1) The auditor, at least once in each year, shall make an examination of the books, accounts and records of:

- (a) the municipality;
- (b) any board, association, commission or other organization established by the council that administers municipal funds unless otherwise expressly provided for in this or any other Act; and
- (c) any other matter the auditor considers necessary to form an opinion as to the accuracy and reliability of the accounting records of the municipality.

(2) The accounts and transactions of a board, commission, association or organization on or in which more than one municipality or urban municipality is represented are to be audited by:

- (a) the auditor of the municipality or urban municipality that is liable for the largest portion of the operating costs of the board, commission, association or organization; or
- (b) any other person who, or partnership that:
 - (i) is eligible to be appointed an auditor pursuant to section 68; and
 - (ii) is approved by a majority of the member municipalities and urban municipalities.

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(3) In the event of a disagreement over a responsibility for auditing an inter-municipal body, the Saskatchewan Municipal Board shall determine the matter.

(4) The auditor at all times has the right of access to any of the files and records, including the books, documents, accounts, vouchers, receipts, investments, securities and mature securities paid, of the municipality or other body mentioned in clause (1)(b).

(5) When requested by the auditor:

- (a) every member of the council or of any board, association, commission or organization handling municipal funds;
- (b) every employee of the municipality or of a board, association, commission or other organization established pursuant to this Act by a council; and
- (c) every other person;

shall provide to the auditor any information, reports and explanations that the auditor considers necessary for the proper performance of his or her duties.

(6) The auditor, immediately following his or her audit, shall send to the reeve, with a copy to the minister, a report of:

- (a) any negligence, irregularity or discrepancy that he or she finds in the books or accounts of the municipality or any board, association, commission or other organization established by the council that administers municipal funds; and
- (b) any municipal expenditures made contrary to law, bylaw or resolution;

and the reeve shall place the report before the council at its next meeting.

1989-90, c.R-26.1, s.69; 1992, c.63, s.12.

Auditor's report

70(1) On or before May 15 in each year, the administrator shall prepare a financial statement for the municipality for the fiscal year ending on December 31 of the preceding year, in accordance with generally accepted accounting principles for local governments as recommended by the Canadian Institute of Chartered Accountants.

(2) On or before June 1 in each year, the auditor shall:

- (a) complete his or her audit of the records of the municipality;
- (b) verify the statement prepared pursuant to subsection (1); and
- (c) send a copy of the statement, certified by the auditor to be correct, to the reeve and the minister.

(3) The reeve shall present a copy of the statement to the council at the meeting next following his or her receipt of the statement.

(4) On or before September 1 in each year:

- (a) the administrator shall mail a copy of the statement and report, or a synopsis of it, to every person assessed on the last revised assessment roll of the municipality; or

- (b) the council shall authorize the statement to be published in a newspaper that is circulated in the municipality.
- (5) Any voter may:
- (a) inspect the statement and report; and
 - (b) by himself or herself or his or her agent and at his or her own expense, take a copy of it or an extract from it.

1989-90, c.R-26.1, s.70; 2001, c.38, s.19.

Request by minister for financial information

70.1 On the request of the minister, a municipality shall promptly submit to the minister information respecting the financial affairs of the municipality for the fiscal year ending on December 31 of the preceding year.

2001, c.38, s.20.

Completion of audit

71(1) The auditor:

- (a) may, during the period following the completion of an interim audit until the completion of the annual audit; or
- (b) where he or she has not acted under clause (a), shall, on completion of the annual audit or at a later date but in any case not later than August 1;

send, by prepaid mail to every person who appears by the tax roll to be indebted to the municipality, a notice of all indebtedness, including taxes, containing the amount of the indebtedness with respect to each parcel of land standing in the name of that person and every tax lien, as shown on the assessment roll, that has been filed against the land.

- (2) When the auditor has completed his or her duties, the auditor shall immediately submit to the council a certificate stating that subsection (1) has been complied with.
- (3) The minister, in any case, may dispense with the requirements of subsection (1).

1989-90, c.R-26.1, s.71.

PART IV

Elections

PROCEEDINGS PRELIMINARY TO ELECTION

List of voters

72(1) The council, prior to October 1 in any year, may instruct the administrator to prepare a list of all voters in the municipality indicating the division in which each voter is entitled to vote in an election.

(2) When preparing assessment notices to be sent pursuant to section 301, the administrator shall state in the notice the division in which the owner is entitled to vote in an election.

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(3) If property is owned jointly by two or more persons, the administrator shall state in the assessment notice the division in which all the owners are entitled to vote in an election.

1989-90, c.R-26.1, s.72; 1992, c.63, s.13.

73 Repealed. 1992, c.63, s.14.**Divisions where voters entitled to vote**

74(1) The division with respect to which a person is entitled to vote shall be determined in accordance with this section, and, where the council has instructed pursuant to subsection 72(1), the administrator to prepare a list of voters the administrator shall enter the name of a voter on the list of voters according to the division in which the voter is entitled to vote.

(2) A person is entitled to vote at the polling place for the division in which he or she resides if the person:

- (a) is assessed with respect to land or improvements that he or she owns or occupies in the division; or
- (b) is licensed pursuant to this Act with respect to a home-based business, a trailer, a mobile home or a portable shack in the division.

(3) Notwithstanding that he or she resides elsewhere, a person is entitled to vote at the polling place for a division if he or she:

- (a) is assessed with respect to land or improvements that he or she owns or occupies in that division and in that division only; or
- (b) is licensed pursuant to this Act with respect to a home-based business, a trailer, a mobile home or a portable shack in that division and in that division only.

(4) If a person is assessed with respect to land or improvements that he or she owns or occupies in two or more divisions, but does not reside in any of them, that person is entitled to vote at the polling place for the division in which his or her total assessment is the highest, but in case of equality of assessment, he or she is entitled to vote at the polling place for the division bearing the lowest number.

(5) If one person is assessed for land or improvements jointly with another person or persons, the total assessed value of that property shall be used with respect to each voter in determining the division in which he or she votes.

(6) Notwithstanding subsection (4), by notifying the administrator in writing before September 1 in any year, a person may designate the division in which he or she wishes to vote if the person:

- (a) is assessed with respect to land or improvements that he or she owns or occupies in two or more divisions but does not reside in any of those divisions; or
- (b) is licensed pursuant to this Act with respect to a home-based business, a trailer, a mobile home or a portable shack in two or more divisions but does not reside in any of those divisions.

- (6.1) Where a person makes a designation pursuant to subsection (6), he or she is:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (6) so long as he or she continues to be assessed or licensed only in the same divisions.
- (7) If a person is assessed with respect to land or improvements that he or she owns or occupies in one division, or if he or she is licensed pursuant to this Act with respect to a home-based business, a trailer, a mobile home or a portable shack in one division, and his or her spouse is so assessed or licensed in another division, either person may designate one of those divisions as the division in which they wish to vote by notifying the administrator in writing before September 1 in any year.
- (7.1) Where a person makes a designation pursuant to subsection (7), both spouses are:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (7) so long as they continue to be assessed or licensed in the same divisions.
- (8) The persons mentioned in subsection (7) may change the designation of the division in which they are entitled to vote pursuant to subsection (7.1) to another division in which one or the other is assessed or licensed in the manner mentioned in subsection (7) by notifying the administrator in writing not less than two years before an election is to be held in the division designated in the new notice.
- (9) A shareholder mentioned in subclause 2(1)(d)(v) is entitled to vote at the polling place for the division in which he or she resides.
- (10) An elector:
- (a) mentioned in subclause 2(1)(j)(i) is entitled to vote in the division in which the elector resides; or
 - (b) mentioned in subclause 2(1)(j)(ii) is entitled to vote in the division in which the spouse of the elector is entitled to vote.
- (11) A chief executive officer mentioned in subclause 2(1)(d)(v) who does not reside in the municipality:
- (a) is entitled to vote at the polling place for the division in which the total assessment of the co-operative association or corporation of which he or she is chief executive officer is highest; and
 - (b) in the case of equality of assessment, is entitled to vote at the polling place for the division bearing the lowest number.

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Publication of list

75(1) The council may cause copies of the list of voters:

- (a) to be printed in any quantity that it considers advisable; and
- (b) to be offered for sale at a price that it may determine.

(2) Moneys received from the sale of lists pursuant to subsection (1) form part of the funds of the municipality.

1989-90, c.R-26.1, s.75.

Duties of administrator

76(1) No administrator shall knowingly fail to:

- (a) prepare a list of voters when requested by council;
- (b) enter on the list the name of any person whom he or she knows to be entitled to have his or her name placed on the list;
- (c) enter on the list any other particulars as provided by this Act;
- (d) omit from the list the name of any person who is not a voter;
- (e) note the division in respect of which an assessed voter is entitled to vote on the tax notice of the person;
- (f) **Repealed.** 1992, c.63, s.16.

(2) Any person who contravenes subsection (1) is guilty of an offence against this Act.

1989-90, c.R-26.1, s.76; 1992, c.63, s.16.

ELECTION PROCEDURES

Annual election

77 An election for members of the council shall be held annually in every municipality at the time and in the manner provided in this Act.

1989-90, c.R-26.1, s.77.

Persons entitled to vote

78(1) The persons entitled to vote for reeve or councillor are the voters of the municipality.

(2) Each voter:

- (a) is entitled to vote once only for reeve and once for councillor; and
- (b) shall vote at the polling place for the division in which he or she is entitled to vote.

1989-90, c.R-26.1, s.78.

Officials

79(1) Prior to October 1 in each year, the council:

- (a) shall name one or more polling places within Saskatchewan for each division;
- (b) may appoint a deputy returning officer for each polling place; and
- (c) shall appoint a returning officer and any other election officials that the council considers expedient to conduct the election.

(2) Where the council does not appoint a deputy returning officer pursuant to clause (1)(b), or in the absence of the deputy returning officer, the returning officer may exercise the powers and shall perform the duties of the deputy returning officer pursuant to this Act.

(3) If any place has been designated as a polling place for more than one division, a person may act as deputy returning officer for more than one division at that polling place.

(4) If a returning officer is unable to act, the reeve shall appoint a person to act in the place of the returning officer.

(5) A person appointed pursuant to subsection (4) has all the powers, is required to perform all the duties and is subject to the same liabilities as the returning officer in whose place the person is acting.

(6) If a deputy returning officer or any person appointed pursuant to clause (1)(c) other than a returning officer is unable to act, the returning officer shall appoint a person to act in the place of that person.

(7) If any polling place named pursuant to clause (1)(a) becomes unavailable, the returning officer shall name another place.

1989-90, c.R-26.1, s.79; 1992, c.63, s.17.

Oath

80(1) Every returning officer shall, before entering on the duties of his or her office, take and subscribe an oath in the prescribed form.

(2) Every deputy returning officer, poll clerk, constable or other person appointed to act as an official at an election shall, before entering on his or her duties, take and subscribe an oath in the prescribed form before the returning officer or any person authorized to administer oaths within Saskatchewan.

1989-90, c.R-26.1, s.80.

Nomination of candidates

81(1) Within one week following October 1, the returning officer shall cause to be published in one or more newspapers circulating in the municipality a notice in the prescribed form stating that nominations for candidates for members of council will be received at the municipal office during regular office hours until the third Monday in October at 3:00 p.m. local time.

(2) The returning officer shall, during the period described in subsection (1), receive duly completed nominations for candidates for members of council and give a receipt in the prescribed form for each nomination received.

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(3) For the purposes of receiving nominations pursuant to this section at the municipal office, council may appoint one or more nomination officers and those officers are authorized to receive nominations and issue receipts on behalf of the returning officer.

1989-90, c.R-26.1, s.81; 1992, c.63, s.18.

Procedures if only one candidate

82(1) The returning officer shall, in a conspicuous place in the municipal office, post copies of the nominations mentioned in subsection 81(2).

(2) Immediately on the close of the period for the withdrawal of nominations described in section 88, if only one candidate is nominated to serve:

- (a) as reeve; or
- (b) as councillor for the division in which an election is being held;

the returning officer shall declare the candidate so nominated duly elected.

1989-90, c.R-26.1, s.82; 1992, c.63, s.19; 1995, c.30, s.11.

Procedure if no candidate

83 If no candidate is nominated to serve as reeve or no candidate is nominated to serve as councillor for a division in which an election is being held, the council shall, at its next meeting following the closing of the nomination period:

- (a) arrange for another nomination period; and
- (b) appoint any new returning officer or polling places that it considers advisable to hold an election to fill the position or positions for which no candidate was nominated during the initial nomination period;

and the election shall be held as nearly as may be in the manner provided by this Act for elections.

1989-90, c.R-26.1, s.83; 1992, c.63, s.20.

Nomination to be in writing

84 Every nomination for reeve or councillor shall be in writing in the prescribed form and shall be signed:

- (a) in the case of reeve, by at least two voters of the municipality; and
- (b) in the case of councillors, by at least two voters of the division;

other than the person being nominated.

1989-90, c.R-26.1, s.84.

Nominations accompanied by acceptance

85(1) No nomination is valid or shall be accepted by the returning officer unless the nomination paper is duly completed and signed and is accompanied by the candidate's acceptance duly completed and signed.

(2) Any person who, when signing the candidate's acceptance, makes a false statement in the acceptance is guilty of an offence against this Act.

(3) Where a person who has been elected a member of the council is convicted for a contravention of subsection (2):

- (a) his or her seat shall forthwith become vacant; and
- (b) the council shall declare the seat vacant.

1989-90, c.R-26.1, s.85.

Place and date of voting

86 If more than the required number of persons are nominated for reeve or for councillor for one or more divisions, the returning officer shall:

- (a) declare that a vote will be held;
- (b) name the day mentioned in subsection 91(1) on which the votes will be taken and specify the place with respect to each division where the votes are to be taken; and
- (c) name the time and place at which the result of the voting will be declared.

1989-90, c.R-26.1, s.86.

Custody and destruction of nomination papers

87(1) Immediately on the close of the nomination period, the returning officer shall deliver all completed nomination papers and candidates' acceptances in his or her possession to the administrator.

(2) The administrator shall retain the nomination papers in his or her custody for a period of three months from the end of the period described in subsection (1) and shall then destroy them in the presence of two witnesses.

(3) Affidavits of the witnesses mentioned in subsection (2) attesting that they have witnessed the destruction of the nomination papers are to be:

- (a) taken before a presiding justice of the peace, a non-presiding justice of the peace, a notary public or a commissioner for oaths; and
- (b) filed by the administrator among the records of the municipality.

1989-90, c.R-26.1, s.87; 1992, c.63, s.21.

Withdrawal

88 A candidate who is nominated may withdraw within 48 hours after the close of the nomination period described in subsection 81(1) by filing with the returning officer a written declaration to that effect, signed in the presence of two witnesses or of the returning officer.

1989-90, c.R-26.1, s.88.

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Abandonment of poll

89(1) If, by reason of a candidate's withdrawal, the number of candidates remaining in nomination for an office does not exceed the number required to be elected for that office, the voting for that office shall not take place, and the returning officer shall forthwith declare the candidate elected.

(2) If a candidate is declared elected pursuant to subsection (1), the returning officer shall promptly cause a notice in the prescribed form to be posted in the municipal office and to be published, within 10 days after the nomination period, in the newspaper having wide circulation in the municipality.

1989-90, c.R-26.1, s.89; 1992, c.63, s.22.

Abandonment of poll on death of candidate

90(1) Where a candidate dies between the close of the nomination period and the close of the poll and the number of persons then remaining in nomination for that office does not exceed the number required to be elected:

(a) the returning officer shall declare an abandonment of the poll and cause a notice in the prescribed form to be posted in the municipal office and to be published in a newspaper having wide circulation in the municipality; and

(b) the council, at its next meeting, shall provide for the holding of a by-election in accordance with this Act to fill that office.

(2) Where a by-election is held pursuant to subsection (1), persons nominated in the election, other than the deceased candidate and any candidates who have withdrawn, are deemed to have been nominated again without having to be nominated during the new nomination period.

1989-90, c.R-26.1, s.90; 1992, c.63, s.23.

Hours and place of voting

91(1) When voting is required for the election of a reeve or councillor, the voting shall take place on the third Wednesday after the nomination period.

(2) Subject to subsection (3), the polling place shall be open for voting from 9:00 a.m. to 5:00 p.m. local time.

(3) A council may provide, by bylaw, that all the polling places shall remain open for voting for any period past the time set out in subsection (2), but that period shall not exceed three hours.

1989-90, c.R-26.1, s.91; 1992, c.63, s.24.

Joint elections

91.1(1) Notwithstanding section 91, in any year in which a general election is to be held in an urban municipality or school division pursuant to *The Local Government Election Act*, the council of a rural municipality may, at least 90 days before an election is to be held pursuant to this Act, enter into an agreement with the urban municipality or school division to set the same day, hours and place of voting for both elections.

- (2) An election held pursuant to subsection (1) must be held on or between:
- (a) the fourth Wednesday in October; and
 - (b) the third Wednesday following the third Monday in October.

2002, c.38, s.8; 2003, c.36, s.4.

Notice of poll

92 The returning officer, within 10 days after the nomination period, shall cause a notice in the prescribed form of the vote to be published in a newspaper having a wide circulation within the municipality.

1989-90, c.R-26.1, s.92; 1992, c.63, s.25.

Ballot box

93(1) The returning officer shall procure for each division of the municipality a suitable ballot box:

- (a) made of durable material;
- (b) provided with two suitable durable seals; and
- (c) constructed so that the ballots:
 - (i) can be deposited in the box; and
 - (ii) cannot, when the box is sealed with one of the seals, be withdrawn unless the seal is broken.

(1.1) A ballot box may be constructed of cardboard or any other recyclable material, if the requirements of subsection (1) are complied with.

(2) If the polling places for two or more divisions are situated in one room, it is not necessary to provide a separate ballot box for each division.

1989-90, c.R-26.1, s.93; 1995, c.30, s.12.

Ballots

94(1) The returning officer shall cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.

(2) Separate ballots of different colours shall be provided for the election of reeve and councillors.

(3) The ballots for the election of a reeve shall:

- (a) contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames; and
- (b) be in the prescribed form.

(4) The ballots for the election of councillor shall:

- (a) be prepared for each division of the municipality;
- (b) contain the names of the candidates duly nominated for each division, arranged alphabetically in the order of their surnames; and
- (c) shall be in the prescribed form.

1989-90, c.R-26.1, s.94.

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Poll book

95(1) The returning officer shall supply each deputy returning officer with a poll book, in the prescribed form, in which the deputy returning officer shall enter the record of voting;

(2) Notwithstanding subsection (1), the returning officer may fasten together voters' registration forms for use as a poll book, and where the returning officer has done so, the voters' registration forms are deemed to be a poll book and the returning officer need not comply with subsection (1).

1992, c.63, s.26; 1995, c.30, s.13.

Voting compartment

96 The deputy returning officer shall cause every polling place to be furnished with a compartment in which the voters can mark their ballots in secrecy.

1989-90, c.R-26.1, s.96.

Duties of returning officer prior to opening of poll

97 Before the opening of the polling place for voting, the returning officer shall:

(a) deliver or cause to be delivered to every deputy returning officer the ballots that have been prepared for use in the division for which the deputy returning officer has been appointed to act and any other materials that are necessary to enable the voters to mark their ballots; and

(b) cause to be prepared in the prescribed form any number of printed directions for the guidance of voters that he or she considers to be sufficient.

1989-90, c.R-26.1, s.97.

Duties of deputy returning officer on voting date

98(1) On the day fixed for voting, the deputy returning officer shall be present at the polling place at which he or she is to preside at least 15 minutes before the time fixed for opening the polling place for voting.

(2) Every deputy returning officer shall, before the opening of the polling place for voting, cause to be posted:

(a) on the outside of the entrance to the polling place; and

(b) in the compartment in the polling place;

a copy of the directions referred to in clause 97(b).

(3) The deputy returning officer shall, immediately after the opening of the polling place for voting, show the ballot box to the persons present in the polling place, so that they may see that it is empty and then, in their presence:

(a) close the box and attach to it one of the seals with which the box is provided in a manner that ensures that it is impossible to open the box without breaking the seal; and

(b) place the box in his or her view for the receipt of ballots;

and the deputy returning officer shall during the hours of voting keep the sealed box in his or her view and in full view of all persons present from time to time in the polling place.

1989-90, c.R-26.1, s.98; 1995, c.30, s.14.

Posting of certain provisions

99 The administrator, prior to every election, shall furnish every deputy returning officer with at least two copies of section 155 and at least two copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act* and the deputy returning officer at every polling place shall post the copies in conspicuous places at his or her polling place and ensure that they are kept so posted during the hours of voting.

1989-90, c.R-26.1, s.99; 1995, c.30, s.15.

Persons entitled to be in polling place

100(1) Subject to section 106, during the time for voting, no person is entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend the polling place and the voters who are actually engaged in voting or waiting their turn to vote.

(2) A person producing, to the deputy returning officer, a written authority to represent a candidate as his or her agent at the polling place shall be recognized as such by the deputy returning officer, but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

(3) A candidate may:

(a) individually, undertake the duties that his or her agent might have undertaken; or

(b) assist his or her agent in the performance of any duties;

and may be present at any place at which his or her agent is by this Act authorized to attend.

1989-90, c.R-26.1, s.100; 1992, c.63, s.27.

VOTING PROCEDURES

Voter's registration statement

101(1) A person who wishes to vote shall:

(a) complete, or cause to be completed, the prescribed voter's registration form obtained from the deputy returning officer at the polling place; and

(b) return the completed form to the deputy returning officer;

and the deputy returning officer shall cause the name of the person to be recorded in the poll book.

(2) All entries in the poll book shall be numbered in consecutive order.

1989-90, c.R-26.1, s.101; 1995, c.30, s.16.

Evidence of voting

102 The receipt by a person of a ballot within the polling place is *prima facie* evidence that the person was at that polling place and voted.

1989-90, c.R-26.1, s.102.

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Consequences of refusing to declare

103 A person who fails or refuses to complete a registration form required pursuant to subsection 101(1) is not entitled to vote.

1989-90, c.R-26.1, s.103; 1995, c.30, s.17.

Provision of ballot to elector

104(1) On receiving the completed registration form required pursuant to subsection 101(1), the deputy returning officer shall provide the person with a ballot and permit him or her to vote.

(2) Before giving a ballot to a voter, the deputy returning officer shall ensure that his or her initials are placed on the reverse side of the ballot.

1989-90, c.R-26.1, s.104; 1992, c.63, s.28; 1995, c.30, s.17.

Explanation of method of voting

105 The deputy returning officer may, or when requested by a voter shall, either personally or through his or her poll clerk, explain to the voter as concisely as possible the proper method of voting.

1989-90, c.R-26.1, s.105.

Incapacity of voter

106 A deputy returning officer, on the request of a voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed by this Act, shall, at the option of the voter, either:

- (a) assist the voter by marking his or her ballot in the manner directed by him or her in the presence only of the poll clerk and of the candidates' agents in the polling place and place the ballot in the ballot box; or
- (b) if the voter is accompanied by a person acting as an escort, permit the escort to accompany the voter into the compartment provided for voting and to mark the voter's ballot paper for him or her.

1989-90, c.R-26.1, s.106.

Marking ballot

107 On receiving a ballot paper, the voter shall:

- (a) proceed into the compartment provided for the purpose of voting;
- (b) mark the ballot by placing an "X" on the right side opposite the name of his or her choice of candidate for election;
- (c) fold the ballot in a manner so as to conceal the face of the ballot and to expose the initials of the deputy returning officer on the reverse side; and
- (d) leave the compartment and, without displaying the ballot as to make known the person for whom he or she has voted, deliver the folded ballot to the deputy returning officer.

1989-90, c.R-26.1, s.107.

Deposit of ballot

108(1) When he or she receives the ballot from the voter, the deputy returning officer shall, without unfolding it, verify his or her initials and deposit the ballot in the ballot box.

(2) When the ballot has been deposited pursuant to subsection (1), the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns, after the voter's name, the word "voted".

1989-90, c.R-26.1, s.108.

Voter to leave

109 After he or she has voted, the voter shall leave the polling place unless he or she is otherwise entitled to remain.

1989-90, c.R-26.1, s.109.

Secrecy of voting

110 Subject to section 106, when a voter is voting, no other person is allowed to occupy a position from which the person can see the way in which the voter marks the ballot.

1989-90, c.R-26.1, s.110.

Forfeiture of vote

111(1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) Any person who, after receiving a ballot from the deputy returning officer:

- (a) leaves or attempts to leave the polling place without first delivering his or her ballot to the deputy returning officer as required by this Act; or
- (b) returns the ballot, thereby declining to vote;

forfeits his or her right to vote at the election then in progress, and the deputy returning officer shall cause the forfeiture and reason to be recorded in the poll book.

(3) In the case of a voter returning his or her ballot and declining to vote, the deputy returning officer shall immediately write "declined" on the returned ballot and preserve it.

1989-90, c.R-26.1, s.111.

Ballot inadvertently spoiled

112 A voter who has inadvertently dealt with his or her ballot in any manner so that it cannot be conveniently used as a ballot shall, on delivering to the deputy returning officer the ballot so inadvertently dealt with, receive another in its place, and the deputy returning officer shall immediately write the word "cancelled" on the ballot so delivered to him or her and preserve it.

1989-90, c.R-26.1, s.112.

ADVANCE POLL

Establishment of advance poll

113(1) In the case of an annual election:

- (a) the council may; or
- (b) if requested prior to October 1 by a petition signed by at least five voters, the council shall;

direct the returning officer to establish an advance poll for the convenience of persons who would otherwise be unable to cast their votes on the day appointed for the holding of an election.

(2) In the case of voting, other than at an annual election, on a bylaw, question or for members of council:

- (a) the council may; or
- (b) if requested at least 30 days prior to polling day by a petition signed by at least five voters, the council shall;

direct the returning officer to establish an advance poll.

1989-90, c.R-26.1, s.113.

Eligible voters

114 A voter who is physically disabled or anticipates being unable to vote on election day is eligible to vote at an advance poll.

1989-90, c.R-26.1, s.114.

Manner of voting

115 Except as otherwise provided in this Act, the voting at an advance poll shall be conducted in the same manner as is provided by this Act for the conduct of voting at other polling places in an election.

1989-90, c.R-26.1, s.115.

Time of voting at advance poll

116 An advance poll is to be open for voting during the hours that the council shall fix on any day or days, except Sunday, within five days immediately preceding the day fixed for the election.

1989-90, c.R-26.1, s.116.

Notice of advance poll

117 If an advance poll has been established pursuant to section 113 and a vote is to be held, the returning officer shall cause a notice of the advance voting in the prescribed form or a similar form to be:

- (a) published in a newspaper having wide circulation in the municipality immediately following the notice of poll published under section 92; and
- (b) posted in the premises that are used as the main office of the administrator for the municipality.

1989-90, c.R-26.1, s.117; 1992, c.63, s.29.

Declaration

118(1) Every person applying to vote at an advance polling place, before being permitted to vote, shall be required by the deputy returning officer in charge of the polling place to sign the prescribed voter's registration form.

(2) The completed voter's registration form of the person applying to vote shall be kept by the deputy returning officer with the other records of the vote.

1989-90, c.R-26.1, s.118; 1992, c.63, s.30; 1995, c.30, s.19.

119 Repealed. 1992, c.63, s.31.

Dealing with election materials

120(1) On the close of an advance poll for voting:

(a) the deputy returning officer shall place the poll books, completed voters' registration statements and all unused ballots in a box provided for the purpose; and

(b) the deputy returning officer and each candidate or agent who desires to do so shall affix his or her seal to the box mentioned in clause (a) so that the box cannot be opened, and nothing can be deposited in the box, without breaking the seal.

(2) Each candidate or agent who desires to do so may affix his or her seal to the ballot box containing the ballots from the advance poll.

(3) The deputy returning officer shall:

(a) keep the ballot box and the box described in subsection (1) in a safe place until the closing of the polls on the day of the election; and

(b) at the closing of the polls on the day of the election open both boxes at the place where the advance poll was held and proceed in the manner provided in sections 121 to 136.

1992, c.63, s.32.

Combining ballots

120.1(1) Where the returning officer is of the opinion that the number of voters who are likely to vote at an advance poll will be small and that as a result it may be possible to determine for which candidate any of the voters voted, the returning officer may, notwithstanding any other provision of this Act, provide for the use of the same ballot box or ballot boxes at the advance poll and for voting on election day.

(2) Where the returning officer uses any ballot box pursuant to subsection (1), the returning officer shall comply with any regulations made pursuant to section 414 prescribing rules for the use of the ballot box in those circumstances.

1995, c.30, s.20.

PROCEEDINGS AFTER CLOSE OF POLL

Counting of votes, etc.

121 On election day, the deputy returning officer shall:

- (a) at the place designated by the returning officer on the close of the polls on election day;
- (b) in the presence of any of the candidates or their agents present; and
- (c) at the time appointed for the closing of the polling place for voting;

count the votes and follow all other proceedings provided for by this Act for deputy returning officers to take after the close of the polling place for voting.

1989-90, c.R-26.1, s.121; 1995, c.30, s.21.

Voting after close of poll

122 Every voter qualified to vote at the polling place who is in the polling place at the time fixed for closing the poll for voting is entitled to vote.

1989-90, c.R-26.1, s.122.

Procedures after poll closes

123 At the close of the poll on election day, the deputy returning officer of each poll shall:

- (a) certify, by his or her signature on the poll book after the name of the last person entered, the total number of persons who have voted at the poll;
- (b) open the ballot box in the presence of the poll clerk and any candidates or their agents present; and
- (c) examine each ballot and, subject to sections 125 and 126, reject each ballot described in section 124.

1989-90, c.R-26.1, s.123.

Rejected ballots

124 The deputy returning officer shall reject every ballot:

- (a) subject to subsection 126(1), that does not have his or her initials on its reverse side;
- (b) on which the voter made more votes than he or she is entitled to make;
- (c) on which anything is written or marked so as to identify the voter;
- (d) that has been torn, defaced or otherwise treated by the voter so as to identify the voter;
- (e) subject to section 125, that is marked in a manner other than that specified in section 107; or
- (f) on which no vote is marked.

1989-90, c.R-26.1, s.124.

Improper marking not rejected

125 No ballot is to be rejected because the voter has marked his or her vote:

- (a) out of, or partly out of, its proper space; or
- (b) with a mark other than an "X";

provided the mark clearly indicates an intent to vote for the candidate opposite whose name the mark is placed.

1989-90, c.R-26.1, s.125.

Ballots not initialed

126(1) Where, on examining the ballots, the deputy returning officer finds a ballot that has not been initialed by him or her and the deputy returning officer is satisfied that:

- (a) the ballot is one that was delivered by him or her to a voter intending to vote;
- (b) the omission of his or her initials was inadvertent; and
- (c) the ballot is required to enable him or her to account for all ballots supplied to him or her;

the deputy returning officer shall sign his or her initials on that ballot and shall count the ballot as if it had been initialed.

(2) Subsection (1) does not relieve the deputy returning officer from any penalty to which he or she may be liable for failure to sign his or her initials on the reverse side of a ballot before delivering it to a voter intending to vote.

1989-90, c.R-26.1, s.126.

Objections re ballots

127(1) A candidate or his or her agent may object to the rejection of or the refusal of the deputy returning officer to reject any ballot found in the ballot box.

(2) Where there is an objection pursuant to subsection (1), the deputy returning officer shall:

- (a) number the objection by placing a number on the reverse side of the ballot with his or her initials;
- (b) record the objection in full in the poll book together with the number; and
- (c) endorse the ballot that is the subject of the objection with "rejection objected to" or "counting objected to", as the case may be.

(3) The deputy returning officer shall, after hearing an objection:

- (a) decide whether to accept or reject the ballot;
- (b) note his or her decision in the poll book; and
- (c) initial the entry.

1989-90, c.R-26.1, s.127.

c. R-26.1

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Statement of results

128(1) The deputy returning officer shall:

- (a) count the votes given on the ballots which have not been rejected; and
 - (b) prepare in duplicate and sign a written statement of results in the prescribed form for each office.
- (2) The deputy returning officer shall give to each candidate or agent, on request, a copy of the statement of results prepared pursuant to subsection (1).
- (3) The deputy returning officer shall attach to the poll book a copy of the statement of results prepared pursuant to subsection (1).

1989-90, c.R-26.1, s.128; 1992, c.63, s.33.

129 to 132 Repealed. 1992, c.63, s.34.

Packets for ballots

133 The deputy returning officer shall, in the presence of any of the candidates or their agents present, make separate packets for the ballots:

- (a) counted for reeve;
- (b) rejected for reeve;
- (c) counted for councillors;
- (d) rejected for councillors; and
- (e) unused, cancelled and declined;

which shall be sealed and marked on the outside with a short statement of their contents.

1989-90, c.R-26.1, s.133.

134 Repealed. 1992, c.63, s.35.

Sealing of ballot box

135 The deputy returning officer shall:

- (a) place all the packets, together with the poll book and the voters' registration forms in the ballot box; and
- (b) seal the ballot box with:
 - (i) a metal seal provided by the returning officer; and
 - (ii) the seals of any of the candidates or their agents present who desire to affix their seals.

1989-90, c.R-26.1, s.135.

Duplicate statement and ballot box delivered

136 The deputy returning officer of each division shall forthwith deliver:

- (a) the duplicate statement separate from the ballot box; and
- (b) the sealed ballot box;

to the returning officer.

1989-90, c.R-26.1, s.136.

Summing of votes declaration of election

137(1) The returning officer shall forthwith count from the duplicate statements delivered to him or her pursuant to section 136 the number of votes for each candidate.

(2) At the time and place previously appointed by him or her for the purpose, the returning officer shall:

- (a) publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled; and
- (b) post in the municipal office a statement of results showing the number of votes for each candidate.

1989-90, c.R-26.1, s.137; 1992, c.63, s.36.

Procedure where equality of votes

138(1) Where it appears on the counting of the votes that two or more candidates for an office have an equal number of votes that is the highest number of votes, the returning officer shall declare that:

- (a) each of the candidates has received an equal number of votes; and
- (b) no candidate is declared elected.

(2) Where:

- (a) after a recount of the votes, two or more candidates have an equal number of votes that is the highest number of votes; or
- (b) the time within which a recount pursuant to section 143 could be applied for has passed and no application for a recount has been made;

the returning officer shall:

- (c) declare the election void; and
- (d) make provision pursuant to this Act for another election for the office.

(3) Where the returning officer declares an election void and makes provision for the holding of another election, no proceedings shall be taken or continued pursuant to *The Controverted Municipal Elections Act* with respect to:

- (a) any candidate at the election declared void; or
- (b) that election.

1989-90, c.R-26.1, s.138; 1992, c.63, s.37.

Ballot boxes and statements to administrator

139(1) Forthwith after the election the returning officer shall transmit to the administrator the sealed ballot boxes and duplicate statements received by the returning officer.

(2) The administrator is responsible for the safe keeping of the boxes and statements and shall deliver them when they are required.

1989-90, c.R-26.1, s.139.

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Retention and destruction of ballot boxes, etc.

140 The administrator, unless otherwise ordered by a judge, shall retain until the expiration of three months after the close of the nomination period the ballot boxes with their seals unbroken, and shall then, unless otherwise ordered by the judge, cause the ballot boxes to be opened and the contents to be destroyed in the presence of two witnesses whose affidavits that they have witnessed the destruction of the contents shall be taken before a presiding justice of the peace, a non-presiding justice of the peace, a notary public or a commissioner for oaths and filed by the administrator among the records of the municipality.

1989-90, c.R-26.1, s.140; 1992, c.63, s.38.

Inspection of contents of ballot box

141(1) No person shall be allowed to inspect the contents of a sealed ballot box except pursuant to an order of a judge to be granted on satisfactory evidence on oath that the inspection or production of the contents is required for the purpose of:

- (a) maintaining a prosecution for an offence in relation to the election;
- (b) a recount pursuant to section 143; or
- (c) proceedings under *The Controverted Municipal Elections Act* to contest an election or return.

(2) The administrator shall comply with the terms of any order granted pursuant to subsection (1).

1989-90, c.R-26.1, s.141.

Contents of order

142 A judge who makes an order pursuant to section 141 shall state in the order:

- (a) the time and place for the inspection of the contents;
- (b) the names of the persons to be present at the inspection; and
- (c) any other conditions that he or she considers expedient.

1989-90, c.R-26.1, s.142.

RECOUNT OF VOTES

Recounts

143(1) If, within 14 days after the time of the returning officer's declaration, a voter applies to the administrator for a recount of the votes given at an election and the voter:

- (a) submits an affidavit that, in his or her opinion, a deputy returning officer has improperly counted or rejected any ballots; and
- (b) deposits with the administrator the sum of \$100 as security for the payment of costs and expenses;

the administrator shall forthwith forward the affidavit and deposit to the local registrar, who shall, on receiving the affidavit and deposit, notify the judge.

- (1.1) A recount pursuant to subsection (1) is only to be undertaken where the returning officer has declared the results of a vote and the difference between the number of votes cast for any elected councillor or reeve and the candidate having the next highest number of votes is less than the number of ballots counted but objected to plus all rejected ballots, except those on which no vote was made.
- (2) The judge shall appoint a time to recount the votes and cause notice in writing of the time and place at which he or she will proceed to be given to the candidate or candidates whose seat may be affected and to the administrator.
- (3) The administrator shall be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.
- (4) The deposit made pursuant to clause (1)(b) shall not be paid out by the local registrar except in accordance with an order of the judge.

1989-90, c.R-26.1, s.143; 1996, c.58, s.6.

Persons entitled to be at recount

144 No person other than:

- (a) the judge;
- (b) the local registrar;
- (c) the administrator;
- (d) any candidate notified to attend at the recount and his or her agent or solicitor;
- (e) any representative of the press; and
- (f) any other person allowed to attend at the recount by the judge;

is entitled to attend and be present at the recount.

1989-90, c.R-26.1, s.144.

Procedure on recount

145(1) At the time and place appointed, and in the presence of those notified or entitled to attend and be present as provided by section 144, the judge shall proceed to recount all the ballots received by the deputy returning officer with respect to the election complained of, in accordance with the following subsections.

- (2) The judge shall break the seals on one of the ballot boxes containing the votes to be counted and take from the ballot box the packets deposited in it;
- (3) The judge shall examine individually and in the presence of those notified or entitled to attend and be present all ballots counted or rejected by the deputy returning officer for reeve or councillor, as the case may be, and during the course of the examination shall keep a tally or count of the votes cast for each candidate and shall reject as void and shall not count any ballot:
- (a) that has not on its back the initials of the deputy returning officer;
 - (b) on which two or more votes are given;
 - (c) on the back of which anything other than the initials of the deputy returning officer is written or marked by which the voter can be identified;

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- (d) that has been torn, defaced or otherwise dealt with by the voter so that the voter can be identified by that ballot; and
 - (e) not contained in one of the packets mentioned in section 133.
- (4) If any ballot box used in an election has been lost or destroyed, the judge shall use the duplicate statement prepared by the deputy returning officer pursuant to section 131 and allow the candidates named in the duplicate statement the number of votes respectively shown in the duplicate statement to have been given to them.
- (5) The judge shall take notice of any objection made by a candidate or the candidate's agent or solicitor to any ballot and shall decide any question arising out of the objection.
- (6) On the completion of the examination and count of the ballots contained in the first ballot box opened, the judge shall forthwith announce the result of the count and replace the ballots in the ballot box, which shall be locked or sealed by the administrator in the presence of the judge.
- (7) The judge shall then proceed, if the recount applied for is of a nature so as to make it necessary, to examine and count in turn in a similar manner the ballots contained in each of the other ballot boxes.
- (8) When the ballots have all been examined and counted, the judge shall forthwith count and announce the number of votes that he or she has allowed for each candidate, including any votes allowed under subsection (4), and he or she shall then declare elected the candidate having the highest number of votes.
- (9) If the judge has allowed two or more candidates for the same office the same number of votes the judge shall notify the returning officer of the tied vote.
- (10) The judge shall make and transmit forthwith to the administrator a written statement of the result of the recount and every written statement shall show:
- (a) the names of the candidates;
 - (b) the number of votes allowed for each candidate;
 - (c) the number of ballots rejected; and
 - (d) the names of the candidates declared elected.
- (11) Except as provided in section 124, no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot shall affect the vote made by that ballot.
- (12) The decision of the judge pursuant to subsection (5) is final.
- (13) Where the returning officer is notified of a tied vote, the returning officer shall make provision pursuant to this Act for another election for the office.

1989-90, c.R-26.1, s.145.

Other relief remains

146 Nothing in section 145 prevents or affects any remedy that a person has under any Act by proceedings in the nature of *quo warranto* or otherwise.

1989-90, c.R-26.1, s.146.

Payment of costs, etc.

147 All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent on a recount shall be defrayed by the parties to the application in any manner and in any proportion as the judge may determine having regard to costs, charges or expenses that in the opinion of the judge were caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

1989-90, c.R-26.1, s.147.

Scale of costs

148 The costs shall be on any scale as the judge may specify and may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between a solicitor and the client of the solicitor.

1989-90, c.R-26.1, s.148.

Enforcement of costs

149 The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit showing the amount remaining unpaid.

1989-90, c.R-26.1, s.149.

GENERAL ELECTION PROVISIONS**Documents to bear name etc. of printer**

150(1) Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election or to a vote on a bylaw or question shall bear upon its face the name and address of its printer or of its printer and publisher.

(2) Any person who prints, publishes, distributes or posts up, or who causes to be printed, published, distributed or posted up, any document that does not bear the information required by subsection (1) is guilty of an offence against this Act.

1989-90, c.R-26.1, s.150.

Survey of vote

151 No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating to the election, be required to state for whom he or she has voted.

1989-90, c.R-26.1, s.151.

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Errors not affecting results

152 No election shall be declared invalid by reason of:

- (a) non-compliance with the provisions of this Act providing for the holding of the vote or the counting of the votes;
- (b) any mistake in the use of any of the forms prescribed pursuant to this Act; or
- (c) any other irregularity;

if it appears to the judge or court having jurisdiction that the election was conducted in accordance with the principles laid down in this Act and that the non-compliance, mistake or irregularity did not affect the result of the election.

1989-90, c.R-26.1, s.152.

Expenses of election

153 All necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipality on the production of proper accounts verified in any manner that the council may direct.

1989-90, c.R-26.1, s.153.

Contesting vote

154 All proceedings for contesting in any way an election or the voting on a bylaw or question under this Act shall be taken under *The Controverted Municipal Elections Act*.

1989-90, c.R-26.1, s.154.

Offences

155(1) No person shall:

- (a) without authority, supply a ballot to any person;
- (b) fraudulently put into a ballot box any paper other than a ballot that he or she is authorized by law to put in;
- (c) without authority, destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election;
- (d) apply for a ballot in the name of some other person, whether the name is that of a person living or dead or a fictitious person, or advise or abet, counsel or procure any other person to do so;
- (e) vote more often than he or she is entitled to vote;
- (f) having voted once and not being entitled to vote again at the same election, apply for a ballot in his or her own name or advise or abet, counsel or procure any other person to do so; or
- (g) vote when he or she is not entitled to vote, whether or not his or her name is on the list of voters.

(2) Any person who contravenes this section is guilty of an offence against this Act.

1989-90, c.R-26.1, s.155.

Duty to maintain secrecy

156(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his or her ballot, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

1989-90, c.R-26.1, s.156.

Survey

157(1) Every officer, clerk and agent in attendance at the counting of the votes:

- (a) shall maintain and aid in maintaining the secrecy of the voting; and
- (b) shall not communicate or attempt to communicate any information obtained at the counting as to the candidate or candidates for whom any vote is given.

(2) No person shall, directly or indirectly, induce a voter to display his or her ballot after the voter has marked it so as to make known to any person the name of any candidate or candidates for whom he or she has or has not marked his or her ballot.

1989-90, c.R-26.1, s.157.

Offences

158 Any person who contravenes section 156 or 157 is guilty of an offence against this Act.

1989-90, c.R-26.1, s.158.

VOTING ON BYLAWS AND QUESTIONS

Submission of bylaws, etc.

159(1) The council may submit to a vote of the voters, or of the burgesses only, any municipal bylaw or question.

(2) Where a bylaw or question is submitted for the assent of the burgesses or voters, the vote on the bylaw or question shall be held in the manner provided in sections 160 to 167 before the bylaw submitted is passed or a resolution is introduced as a result of the question.

1989-90, c.R-26.1, s.159; 1992, c.63, s.39.

Appointment of officials, etc.

160(1) The council, by resolution, shall:

- (a) fix a time for holding the vote;
- (b) appoint a person as the returning officer;

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- (c) name a polling place for each division;
 - (d) appoint a deputy returning officer and any other election officials the council considers necessary to conduct the vote for each polling place; and
 - (e) appoint a time and place at which the returning officer shall count the votes given for and against the bylaw or question.
- (2) If the council considers it advisable, the poll may be held on the day fixed by this Act for the annual election of reeve and councillors.

1989-90, c.R-26.1, s.160.

Notice of vote

161 Notice of the vote shall be published in the manner prescribed by section 92 at least eight days before the day of voting and the notice, unless otherwise prescribed by the Saskatchewan Municipal Board, shall be in the prescribed form.

1989-90, c.R-26.1, s.161.

Form of ballots

162 The ballots for voting on a bylaw or question shall be in the prescribed form.

1989-90, c.R-26.1, s.162.

Attendance of persons

163 On the application of any person interested in promoting or opposing the bylaw or question, the reeve, in writing, shall authorize the attendance of two persons, on behalf of the party applying, at each polling place and at the final counting of the votes and at a recount conducted pursuant to section 167.1.

1989-90, c.R-26.1, s.163; 1994, c.29, s.11.

One vote only

164(1) Every burgess or voter is entitled to vote once only on a bylaw or question.

(2) Every burgess or voter shall vote at the polling place at which he or she is entitled to vote for reeve or a councillor.

(3) **Repealed.** 1994, c.29, s.12.

(4) Every burgess or voter shall complete a statement of registration in the prescribed form and return it to the deputy returning officer who shall then provide a ballot to the person.

1989-90, c.R-26.1, s.164; 1994, c.29, s.12.

165 Repealed. 1992, c.63, s.40.

166 Repealed. 1992, c.63, s.41.

Declaration of result

167 After the returning officer, at the time and place appointed by the council and in the presence of those authorized to attend or any of them as may be present, has counted the number of votes for and against the bylaw or question in the manner described in subsection 137(1), he or she shall at that time declare the result and forthwith certify to the council under his or her hand whether a majority of the burgesses or voters entitled to vote who have voted on the bylaw or question and whose ballots were not rejected, approved of the bylaw or question.

1989-90, c.R-26.1, s.167.

Recount

167.1 Subject to section 163, a recount of votes with respect to the voting on a bylaw or question is to be conducted, as nearly as may be, in the same manner as at an election for a reeve or for councillors.

1994, c.29, s.13.

PART V
Powers and Duties of Councils
GENERAL PROVISIONS

Bylaws and resolutions

168 Subject to the other provisions of this Act and to the provisions of any other Act, the council of a municipality may perform and exercise the duties and powers imposed or conferred on it by this or any other Act either by resolution or by bylaw.

1989-90, c.R-26.1, s.168.

General power to make bylaws

168.1 Subject to the other provisions of this Act and to the provisions of any other Act, a council may pass any bylaws that it considers expedient:

- (a) for the peace, order and good government of the municipality; and
- (b) for promoting the health, safety, morality and welfare of the inhabitants of the municipality.

1996, c.58, s.7

Power to alter or revoke

169 Where power to make bylaws, resolutions, regulations, rules or orders is conferred, it includes the power to alter or revoke them from time to time and to make others.

1989-90, c.R-26.1, s.169.

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Committees of council

170(1) A council may appoint standing or special committees consisting of one or more of its members and may delegate to any committee appointed:

- (a) any matter it considers necessary for consideration, inquiry, management or regulation; and
- (b) any of the duties and powers conferred by this Act on a council, except the power:
 - (i) to borrow money;
 - (ii) to pass a bylaw; or
 - (iii) to enter into a contract.

(2) Each committee to which any duty or power is delegated by a council may exercise or perform the duty or power in the same manner and with the same effect as if it were exercised or performed by the council.

(3) If a majority of the members of a committee present at a meeting of the committee is of the opinion that it is in the public interest to hold all or any part of a committee meeting in private, the committee may exclude any person from the whole or any part of the meeting, but no resolution may be passed at any meeting held in private.

(4) Each committee shall render an account of its proceedings and decisions by reporting to the council, either in writing or by an oral statement made by the chairperson of the committee or a member of the committee authorized by the committee to make its report, at any time that may be required by the council.

(5) No report or order of a committee, except an order authorized by a bylaw or resolution of the council, has any effect unless it is approved by the council at a regular or special meeting.

1989-90, c.R-26.1, s.170; 1997, c.48, s.7.

Reeve *ex officio* member

171 The reeve is *ex officio* a member of each committee of a council.

1989-90, c.R-26.1, s.171.

Boards, associations, commissions, etc.

172(1) A council, by bylaw, may provide for the appointment of any board, association, commission or other organization that it considers desirable for the purpose of managing and operating or advising in the management and operation of any activity of the municipality and in the promotion and extension of agricultural and economic diversification and development.

(2) A council shall not delegate to any board, association, commission or other organization the right to appropriate or expend any municipal public moneys, other than the moneys voted by the council that are necessary for the carrying on of its management and operational functions.

(3) A council, in the bylaw establishing a board, association, commission or other organization, shall set out its constitution, duties, powers and functions, including any power to hire, suspend or dismiss employees, and all necessary provisions with reference to administration.

(4) No member of a council is eligible to serve as an employee of any board, association, commission or other organization established pursuant to this section by the council on which he or she serves as a member.

(5) The members of the board, association, commission or other organization established pursuant to subsection (1):

- (a) may be named by resolution of the council;
- (b) hold office during the pleasure of the council;
- (c) may be paid any remuneration that may be fixed by the council.

1989-90, c.R-26.1, s.172.

Municipal service areas

172.1(1) Subject to subsection (4), a council may, by bylaw, establish one or more municipal service areas within the municipality for the purpose of providing specific services in that area.

(2) Where a council has established a municipal service area, the council may, by bylaw, set a tax rate for that area that varies from the tax rates set generally for the municipality or for other municipal service areas.

(3) In determining the tax rate for a municipal service area, a council may apply any or all of the tax tools mentioned in sections 330.2, 330.3, 339.2 and 339.3.

(4) A council shall not establish a municipal service area that is specific to any commercial business, industry or residence.

2001, c.38, s.22.

Community advisory committee

172.2(1) A council may, by bylaw, establish a community advisory committee for:

- (a) a division or combination of divisions within the municipality; or
- (b) a municipal service area or combination of municipal service areas within the municipality.

(2) In a bylaw establishing a community advisory committee, the council shall set out:

- (a) the manner of electing or appointing the members of the committee;
- (b) the maximum and minimum number of members of the committee;
- (c) subject to subsection (6), the duties, powers and functions of the committee; and
- (d) any other matter that the council considers necessary.

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- (3) The members of a community advisory committee shall elect a chairperson and a vice-chairperson from among themselves.
- (4) Subject to subsection (5) and any directions of the council, the municipality shall pay any necessary expenses incurred by a community advisory committee in fulfilling its duties and carrying out its powers and functions.
- (5) The council may fix a maximum amount of expenditures that a community advisory committee may incur, and where the council does so, the community advisory committee shall not make any expenditure in excess of that amount without the prior approval of the council.
- (6) For the purposes of clause (2)(c), the council may give a community advisory committee all or any of the following duties, powers and functions:
- (a) monitoring the provision of municipal services to the division or municipal service area for which the committee is responsible and recommending to the council the appropriate level of municipal services, the areas of the municipality where additional municipal services are required, and the ways in which the provision of municipal services can be improved;
 - (b) establishing one or more subcommittees;
 - (c) making recommendations to the council respecting any matter intended to improve conditions in the division or municipal service area for which the committee is responsible, including recommendations respecting:
 - (i) inadequacies in existing municipal services provided to the division or municipal service area and the manner in which the inadequacies might be resolved;
 - (ii) additional municipal services that might be required;
 - (iii) the manner in which the services mentioned in subclause (i) or (ii) might be funded;
 - (iv) bylaws or resolutions, including those regarding community planning and development, that may be required;
 - (v) the adoption of policies that would allow residents of the division or municipal service area to participate more effectively in the governance of the division or municipal service area; and
 - (vi) any other matter of concern in the division or municipal service area;
 - (d) managing on behalf of the municipality any facilities located in, and municipal services provided in, the division or municipal service area that the community advisory committee represents.
- (7) In managing a facility or service pursuant to clause (6)(d), a community advisory committee shall not incur operational or capital expenses that exceed the amount approved by the council

Council may do omitted work

173 When the council has authority to direct that any matter or thing shall be done by any person, the council may also direct that in default of its being done by that person the matter or thing shall be done at the expense of the person in default, and the municipality may recover the expenses of the doing of the matter or thing with costs:

- (a) by action in any court of competent jurisdiction; or
- (b) in the same manner as municipal taxes;

or the expenses may be added to and form part of the taxes on that person's land on which or with respect to which the work was done.

1989-90, c.R-26.1, s.173.

Penalties re contravention of bylaws

174(1) A council may pass bylaws for imposing a maximum fine for breach of any of the bylaws of the municipality passed pursuant to this or any other Act of not more than:

- (a) \$2,000 in the case of an individual;
- (b) \$5,000 in the case of a corporation;

and, in so doing, may:

- (c) impose a different maximum with respect to a first, second or subsequent conviction;
 - (d) provide for a maximum daily fine in the case of a continuing offence.
- (2) When a maximum daily fine is provided for in accordance with clause (1)(d), the total of the accumulated daily fines is not limited by the maximum imposed in accordance with clause (1)(a) or (b).
- (3) A council may provide, by bylaw, that:
- (a) fines may be paid by a person contravening a bylaw to the administrator or any other designated municipal employee within a stated period of time; and
 - (b) on payment as so provided, that person is not liable to prosecution for the offence.
- (4) When the amount of a fine is fixed by a bylaw, a council, by bylaw, may provide for a discount of the fine for payment by the person contravening the bylaw to a designated municipal employee within a stated period of time, and, on payment as so provided, that person is not liable to prosecution for the offence.
- (5) Any person who contravenes any provision of a bylaw of a municipality is guilty of an offence against this Act and liable on summary conviction:
- (a) to the penalty specified in the bylaw or in another bylaw providing for a penalty with respect to the contravention of that bylaw; or

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- (b) if no penalty is provided for by bylaw, to a fine of not more than:
 - (i) \$2,000 in the case of an individual;
 - (ii) \$5,000 in the case of a corporation.
- (6) If no other provision is made respecting it, a fine pursuant to a bylaw of a council belongs to and forms part of the general revenue of the municipality.
- (7) Notwithstanding any other Act but subject to subsection (7.1) and (9) of this section, when a person is convicted or fined for a contravention within the municipality of any provision of any Act or any regulation made pursuant to any Act on the information of:
- (a) a citizen;
 - (b) a member of a municipal police force or of a police force under contract to the municipality; or
 - (c) any other municipal employee paid by the municipality and not a member of a police force directly or indirectly employed and paid by the Government of Saskatchewan;
- the fine imposed belongs to the municipality, subject to subsection (8), and the convicting judge or justice of the peace shall dispose of the fine accordingly.
- (7.1) In addition to any amount deducted pursuant to subsection (9), an amount prescribed for the purpose by regulations made pursuant to *The Summary Offences Procedure Act, 1990* of the fine imposed may be deducted from fine revenues due to the municipality and paid to the Government of Saskatchewan to compensate the Government of Saskatchewan for administering summary offence proceedings and enforcing the payment of fines.
- (8) If the police force of or under contract to the municipality does not provide prisoner escort services or prisoner security services, the proportion prescribed by the Lieutenant Governor in Council as representing the cost to Saskatchewan of providing those services may be deducted from the fine revenues due to that municipality pursuant to subsection (7) and any amount so deducted is to be deposited in the general revenue fund.
- (9) All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs by summary conviction before a judge of the Provincial Court of Saskatchewan or justice of the peace and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty or fine and licence fee are paid sooner.
- (10) If a person is imprisoned as a result of a conviction for a contravention of a bylaw, the municipality shall pay that part of the expenses paid by the Government of Saskatchewan for:
- (a) the transport of that person to jail; and
 - (b) that person's maintenance while in jail;
- that may be designated by the Lieutenant Governor in Council.

Bylaw enforcement officers

174.1(1) A council may, by bylaw, appoint any bylaw enforcement officers that it considers necessary and define their duties and fix their remuneration.

(2) A bylaw enforcement officer appointed under the authority of a bylaw passed pursuant to subsection (1) may represent the municipality before a justice of the peace or a provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.

1995, c.30, s.22.

Obstruction of agents, destruction of works offence

175 Any person who:

(a) obstructs or interferes with an agent or servant of the municipality engaged in exercising on behalf of the municipality any of the powers conferred by this Act, or by a bylaw of the municipality passed under this Act; or

(b) destroys, pulls down, alters or interferes with any work carried out or thing done by or for the municipality under this Act or any bylaw of the municipality;

is guilty of an offence against this Act.

1989-90, c.R-26.1, s.175.

Fines, etc. to consolidated fund

176 All moneys accruing from fines or penalties under this Act, unless otherwise provided, shall belong to the general revenue fund of Saskatchewan.

1989-90, c.R-26.1, s.176; 2004, c.10, s.17.

Order to comply with bylaw

177(1) The conviction of a person for contravention of any provision of a bylaw does not relieve the person from compliance with the bylaw and the convicting judge of the Provincial Court of Saskatchewan or justice of the peace, in addition to any fine imposed, shall order the person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the breach of the bylaw.

(2) Any person who fails, within the period specified in an order pursuant to subsection (1), to comply with the order is guilty of an offence against this Act.

1989-90, c.R-26.1, s.177.

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Passing of bylaws, etc.

178(1) Every bylaw shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the bylaw is finally passed and by the administrator.

(2) Subject to subsection (4):

(a) every proposed bylaw shall have three distinct and separate readings; and

(b) third reading constitutes adoption of the bylaw.

(3) No more than two readings of a proposed bylaw may be had at any one meeting of the council except by the unanimous vote of the members present at the meeting.

(4) Where the council decides to submit a bylaw to a vote of the voters or a vote of the burgesses only:

(a) the bylaw is to be given two readings prior to the voting; and

(b) if the bylaw is approved, it is to be given third reading within 60 days after the vote is taken.

(5) Where a recount of the votes with respect to a bylaw is applied for:

(a) the council shall not take any action with respect to the bylaw until the judge who conducts the recount transmits a written statement of the results of the recount to the administrator; and

(b) the time between the making of an application for a recount and the transmission of the statement of results is not to be included as part of the 60 days mentioned in clause (4)(b).

(6) Any procedure required for the conduct of a vote with respect to a bylaw or question that is not provided for in sections 160 to 167, or for a subsequent recount that is not provided for in sections 143 to 149, is to be carried out in the same manner as for an election for a member of a council.

1989-90, c.R-26.1, s.178; 1992, c.63, s.42.

Reproduced bylaws need not be read aloud, delayed proceedings void

179(1) A proposed bylaw that has been typewritten or printed and made available to each member of council at least 24 hours before the meeting at which the first reading of the bylaw is to take place need not be read aloud.

(2) Where third reading of a proposed bylaw has been deferred or delayed more than two years after first reading of it, all proceedings for that bylaw are void but a bylaw to the same effect may be introduced at any time after that two-year period.

1989-90, c.R-26.1, s.179.

Evidence of bylaw or resolution

180 A copy of a bylaw or resolution:

- (a) written or printed without erasure or interlineation;
- (b) under the seal of the municipality; and
- (c) certified to be a true copy by the administrator or reeve;

shall be received as *prima facie* evidence of its passing and of the contents of it without further proof in any court or before any judge, judge of the Provincial Court of Saskatchewan or justice of the peace unless it is specifically alleged or pleaded that the seal or the signature of the administrator or reeve has been forged.

1989-90, c.R-26.1, s.180.

Evidence of approval of bylaw

181(1) Where, by this or any other Act, the approval of a member of the Executive Council or of a board or commission of the Government of Saskatchewan is required to a bylaw and the Act does not otherwise provide, a certificate by the administrator under his or her hand and the seal of the municipality, specifying the bylaw and stating by his or her name of office the minister or presiding officer of the board or commission by whom it has been approved and the date of the approval, is *prima facie* evidence in any court or before any judge, judge of the Provincial Court of Saskatchewan or justice of the peace that the bylaw has been so approved.

(2) Where the approval is given by a deputy minister, the certificate shall state that fact.

1989-90, c.R-26.1, s.181.

Quashing of bylaws or resolutions

182(1) Any voter of the municipality may, within two months after the passing of a bylaw or resolution of the council, apply to a judge on motion, to quash the bylaw or resolution in whole or in part for illegality.

(2) The judge on the motion may quash the bylaw or resolution in whole or in part and may award costs for or against the municipality and determine any scale of the costs.

(3) The notice of the motion shall be served at least seven days before the return day of the motion.

(4) The bylaw or resolution may be proved by the production of a copy of it:

- (a) written or printed without erasure or interlineation and under the seal of the municipality; and
- (b) certified to be a true copy by the administrator or reeve.

(5) The administrator shall deliver a copy of a bylaw or resolution described in subsection (4) free of charge to any person requesting it.

(6) The applicant shall pay into court the sum of \$100 or any other amount that the court may direct as security for any costs that may be awarded against him or her and the certificate of the payment into court shall be filed in court with the other papers relating to the motion.

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(7) On the determination of the proceedings, the judge may order that the money paid into court:

- (a) be applied in payment of costs; or
- (b) be paid out to the applicant.

(8) All moneys required to be paid into or out of court under this section shall be paid in or out in the same manner as moneys are paid into and out of court in actions pending in the court.

(9) A bylaw that has been procured to be passed through or by means of a contravention of any provision of section 3 or 4 of *The Controverted Municipal Elections Act* may be quashed on an application made in conformity with this section.

1989-90, c.R-26.1, s.182.

Validity of bylaws and resolutions

183(1) If no application to quash a bylaw or resolution is made within two months next after the final passing of it, the bylaw or resolution is valid and binding notwithstanding any want of substance or form in it or in the proceedings prior to it or in the time or manner of the passing of it.

(2) No bylaw or resolution shall be held to be invalid if, at the time any action or proceeding is commenced to challenge its validity, the council has jurisdiction to enact it pursuant to this or any other Act, and every such bylaw or resolution and any agreement entered into under it, if otherwise legal and operative, shall be deemed valid and binding according to its purport on and from the time it purported to come into force.

1989-90, c.R-26.1, s.183.

AGRICULTURE

Purchase and sale of chemicals, etc.

184 The council may:

- (a) purchase chemicals or chemical preparations for:
 - (i) the protection of crops;
 - (ii) the destruction of noxious weeds; or
 - (iii) the extermination of insects and pests; and
- (b) sell or distribute the chemicals or chemical preparations to owners and occupants of land within the municipality on any terms and conditions the council considers advisable.

1989-90, c.R-26.1, s.184.

Purchase of seed grain, etc.

185(1) The council may purchase seed grain, feed grain or fodder for resale.

(2) The sale price of any commodity purchased under subsection (1) is the amount the council considers sufficient to cover the price paid for it by the municipality, the interest on any moneys borrowed and the expenses incurred in the purchase and sale of it by the municipality.

1989-90, c.R-26.1, s.185.

Bylaws for agricultural purposes

186 The council may pass bylaws for all or any of the following purposes:

- (a) acquiring and operating equipment for cleaning grain and regulating the use of the equipment; or
- (b) providing ways and means for the extermination or destruction of any wild animals or reptiles that are designated by the council and are not protected by law.

1989-90, c.R-26.1, s.186.

HIGHWAYS

Jurisdiction over

187(1) Every public highway other than a provincial highway is, subject to:

- (a) clause 4(1)(e) and section 25 of *The Highways and Transportation Act, 1997*;
- (b) sections 11, 35, 69 of *The Highways and Transportation Act, 1997* and the regulations pursuant to that Act;
- (c) section 39 of *The Saskatchewan Telecommunications Act*;
- (d) **Repealed.** 2001, c.23, s.7.
- (d.1) *The SaskEnergy Act*;
- (e) *The Power Corporation Act*; and
- (f) subsection 153(2) of *The Urban Municipality Act, 1984*;

under the direction, control and management of the municipality in which it is situated.

(2) **Repealed.** 1992, c.63, s.43.

1989-90, c.R-26.1, s.187; 1992, c.63, s.43; 1992, c.S-35.1, s.75; 1997, c.H-3.01, s.75; 2001, c.23, s.7.

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Weight restrictions of vehicles

188 Subject to section 188.1, the weight of a vehicle or of a vehicle and its load using any municipal road in a municipality shall not exceed the weight restrictions established by the regulations made, or orders issued, pursuant to section 35 or 69 of *The Highways and Transportation Act, 1997* and the regulations pursuant to that Act.

1989-90, c.R-26.1, s.188; 1992, c.63, s.44; 1997, c.H-3.01, s.76; 2003, c.36, s.5.

Vehicle weight management bylaw

188.1(1) In this section and in sections 188.2 and 188.3, “**municipality**” means a rural municipality, an urban municipality, a city or a northern municipality.

(2) Subject to subsections (3) and (4), to section 188.2 and to the regulations made pursuant to section 188.3, the council of a rural municipality may, by bylaw, do all or any of the following:

(a) establish or adopt a vehicle weight management system to regulate the weight of vehicles, or vehicles with their loads, using municipal roads or any particular municipal road in the rural municipality;

(b) designate routes within the rural municipality that any vehicle or class of vehicles is required to use when being driven in the rural municipality.

(3) In passing a bylaw pursuant to subsection (2), a council shall ensure that:

(a) the vehicle weight management system established or adopted in the bylaw is harmonized with a vehicle weight management system established or adopted in any adjacent municipality in a manner that facilitates the movement of vehicles, goods and other commodities between the rural municipality and adjacent municipalities; and

(b) the routes designated in the bylaw are harmonized with the routes designated in any adjacent municipality in a manner that facilitates the movement of vehicles, goods and other commodities between the rural municipality and adjacent municipalities.

(4) Any vehicle weight management system established or adopted by bylaw pursuant to this section must not be inconsistent with the vehicle weight management system established or adopted by the minister responsible for the administration of *The Highways and Transportation Act, 1997*.

2003, c.36, s.6.

Dispute resolution re harmonization

188.2(1) In this section:

(a) “**bylaw**” means a bylaw passed pursuant to section 188.1 or proposed to be passed pursuant to section 188.1;

(b) “**dispute**” means a dispute between a rural municipality and any other party respecting either or both of the following:

(i) whether or not the vehicle weight management system proposed, established or adopted by the rural municipality in a bylaw is harmonized with a vehicle weight management system established or adopted in any adjacent municipality in a manner that facilitates the movement of vehicles, goods and other commodities between the rural municipality and adjacent municipalities;

- (ii) whether or not the routes proposed to be designated or designated by the rural municipality in a bylaw are harmonized with the routes designated in any adjacent municipality in a manner that facilitates the movement of vehicles, goods and other commodities between the rural municipality and adjacent municipalities;
- (c) **“party”** means:
 - (i) a municipality; or
 - (ii) a person who wishes to use a municipal road in a rural municipality to transport goods or other commodities.
- (2) One or more parties to a dispute may apply to the minister to have the dispute dealt with through dispute resolution pursuant to this section.
- (3) On receiving an application pursuant to this section, the minister may refer the matter to dispute resolution pursuant to this section if the minister is satisfied that:
 - (a) the parties to the dispute have made all reasonable efforts to resolve the matter and have been unsuccessful; and
 - (b) dispute resolution is an appropriate means to resolve the dispute.
- (4) If the minister refers an application to dispute resolution pursuant to this section, the minister shall appoint as an adjudicator to hear and decide the application:
 - (a) a person nominated by the parties interested in the application; or
 - (b) if the persons interested in the application are unable to agree on a person within five days after the date of the application, a person chosen by the minister from a list of adjudicators compiled pursuant to subsection (14).
- (5) A dispute resolution is to be conducted in the prescribed manner.
- (6) The adjudicator shall hear and determine the matter within 15 days after the date the matter was referred to the adjudicator unless:
 - (a) the parties agree otherwise; or
 - (b) the regulations prescribe a longer period.
- (7) Subject to the regulations, *The Arbitration Act, 1992* does not apply to a dispute resolution conducted pursuant to this section.
- (8) Subject to clause (9)(b), the parties to the arbitration shall equally bear the costs of conducting the dispute resolution, including the fees payable to the adjudicator.
- (9) After conducting a dispute resolution, the adjudicator may:
 - (a) do one or more of the following:
 - (i) order one or more rural municipalities that are parties to the dispute to amend or repeal a bylaw;
 - (ii) direct a rural municipality that is a party to the dispute not to pass a proposed bylaw pursuant to section 188.1;

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- (iii) make any other order that the adjudicator considers reasonable or necessary to resolve the dispute; and
 - (b) make any order that the adjudicator considers appropriate directing all or any of the parties to pay the costs of conducting the dispute resolution.
- (10) Subject to subsection (11), no party who or that is the subject of an adjudicator's order shall fail to comply with that order.
- (11) Any party who or that is aggrieved by a decision of an adjudicator pursuant to this section may appeal that order on a question of law only to a judge of the Court of Queen's Bench.
- (12) An appeal pursuant to subsection (11) must be made within 30 days after the date of the adjudicator's order.
- (13) An appeal is to be by notice of motion and is to be served on all other parties to the order, the minister and any other persons that the court may direct.
- (14) For the purposes of this section, the minister may compile a list of adjudicators after consulting with those representatives of municipalities and of persons who use municipal roads that the minister considers appropriate.

2003, c.36, s.6.

Regulations

188.3 The Lieutenant Governor in Council may make regulations:

- (a) expanding, limiting or clarifying the powers of a council pursuant to section 188.1;
- (b) respecting the harmonization between municipalities of vehicle weight management systems and route designations respecting any vehicle or class of vehicles;
- (c) respecting dispute resolution pursuant to section 188.2, including:
 - (i) prescribing the manner in which a dispute resolution is to be conducted;
 - (ii) prescribing fees to be paid by parties to a dispute resolution;
 - (iii) prescribing provisions of *The Arbitration Act, 1992* that are to apply to the conduct of a dispute resolution and the manner in which those provisions are to apply;
- (d) requiring compliance with any regulation made pursuant to this section;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of sections 188.1 and 188.2.

2003, c.36, s.6.

Permits for overweight vehicles

189(1) Where a municipality has been authorized pursuant to section 51 of *The Highways and Transportation Act, 1997* to issue a permit pursuant to section 36 of that Act, the municipality may:

- (a) prescribe the fee to be paid for that permit, and, notwithstanding:
 - (i) *The Automobile Accident Insurance Act*;

- (ii) *The Highways and Transportation Act, 1997*;
- (iii) *The Highway Traffic Act*;
- (iv) *The Motor Carrier Act*; or
- (v) any regulations made under the Acts mentioned in sub-clauses (i) to (iv);

that fee shall not exceed the amount that the Minister of Highways and Transportation determines; and

(b) delegate the authority granted to it pursuant to those subsections to any person that the council may designate.

(2) Any authority delegated pursuant to clause (1)(b) is subject to the same terms and conditions applicable to the authority that was originally granted to the municipality.

(3) Notwithstanding *The Highways and Transportation Act, 1997*, a permit issued pursuant to this section is deemed to be a permit issued pursuant to section 36 of *The Highways and Transportation Act, 1997* and is subject to the provisions of that Act.

(4) If a rural municipality does not pass a bylaw pursuant to section 188.1, the rural municipality must adopt a policy respecting the issuance of permits pursuant to this section that, among other matters, takes into consideration:

- (a) facilitating the movement of vehicles, goods and other commodities between the rural municipality and adjacent rural municipalities, urban municipalities, cities and northern municipalities; and
- (b) if an adjacent rural municipality has designated routes in a bylaw passed pursuant to section 188.1, harmonizing the routes in the rural municipality with those designated routes in a manner that facilitates the movement of vehicles, goods and other commodities between the rural municipality and adjacent rural municipalities, urban municipalities, cities and northern municipalities.

1989-90, c.R-26.1, s.189; 1997, c.H-3.01, s.75;
1998, c.32, s.9; 2003, c.36, s.7.

Agreements for road maintenance

190(1) A council may require any person to enter into an agreement with the municipality for the maintenance of any municipal road within the municipality, in accordance with any terms and conditions that the minister may prescribe, if:

- (a) the council has caused notice to be served on the person that an agreement is required;
- (b) the person:
 - (i) is a producer or shipper of goods or materials that are transported on municipal roads and that, in the council's opinion, are significant in nature;
 - (ii) wishes to use a municipal road for the purpose of transporting quantities of goods or materials that, in the council's opinion, are significant in nature; or

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- (iii) wishes to receive delivery of goods or materials in quantities that, in the council's opinion, are significant in nature, the transportation of which requires the use of a municipal road; and
 - (c) the movement of the goods or materials mentioned in clause (b), in the council's opinion, is likely to result in damage to the municipal roads.
- (2) The notice mentioned in clause (1)(a) must be served by personal service or by registered mail.
- (3) If the parties required to enter into an agreement for road maintenance pursuant to subsection (1) are unable to enter into an agreement within five days after the date on which the notice is served, the minister, on the request of either party, may issue any order that the minister considers advisable, and that order is enforceable by either party as if it were a valid and binding agreement between the parties.
- (4) In the absence of an agreement for road maintenance pursuant to subsection (1) or of an order issued pursuant to subsection (3), no person who is served with a notice pursuant to clause (1)(a) shall:
- (a) ship or cause any goods or materials to be shipped on any municipal road in the municipality that served the notice;
 - (b) operate any vehicle, other than a vehicle registered in Class PV with the Highway Traffic Board, on any municipal road in the municipality that served the notice; or
 - (c) receive delivery of goods or materials by transportation on any municipal road in the circumstances mentioned in clauses (1)(b) and (c).
- (5) Any person who contravenes subsection (4) is guilty of an offence.
- (6) A municipality may enter into an agreement for the purposes mentioned in subsection (1) with one or more other rural municipalities, urban municipalities, cities and northern municipalities.

2003, c.36, s.8.

Closing of roads

- 191(1)** Notwithstanding subsection 10(1) of *The Highways and Transportation Act, 1997*, a council may close, on any terms as the council may fix, all or any portion of a municipal road, square or other public place, for a period not exceeding 21 days for:
- (a) the purpose of a parade or any other assembly of persons;
 - (b) carrying out road, sewerline or waterline construction, repair or improvement, or any other work authorized under this or any other Act; or
 - (c) any other purpose considered necessary by council.
- (2) A council may by bylaw delegate all or any of its powers under subsection (1) to a person who shall have and may exercise all of the powers set out in the bylaw for the purposes set out in subsection (1).

- (3) Notwithstanding section 27 of *The Highways and Transportation Act, 1997*, every municipal road, square or other public place, or portion of it, closed pursuant to this section shall be marked with a barricade or sign adequate in size and visibility to warn persons in approaching vehicles that the road is closed.
- (4) Any person who, without authority to do so, removes, defaces or damages a barricade or sign placed under the authority of this section on or near a municipal road, square or other public place is:
- (a) guilty of an offence against this Act; and
 - (b) liable for any injury to any person or damage to any property occasioned by his or her action.
- (5) A person using a municipal road, square or other public place closed to traffic pursuant to this section:
- (a) does so at his or her own risk and has no right to recover damages in cases of accident or injury; and
 - (b) is liable for any damage or injury to the municipal road, square or other public place resulting from his or her use.

1989-90, c.R-26.1, s.191; 1992, c.63, s.46; 1997, c.H-3.01, s.75.

Duty of council to maintain roads, etc.

192(1) Every council shall keep in a reasonable state of repair all municipal roads, dams and reservoirs and the approaches to them that have been constructed or provided by the municipality or by any person with the permission of the council or that have been constructed or provided by the province, having regard to the character of the municipal road, dam or reservoir and the locality in which it is situated or through which it passes.

(1.1) Every municipality that receives or is entitled to receive tax loss compensation from the Rural Municipal Tax Loss Compensation Fund established pursuant to the terms of the Framework Agreement shall maintain, at the ordinary standard established for similar municipal roads within the municipality, all municipal roads within the municipality that are within, adjacent to or provide access to an Indian reserve:

- (a) that has been set apart pursuant to the terms of the Framework Agreement; and
- (b) for which tax loss compensation has been paid by Her Majesty in right of Canada and Her Majesty in right of Saskatchewan.

(1.2) For the purposes of subsection (1.1), “**Framework Agreement**” means:

- (a) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands; and

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- (b) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band.
- (2) Where the council fails to carry out its duty imposed by subsections (1) and (1.1), the municipality is, subject to *The Contributory Negligence Act*, civilly liable for all damages sustained by any person by reason of the failure.
- (3) Default under subsections (1) and (1.1) shall not be imputed to a municipality in any action without proof by the plaintiff that the municipality knew or should have known of the disrepair of the municipal road or other thing mentioned in subsections (1) and (1.1).
- (4) Notwithstanding subsections (1), (1.1) and (2), the municipality is not responsible for any damages sustained by any person by reason of the disrepair or non-repair of:
- (a) a provincial highway;
 - (b) a public highway closed or fenced off under *The Highways and Transportation Act, 1997*;
 - (c) a municipal road while closed pursuant to section 197, where the municipality has posted and maintained a conspicuous notice at each end of the municipal road closed to the effect that the municipal road is closed;
 - (d) a road established pursuant to section 56 of *The Forest Resources Management Act*;
 - (e) a road allowance on which a road has not been opened.

1989-90, c.R-26.1, s.192; 1992, c.63, s.47; 1993, c.T-20.1, s.7; 1994, c.29, s.14; 1996, c.F-19.1, s.105; 1997, c.H-3.01, s.75.

Injury to roads, etc.

- 193(1)** No person shall, without lawful excuse, injure any municipal road, sign, well, fireguard, dam or reservoir.
- (2) A person who injures any municipal road, sign, well, fireguard, dam or reservoir shall:
- (a) promptly report the damage to a member of the council or the administrator; and
 - (b) erect and maintain in a safe manner any barricades or fences that are necessary to prevent injury to any person or damage to any property.
- (3) Every person who contravenes subsection (1) or (2):
- (a) is guilty of an offence; and
 - (b) is liable for any injury to any person or damage to any property that is occasioned by his or her action.

1992, c.63, s.48.

Construction, etc., of bridges

194(1) Where a river, stream, pond or lake forms a boundary line, regardless of where the exact boundary line is designated to be, between a municipality and another municipality or between a municipality and an urban municipality:

- (a) the councils of the adjoining municipalities may construct bridges across the river, stream, pond or lake in the manner and at the places to be determined by bylaws passed by both; and
- (b) the bridges shall be:
 - (i) maintained and kept in repair jointly by them; and
 - (ii) under their joint jurisdiction and control.

(2) The municipalities shall also jointly maintain and keep in repair and have under their joint jurisdiction and control all public bridges between them that have been constructed or provided by any person with the permission of the councils or that have been constructed or provided by the province.

(3) If the municipalities interested in the construction, maintenance or demolition of a bridge are unable to agree with respect to:

- (a) their joint action in constructing, managing or keeping the bridge in repair;
- (b) the share of the cost of construction or the expense of maintenance or repair of the bridge to be borne by each;
- (c) the cost of demolition of the bridge to be borne by each;

the minister, on the application of one or both of the municipalities, may determine the amount that each shall be required to expend and the method of expenditure, and the minister's decision shall be final and binding on the municipalities interested and may be enforced by either of them in any court of competent jurisdiction.

(4) Any moneys overpaid by one of the municipalities for construction, maintenance or demolition may be recovered by action from the other in default or neglecting to make the payment directed by the minister.

(5) Where adjoining municipalities or a municipality and an adjoining urban municipality are required to keep a bridge in repair, they shall be jointly liable, in case of default, for all damages sustained by any person by reason of the default.

1989-90, c.R-26.1, s.194.

Agreement with municipality in Manitoba for road construction, etc.

195 Notwithstanding any other Act, while reciprocal legislation remains in effect in Manitoba, the council of a municipality adjoining the boundary line between Saskatchewan and Manitoba may enter, by bylaw, into an agreement with a municipal corporation in Manitoba whose territory adjoins the said boundary line, providing for:

- (a) opening, constructing, maintaining, improving or repairing a municipal road along the inter-provincial boundary line and on land acquired by purchase, lease or otherwise in either province for the purpose of a necessary diversion from that boundary line and any bridge, culvert, drain or other work required in connection with it;

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- (b) joint control, management and responsibility for repair of the municipal road or other work;
- (c) payment of damages for failure to repair the municipal road or other work; and
- (d) any other matter necessary to carry out the intent of this section.

1989-90, c.R-26.1, s.195; 1992, c.63, s.49.

Temporary roads, etc.

196(1) The council may open and maintain a temporary road or right-of-way for public purposes for a term not exceeding two years across any private land when, in the opinion of the council, the condition of the municipal roads in the neighbourhood makes such action necessary or expedient.

(2) The council shall in every instance where it has opened and maintained a road or right-of-way pursuant to subsection (1), pay to the owners or occupiers of any land used compensation for the use and for any and all damages occasioned by that use as may be mutually agreed on between the council and the persons interested.

(3) In the event of a disagreement with respect to the amount to be paid, the compensation payable by the municipality shall be compensation determined by arbitration under *The Municipal Expropriation Act*.

(4) Where the council opens a temporary road or right-of-way across land that is or may become fenced, the council may provide, by bylaw:

- (a) for the placing of gates at the points of intersection of the temporary road or right-of-way with the boundary fence; and
- (b) for the erection of notice boards requiring the public to leave those gates closed.

(5) The council may require, by bylaw, persons who use any gates mentioned in subsection (4) to leave the gates closed after they have passed through the gates.

(6) Any person who fails to leave a gate closed after he or she has passed through it is liable for any injury to any person or damage to any property occasioned by his or her failure.

1989-90, c.R-26.1, s.196.

Closing and leasing undeveloped road allowances

197(1) In this section, “**undeveloped road allowance**” means a municipal road on which a highway, road, street, lane, trail, path or alley:

- (a) has never been constructed; or
- (b) if constructed, is not being maintained for use by the general public, or is no longer being used by the general public, for that purpose.

(2) A council may, by bylaw:

- (a) provide for the closing and leasing of an undeveloped road allowance for the purpose of cultivation, grazing or both for a term not exceeding five years; and
- (b) from time to time renew a closing and lease made pursuant this subsection for a further term not exceeding five years.

- (3) A council shall not pass a bylaw pursuant to subsection (2) without:
 - (a) providing written notice to every registered owner of land that abuts the undeveloped road allowance, other than the proposed lessee; and
 - (b) giving the registered owners mentioned in clause (a) an opportunity to be heard before council, in person or by an agent.
- (4) All notices provided pursuant to subsection (3) must be sent by registered mail.
- (5) If a council passes a bylaw pursuant to this section, any lease entered into pursuant to the bylaw must contain at least one of the following provisions:
 - (a) a provision permitting the council to terminate the lease on six months' written notice to the lessee if the council considers it necessary to provide public access to the undeveloped road allowance;
 - (b) a provision providing that the lessee shall grant public access to the undeveloped road allowance on the council providing the lessee with 30 days' written notice.
- (6) Within 30 days after issuing, renewing or terminating a lease pursuant to this section, the administrator shall send a copy of the bylaw and the lease to the Minister of Highways and Transportation.

2003, c.36, s.9.

Closing and leasing other municipal roads

- 197.1(1)** A council may, by bylaw, provide for the closing and leasing of a municipal road for the purpose of cultivation, grazing or both.
- (2) No bylaw may be passed pursuant to subsection (1) unless, before passing the proposed bylaw:
 - (a) the council gives at least two weeks' written notice of its intention to pass the bylaw to all registered owners of lands abutting on the portion of the road proposed to be closed;
 - (b) the notice mentioned in clause (a) is advertised in a newspaper circulating in the municipality at least once each week for two consecutive weeks; and
 - (c) every person who claims that he or she will be injuriously affected by the proposed bylaw is given an opportunity to be heard before council, in person or by an agent.
 - (3) All notices provided pursuant to clause (2)(a) must be sent by registered mail.
 - (4) On receipt of a written request for compensation from any person who occupies, owns or has an interest in land that sustains damage through the closing of a municipal road pursuant to this section, the municipality shall compensate that person for the damages that he or she sustained by the closing of the municipal road.
 - (5) If a claimant and the municipality are not able to agree on the amount of compensation payable pursuant to subsection (4), the compensation may be determined in the manner provided for by *The Municipal Expropriation Act*, and subject to the same conditions provided for by that Act.

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(6) If the municipal road to be closed pursuant to this section connects to a public highway in another municipality, urban municipality, reserve or other jurisdiction, or to a provincial highway, the municipality shall obtain the consent of the appropriate authority before closing the municipal road.

(7) A municipal road closed pursuant to this section remains a public road that the public has the right to use as a municipal road.

(8) Within 30 days after issuing a lease pursuant to this section, the administrator shall send a copy of the bylaw and the lease to the Minister of Highways and Transportation.

2003, c.36, s.9.

Closing and transfer of municipal roads

197.2(1) With the consent of the Minister of Highways and Transportation, a council may close and transfer all or any part of a municipal road that council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

(2) Any closing and transfer pursuant to subsection (1) is subject to the condition that, if the Crown or the municipality requests the return of the municipal road for use by the public as a road or for the purposes of a public utility or municipal utility, the municipal road, or any interest in that municipal road that is necessary to enable the Crown or the municipality to fulfil the purpose on which its request is based, must be returned to the Crown or the municipality, as the case may be, without compensation.

2003, c.36, s.9.

Opening road on petition

198(1) If a person petitions the council for the opening of a road through land or on a road allowance and the council is of the opinion that the road may be reasonably opened for the convenience and benefit of that person but is not required in the interest of the public generally, the council may require the applicant to deposit with the administrator any moneys it considers sufficient to cover the cost of:

- (a) opening the road; and
- (b) paying compensation in connection with the opening of the road.

(2) If the road or any road that in the opinion of the council will be of equal or nearly equal convenience and benefit to the applicant is opened after the applicant deposits any moneys pursuant to subsection (1), the moneys so deposited or so much of them as may be necessary may be applied towards paying:

- (a) the expenses of opening the road; and
- (b) compensation in connection with it;

and any balance that remains shall be repaid to the applicant.

1989-90, c.R-26.1, s.198.

Removal and disposition of certain vehicles**199(1)** When:

- (a) any vehicle has been left or placed on a municipal road or public place and has been allowed to remain there for five days or more; and
- (b) the owner of it cannot after reasonable inquiry be ascertained;

the vehicle shall be deemed to be abandoned.

(2) The council may order, by resolution, that a vehicle that is deemed to be abandoned within the meaning of subsection (1) shall be removed by the municipality from the place where it is abandoned and sold, destroyed or otherwise disposed of as the council may decide.

(3) Where a council, pursuant to subsection (2), decides to sell, destroy or otherwise dispose of an abandoned vehicle it shall, at least 15 days before doing so, publish a notice of its decision in a newspaper having circulation in the municipality together with a description of the abandoned vehicle.

(4) When an abandoned vehicle is sold pursuant to the council's decision pursuant to this section, the proceeds of the sale shall be applied against the cost of removal of the vehicle and any balance remaining from the proceeds forms part of the general funds of the municipality and in that case the purchaser of the vehicle shall, notwithstanding any other Act, obtain good title to it free and clear of all encumbrances.

(5) Notwithstanding anything in any other Act, no action lies or is to be brought against a council that sells, destroys or otherwise disposes of a vehicle in accordance with this section.

1989-90, c.R-26.1, s.199; 1992, c.63, s.52.

Removal, etc., of unlawfully left, etc., vehicles**200** The council, by bylaw, may:

- (a) authorize members of the police force or any designated municipal employee:
 - (i) to move or remove any vehicle that is unlawfully parked, placed, left or kept on any municipal road or municipally-owned property;
 - (ii) to:
 - (A) impound or store the vehicle; and
 - (B) release the vehicle to the owner;

on payment of the cost of removal and impounding or storage within a period of 30 days after the date of the removal of the vehicle, or within any longer time that may be specified in the bylaw; and

- (b) provide:
 - (i) for the recovery of the cost incurred pursuant to clause (a), if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction; and
 - (ii) that vehicles impounded for 30 days or more may be dealt with as lost or unclaimed personal property.

1989-90, c.R-26.1, s.200; 1992, c.63, s.53.

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Reeve may move certain vehicles

201 The reeve may:

- (a) seize, without warrant, any vehicle that, in his or her opinion, is parked or left on a municipal road at a place or in any manner that:
 - (i) constitutes a hazard to other users of the road or road allowance; or
 - (ii) unduly interferes with construction, maintenance or snow removal operations; and
- (b) have the vehicle seized pursuant to clause (a) moved to a suitable place where it no longer constitutes a hazard or interferes with construction, maintenance or snow removal operations.

1989-90, c.R-26.1, s.201; 1992, c.63, s.54.

Construction, etc., of public roads

202 The council may lay out, construct, repair and maintain municipal roads and do any other necessary public work in the interests and for the use of the municipality.

1989-90, c.R-26.1, s.202; 1992, c.63, s.55.

Signs

203 The council may erect and maintain on any municipal road any signs that the council may consider expedient:

- (a) for the control, warning, guidance, information and direction of traffic; or
- (b) as a deterrent to possible crime.

1989-90, c.R-26.1, s.203; 1992, c.63, s.56.

Drains

204 Subject to *The Saskatchewan Watershed Authority Act, 2005*, the council may construct through lands lying within or outside the municipality any drains the council may consider expedient to secure the proper drainage of the municipality and may prevent the obstruction of the drains.

1989-90, c.R-26.1, s.204; 2002, c.S-35.02, s.147;
2005, c.S-35.03, s.114.

Drainage of effluent

205 Subject to *The Environmental Management and Protection Act*, the council may enter into agreements with the councils of urban municipalities providing for the use of ditches along municipal roads for drainage of effluent from sewage lagoons.

1989-90, c.R-26.1, s.205; 1992, c.63, s.57.

Bylaws respecting vehicles

206(1) Repealed. 1992, c.63, s.58.

- (2) The council may pass bylaws for all or any of the following purposes:
 - (a) classifying vehicles for any and all purposes involving the use of municipal roads and other public places in the municipality;

- (b) preventing or restricting, controlling and regulating:
 - (i) the parking of vehicles or of any class of vehicles on any municipal roads and other public places or on any portion of any of them in the municipality;
 - (ii) the parking on specified municipal roads or within a certain distance from any building in the municipality of any vehicles used for carrying flammable, combustible, explosive or other dangerous goods within the meaning of the *Transportation of Dangerous Goods Act* (Canada), as amended from time to time, whether loaded or unloaded, and defining any routes through the municipality that these vehicles must follow in entering or traversing the municipality;
 - (iii) any other use of the municipal roads and other public places or any portion of them in the municipality by or for vehicles of any particular class;
- (c) regulating the speed of vehicles within the municipality;
- (d) with respect to bicycles:
 - (i) regulating the operation of bicycles within the municipality;
 - (ii) specifying bicycle safety standards within the municipality; and
 - (iii) regulating the use of bicycle helmets within the municipality;
- (e) restricting:
 - (i) subject to subsection (4), the weight of vehicles or of vehicles and their loads when using any bridge in the municipality where the load capacity of the bridge is less than the maximum weight limits prescribed pursuant to section 35 or 69 of *The Highways and Transportation Act, 1997* or the regulations pursuant to that Act; and
 - (ii) the movement on the municipal roads or specified municipal roads in the municipality of a vehicle or a farm implement, if the vehicle or implement has wheel lugs, track lugs, wheel flanges or disc wheels;
- (f) establishing, for the municipality, a committee consisting of two members of the council, appointed by resolution of the council, and, notwithstanding section 188 or *The Highways and Transportation Act, 1997*, authorizing the committee to issue orders, in accordance with the regulations that the minister may prescribe, with respect to the following:
 - (i) prohibiting the operation of tractors on specified municipal roads;
 - (ii) restricting the gross weight of vehicles, where the gross weight of the vehicle is in excess of 2700 kilograms, travelling on specified municipal roads;
 - (iii) with respect to vehicles referred to in subclause (ii), restricting the gross weight that may be transmitted to the road through any point or points of contact of the vehicles travelling on specified municipal roads;
- (g) controlling and regulating the cutting of hay on any portion of a municipal road and providing for the issue of permits for the cutting of the hay;

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(h) compelling the removal of earth, stones, rubbish or any other encumbrance off the municipal roads or other public places within the municipality by the party depositing it, and compelling the placing of it where ordered by the council;

(i) prohibiting or regulating the breaking, cutting, filling or otherwise injuring of:

(i) a municipal road or other public place in the municipality; or

(ii) vegetation on a municipal road or other public place in the municipality;

(j) prohibiting the encumbering of municipal roads and other places by vehicles or other articles or things;

(j.1) controlling or prohibiting fishing from any bridge within the municipality;

(k) subject to subsection (5), authorizing entry on land adjoining a municipal road for the purpose of removing drifted soil that has accumulated along the boundary of it and the removal of the boundary fence where its removal is considered necessary for the purpose;

(l) authorizing entry on land adjoining any municipal road for the purpose of making snow ridges and erecting snow fences;

(m) prescribing the minimum distance from:

(i) the centre line of any municipal road, not exceeding 60 metres;

(ii) the intersection of the centre lines of any municipal roads, not exceeding 90 metres;

at which buildings may be situated, but every bylaw passed pursuant to this clause shall state that the bylaw does not apply with respect to buildings situated prior to the passing of the bylaw;

(n) prohibiting the planting of brush, trees or shrubs or the placing of stones, earth or gravel piles, portable structures, machinery or other objects on private property:

(i) within any distance as may be specified in the bylaw, not exceeding 60 metres, from the centre line of any municipal road;

(ii) within any distance as may be specified in the bylaw, not exceeding 90 metres, from the intersection of the centre lines of any municipal roads;

and providing that where a tree or shrub has been planted, or stones, earth or gravel piles or portable structures or any machinery or other object has been placed on private property contrary to the bylaw, the council may by order direct the owner of the property to remove the tree, shrub, stone, earth or gravel piles, portable structure, machinery or other objects;

(o) subject to subsection (6), providing for the removal at the expense of the municipality of any brush, trees or shrubs growing on private property, or stones, earth or gravel piles, portable structure, machinery or other objects placed on private property:

(i) within any distance as may be specified in the bylaw, not exceeding 60 metres, from the centre line of any municipal road;

(ii) within any distance that may be specified in the bylaw, not exceeding 90 metres, from the intersection of the centre lines of any municipal roads;

(p) providing for:

(i) planting and protecting trees or shrubs on municipal roads and public places; or

(ii) encouraging or making an expenditure for the planting of trees or shrubs;

at a specified distance from municipal roads, on land within the municipality owned by residents of it.

(3) A bylaw passed pursuant to subsection (2) that is inconsistent with *The Highway Traffic Act* requires the approval of the Highway Traffic Board.

(4) A bylaw passed pursuant to subclause (2)(e)(i) shall not prescribe a weight restriction for vehicles or vehicles and their loads using any bridge where the weight restriction is in an amount that is less than the load capacity of the bridge.

(5) Any fence removed pursuant to a bylaw passed pursuant to clause (2)(k) shall be replaced immediately after the purpose for which it was removed has been fulfilled.

(6) Every bylaw passed pursuant to clause (2)(o) shall contain a provision that the bylaw does not apply with respect to any brush, trees or shrubs that:

(a) were planted more than five years prior to the passing of the bylaw;

(b) are used as a shelter belt; and

(c) are situated more than 25 metres but less than 60 metres from the centre line of the road allowance at a location other than an intersection.

1989-90, c.R-26.1, s.206; 1992, c.63, s.58; 1995, c.30, s.23; 1997, c.48, s.8; 1997, c.H-3.01, s.75.

LICENSING AND REGULATING

207 Repealed. 2000, c.25, s.12.

Powers implicit in power to license

208 When a power to license with respect to an activity is granted to a council, the power includes the power:

(a) to prohibit carrying on or engaging in the activity without a licence;

(b) to impose penalties on unlicensed persons;

(c) to fix the fees to be paid for licences, and to enforce payment of the fees;

(d) to determine when and the manner in which a person may apply for a licence and the time during which the licence remains in force; and

(e) to suspend or revoke or provide for the suspension or revocation of licences;

and applies whether or not business premises are used in connection with the activity.

1989-90, c.R-26.1, s.208.

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209(1) Subject to subsection (3), when a council has power to grant or suspend a licence pursuant to this or any other Act, the council may grant, refuse, suspend or revoke the licence at its absolute discretion, but it shall give reasons for any refusal, suspension or revocation and, except as provided in subsection (4), its actions are not open to question or review by any court or judge.

(2) The power of a council to refuse, suspend or revoke a licence is to be exercised in good faith, without discrimination and in the public interest.

(3) A council shall not suspend or revoke a licence until the licensee has been given full opportunity to be heard by the council.

(4) If a council fails to comply with subsection (2) or (3), an appeal lies to a judge from the decision of the council, and the procedure on the appeal, including the time within which the appeal may be instituted, is the same as in the case of an appeal from a decision of a judge of the Provincial Court of Saskatchewan to the court.

(5) The costs of an appeal pursuant to subsection (4) are in the discretion of the judge hearing the appeal.

(6) An appeal lies to the Court of Appeal from a decision of a judge pursuant to subsection (4), if leave to appeal is granted by a judge of the Court of Appeal.

(7) The council may reinstate a suspended licence if it is satisfied that the licensee is complying with the bylaw, the contravention of which gave rise to the suspension.

1989-90, c.R-26.1, s.209.

210 Repealed. 1997, c.48, s.9.

Refund of licence fee

211 When a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which the licence was granted.

1989-90, c.R-26.1, s.211.

Provincial licence required

212 The issuing of a licence to a person by a municipality does not relieve that person of the responsibility of obtaining any provincial licence that may be required by law.

1989-90, c.R-26.1, s.212.

Licensing bylaws

213(1) The council may pass bylaws for all or any of the following purposes:

(a) licensing and regulating all places of amusement or entertainment or exhibitions held or kept for hire or profit;

(b) classifying and licensing mining contractors and oil and gas well operators who, in the operation of a mining business or an oil or gas well business:

(i) contract to move earth, gravel, stones or minerals of any kind within the municipality;

(ii) operate or offer for hire any machine, tractor, vehicle or appliance used in the process of drilling or of moving earth, gravel, stones or minerals of any kind within the municipality; or

(iii) retain or hire well drilling contractors for the purposes of drilling an oil or gas well of any kind within the municipality;

(b.1) in the same bylaw passed for the purposes of clause (b), making applicable to the mining contractors and oil and gas well operators mentioned in that clause a schedule of fees approved by the minister;

(c) providing for the annual licensing of every person who extracts gravel from a gravel pit and for the imposing of a fee based on the amount of gravel removed from the pit in accordance with a schedule of fees approved by the minister;

(c.1) classifying trailers, mobile homes and portable shacks that are used for residential purposes within the municipality;

(d) subject to subsection (2):

(i) licensing the occupant of any trailer, mobile home or portable shack that is used for residential purposes within the municipality;

(ii) determining the forms to be used and making regulations for the registration of the occupants with the administrator or with a licensed operator of a trailer park or camp; and

(iii) providing a schedule of fees to be paid for the licences;

(e) providing for:

(i) licensing the operators of trailer parks or camps; and

(ii) authorizing and requiring the operators and every owner or occupant of property who permits two or more trailers, mobile homes or portable shacks used as living quarters to be located on the property:

(A) to register the occupants on forms provided by the municipality;

(B) to collect from the occupants any licence fees as are imposed by a bylaw under clause (d); and

(C) to pay to the municipality the licence fees collected;

and by the same bylaw, make any regulations concerning the licensing, registration, collection and payment as the council may consider expedient;

(f) subject to subsections (3) and (4), classifying, licensing, regulating and controlling transient traders and any contractors conducting business in the municipality who are not occupants or owners of land or improvements used for that business purpose in the municipality.

(2) A bylaw passed pursuant to clause (1)(d) does not apply to the:

(a) occupant of a trailer, mobile home or portable shack, situated within the municipality for a period of less than 30 consecutive days and occupied exclusively for recreational purposes;

(b) owner of land on which a building is situated if he or she occupies the building as a residence, and it would be exempt from taxation by reason of section 331.

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(3) Section 207 does not apply with respect to a licence fee imposed by a bylaw pursuant to clause (1)(f).

(4) **Repealed.** 1992, c.63, s.59.

1989-90, c.R-26.1, s.213; 1992, c.63, s.59; 1995, c.30, s.24; 1998, c.32, s.10; 2000, c.25, s.13; 2001, c.38, s.23.

Licensing home-based businesses

213.1(1) A council may, by bylaw, classify, regulate, control and license all home-based businesses, or any class or classes of home-based businesses, within the municipality, and may adopt a schedule of licence fees for home-based businesses.

(2) Fees set by a bylaw made pursuant to subsection (1) may not exceed the cost to the municipality for administration and regulation of the activity to which the licence relates.

1995, c.30, s.25; 2000, c.25, s.14.

Appointment of fire ranger

214 Notwithstanding anything in this Act, any member of the council may be appointed a fire ranger pursuant to *The Prairie and Forest Fires Act, 1982*.

1989-90, c.R-26.1, s.214.

Fire prevention

214.1(1) A council may:

(a) by bylaw establish a fire department or one or more fire brigades, and may by contract or otherwise provide for the prevention and suppression of fires and provide for services of any kind at the site of an emergency, throughout the municipality or for any specified area of the municipality, and, without restricting the generality of the foregoing, may provide for:

(i) fire prevention and protection;

(ii) emergency response services;

(iii) inspection of premises for conditions that might cause a fire, increase the danger of fire, or otherwise increase danger to persons or property;

(iv) inspections for compliance with municipal fire prevention bylaws and *The Fire Prevention Act, 1992*;

(v) emergency services related to dangerous goods and the protection of persons and property from injury or damage that may result from an emergency involving dangerous goods;

(vi) rescue, including the use of forcible entry techniques and tools; and

(vii) assistance in response to other classes of circumstances that may cause harm to persons or property;

(b) pass bylaws, not inconsistent with *The Fire Prevention Act, 1992*:

(i) prohibiting, regulating or controlling the storage of flammable liquids in and around improvements;

- (ii) prohibiting, regulating or controlling the use, possession or storage of combustible, explosive or dangerous materials;
 - (iii) requiring buildings and yards to be kept in a safe condition to guard against fires or other dangerous risk or accident;
 - (iv) regulating the conduct and enforcing the assistance of persons present at a fire for the preservation of property;
 - (v) authorizing the pulling down or demolition of improvements, or the creation of fireguards when considered necessary to prevent the spread of fire;
 - (vi) providing compensation for loss or damage sustained by reason of a pulling down or demolition or creation of a fireguard authorized pursuant to subclause (v);
 - (vii) prohibiting the burning of straw within the municipality or any portion of it during a period set out in the bylaw;
- (c) purchase, lease or otherwise acquire fire-fighting vehicles, equipment and apparatus, or any other vehicles, equipment and apparatus required to carry out any services described in this section;
- (d) make provision for appointing a fire chief and as many fire-fighters and other assistants as the council may consider necessary, and fix their salaries and remuneration, if any;
- (e) provide for constructing, operating and maintaining fire halls or any other facilities required to carry out any services described in this section;
- (f) **Repealed.** 2003, c.36, s.10.
- (2) A council may, by bylaw:
- (a) provide for entering into agreements for the furnishing or receiving of fire-fighting or fire prevention services or emergency services, or the use of fire-fighting or other emergency response equipment or facilities, inside or outside the municipality, or in a specified area, on any terms that may be agreed on, including the setting and payment of charges, with:
 - (i) any other municipality or a municipal government within or without Saskatchewan;
 - (ii) a department, organization or agency of the Government of Saskatchewan or the Government of Canada;
 - (iii) an Indian band;
 - (iv) a person; or
 - (v) any properly constituted authority, organization or agency;
 - (b) provide and charge for any fire-fighting, fire prevention or emergency service, or use of equipment or facilities outside the municipality in the absence of an agreement made pursuant to clause (a), if a request for the service, or use of equipment or facilities is made by:
 - (i) any other municipality or a municipal government within or without Saskatchewan;

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- (ii) a department, organization or agency of the Government of Saskatchewan or the Government of Canada;
- (iii) an Indian band;
- (iv) a person; or
- (v) any properly constituted authority, organization or agency.

(3) For the purposes of this section, a council may, by bylaw, declare that all or any part of the National Fire Code of Canada, or a fire prevention code adopted pursuant to *The Fire Prevention Act, 1992*, is in force in the municipality with any revisions, variations or modifications that may be specified in the bylaw, but in no case may the requirements established by such a bylaw be less exacting than those established by the National Fire Code of Canada or the fire prevention code, as the case may be.

(4) If, in the opinion of a local assistant or a municipal inspector, there is a contravention of a bylaw made pursuant to this section, the local assistant or municipal inspector may issue to the owner, operator or occupant of the building, structure, premises or land in or on which the contravention is occurring a written order in which the local assistant or municipal inspector:

- (a) shall specify:
 - (i) the contravention;
 - (ii) the legal description of the land on which the contravention is occurring;
 - (iii) any terms and conditions to be complied with in order to remedy the contravention; and
 - (iv) the date by which the order is to be complied with;
- (b) shall provide:
 - (i) a statement that if the terms and conditions of the order have not been complied with within the time specified in the order, the local assistant may remedy the contravention at the expense of the owner;
 - (ii) the date and place at which and the process by which an appeal from the order pursuant to subsection (9) may be made; and
 - (iii) a statement that filing an appeal does not stay the order but that the appellant may apply to the fire commissioner for a stay of the order pursuant to section 25 of *The Fire Prevention Act, 1992*; and
- (c) may direct the owner, operator or occupant to do one or more of the following within the time limit set out in the order:
 - (i) remedy the contravention of the bylaw, including doing anything with respect to the building, structure, premises or land that the local assistant or municipal inspector considers necessary to remedy the non-compliance;
 - (ii) repair, alter, remove or demolish the building, structure or premises;
 - (iii) alter the use or occupancy of the building, structure, premises or land;

- (iv) replace materials used in the construction of the building, structure or premises;
 - (v) remove or change the manner of use, storage, handling or disposal of flammable or combustible liquids or materials, or explosives;
 - (vi) clean, repair, remove or replace equipment, apparatus or fire protection devices that the local assistant or municipal inspector considers faulty or dangerous;
 - (vii) install, or correct the faulty installation of, fire safeguards, equipment or fire protection devices;
 - (viii) clear or remove any obstruction to public access of a building used for public assemblage.
- (5) For the purposes of ensuring compliance with any order made pursuant to subsection (4), the provisions of sections 18 and 24 of *The Fire Prevention Act, 1992* apply with any necessary modification.
- (6) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (4) in the Land Titles Registry against the title to the parcels of land to which the order applies.
- (7) Where an interest has been registered against a title pursuant to subsection (6), the order runs with the land and is binding on the owner and any subsequent owner.
- (8) Where an interest has been registered against a title pursuant to subsection (6) and the order made pursuant to subsection (4) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest.
- (9) Sections 25, 26, 27 and 34 of *The Fire Prevention Act, 1992* and section 18.1 of *The Municipal Board Act* apply to orders issued pursuant to subsection (4).
- (10) A local assistant or municipal inspector may request the assistance of a peace officer to carry out any provision of this section.
- (11) A council may, by bylaw or resolution, provide for assessing and levying the cost of any services mentioned in clause (1)(a), (c), (d) or (e), subclause (1)(b)(vi) or clause (2)(b).
- (12) Pursuant to subsection (11), a council may provide for assessing and levying the cost of services:
- (a) throughout the municipality or in any specified area of the municipality;
 - (b) in part throughout the municipality or in any specified area of the municipality, and in part by charging directly a portion of the cost to persons who receive the service; or
 - (c) directly on persons who receive the service.
- (13) Any amount with respect to any service provided to a person within the municipality pursuant to clause (1)(a), (c), (d) or (e) or subclause (1)(b)(vi) that remains unpaid at the end of the year in which the service was provided may be added to the taxes on any land or improvement owned by the person and collected in the same manner as taxes.

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Fire fighter liability

214.2(1) For the purposes of this section, “**fire fighter**” means a person performing duties for a municipality, whether for wages or otherwise, pursuant to section 214.1 or *The Fire Prevention Act, 1992* or regulations made pursuant to that Act.

(2) No action lies or shall be instituted against a fire fighter for any loss 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 fire fighter while performing his or her duties as a fire fighter.

(3) A fire fighter shall be indemnified by the municipality for reasonable legal costs incurred:

- (a) in the defence of a civil action arising out of the performance of his or her duties, if the fire fighter is found not liable;
- (b) in the defence of a criminal prosecution arising out of the performance of his or her duties, if the fire fighter is found not guilty;
- (c) with respect to any other proceeding in which the fire fighter’s performance of his or her duties is in issue, if the fire fighter acted in good faith.

(4) In cases where the indemnification of the legal costs of fire fighters is provided for in an agreement, indemnification is to be made pursuant to the terms of the agreement, and subsection (3) does not apply.

1995, c.30, s.26.

Bylaws respecting protection

215(1) The council may pass bylaws for all or any of the following purposes:

- (a) **Repealed.** 1994, c.29, s.16.
 - (b) **Repealed.** 1994, c.29, s.16.
 - (c) **Repealed.** 1994, c.29, s.16.
 - (d) subject to subsection (4), prohibiting, regulating and controlling the discharge of firearms, air guns and spring guns within the municipality or any portions of it;
 - (e) providing for the prevention of loose wire lying exposed and unguarded in any part of the municipality;
 - (f) prohibiting, eliminating or abating noise in any area of the municipality;
 - (g) prohibiting the herding or grazing of livestock in any area of the municipality and prescribing conditions under which livestock may be herded or grazed in the area;
 - (h) prohibiting, controlling or regulating the keeping of livestock or poultry in any area of the municipality and prescribing conditions pursuant to which the livestock or poultry may be kept.
- (2) **Repealed.** 1994, c.29, s.16.
- (3) The council may authorize an employee of the municipality to issue to a recognized gun club or similar organization a permit in writing entitling it to operate for the purpose of supervised target practice or a similar activity.

(4) Clause (1)(d) does not apply to a person discharging any firearm, air gun or spring gun on land outside a hamlet or organized hamlet where the person:

- (a) does so with the consent of the owner or occupant of the land;
- (b) is permitted to hunt under the *Migratory Birds Convention Act* (Canada), as amended from time to time, or the regulations under that Act;
- (c) is the holder of a licence to hunt big game or game birds issued to him pursuant to *The Wildlife Act, 1998* and hunts during the open season; or
- (d) is a member of a club or organization to which a permit has been issued pursuant to subsection (3).

1989-90, c.R-26.1, s.215; 1994, c.29, s.16; 1997, c.W-13.11, s.91; 1998, c.W-13.12, s.89.

Smoking

215.1(1) In this section, “**public place**” means a place to which the public has access as a right or by express or implied invitation, whether or not a fee is charged for entry and includes, without limiting the generality of the foregoing:

- (a) outdoor patios;
- (b) entry ways;
- (c) outdoor sports facilities and stadiums; and
- (d) common areas of residential buildings.

(2) A council may, by bylaw, prohibit, control or regulate the following activities in any public place or public transit vehicle:

- (a) the lighting of any cigar, cigarette, pipe or other smoking device;
- (b) the carrying or smoking of any lighted cigar, cigarette, pipe or other smoking device.

(3) For the purposes of subsection (2), the power to prohibit, control or regulate includes the power to do all or any of the following:

- (a) to establish categories and subcategories of public places and public transit vehicles;
- (b) to establish different prohibitions, controls or regulatory requirements for different categories and subcategories;
- (c) to exempt any public place, public transit vehicle or category or subcategory of public places or public transit vehicles from all or any part of a bylaw.

2004, c.51, s.21.

Refuse and waste control

215.2(1) Subject to *The Environmental Management and Protection Act* and to the regulations made pursuant to that Act, a council may, by bylaw, provide for the collection, removal or disposal of solid wastes and other refuse.

(2) Without restricting the generality of subsection (1), the council may, by bylaw:

- (a) define, enlarge or restrict the meaning of the terms “solid wastes” and “refuse”;
- (b) classify solid wastes and refuse;

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- (c) establish and maintain a system for the collection, removal or disposal of all or any solid wastes or other refuse on any terms and conditions that the council considers expedient;
 - (d) contract with any person for the collection, removal or disposal by or for that person of all or any solid wastes or other refuse on any terms and conditions that the council considers expedient;
 - (e) establish a schedule of charges payable by owners or occupants of land or buildings to the municipality for the collection, removal or disposal of solid wastes or other refuse, and compel the payment of the charges so established;
 - (f) compel owners or occupants to provide receptacles for solid wastes or other refuse of any standard, at any locations and in any manner specified in the bylaw;
 - (g) require the owners or occupants of lands or buildings, or any designated class of lands or buildings, to remove and dispose of solid wastes or other refuse that originates on those lands or buildings;
 - (h) provide for the acquisition and maintenance of waste disposal grounds or sanitary landfill sites, and regulate and control their use;
 - (i) provide for the construction, acquisition, maintenance and operation of any buildings, machinery and plants that are considered necessary for the collection, removal or disposal of solid wastes and other refuse;
 - (j) provide that the whole or any part of a sum payable to the municipality for the collection, removal or disposal, pursuant to a bylaw passed pursuant to this section, of solid wastes and other refuse that remains unpaid on December 31 of the year in which the sum became payable is to be added to, and form a part of, the taxes on the land and buildings with respect to which the collection, removal or disposal is done;
 - (k) prohibit, regulate or control the placing of any solid waste or refuse designated in the bylaw on any street, lane, park, public place, roadway, road allowance or watercourse, and compel its removal by the person who put it there to a place designated in the bylaw; and
 - (l) prohibit the handling of, interfering with or removal of solid wastes or refuse or any receptacle for solid wastes or refuse by persons not authorized or required by the bylaw to do so.
- (3) Subject to *The Clean Air Act*, a council may, by bylaw:
- (a) provide for the construction, acquisition, maintenance and operation of incinerators for the disposal of solid wastes or other refuse; and
 - (b) prohibit, regulate, control or require the incineration of solid wastes or refuse classified pursuant to clause (2)(b).

1997, c.48, s.11.

ANIMAL CONTROL

Animals

- 216(1)** A council may, by bylaw, with respect to animals other than livestock or poultry:
- (a) license any animal or class or classes of animal;

- (b) regulate and control persons owning or harbouring any animal or class or classes of animal, or prohibit the harbouring of any animal or class or classes of animal within the municipality or any specified portion of the municipality;
- (c) declare any animal or class or classes of animals to be dangerous and establish requirements to keep it or them under proper control, and requiring compliance with those requirements;
- (d) prohibit the keeping, possessing or harbouring of any animal or class or classes of animals declared to be dangerous pursuant to clause (c);
- (e) restrict, within the municipality or any specified portion of the municipality:
 - (i) the number of animals or of any class or classes of animal that may be kept by any person; and
 - (ii) the number of animals or of any class or classes of animal that may be kept in or about any dwelling unit or class of dwelling units, as defined in the bylaw;
- (f) regulate establishments for the breeding or boarding of any animal or class or classes of animal within the municipality or any specified portion of the municipality;
- (g) designate a person within a category of persons prescribed by regulations made pursuant to section 225 as a judge for the purposes of section 218;
- (h) designate a municipal official for the purposes of section 224;
- (i) classify animals for licensing purposes, establish a schedule of fees to be paid by persons owning or harbouring animals, and establish different fees for different classes of animals;
- (j) require a person owning or harbouring an animal to disclose the number and class of animals kept on or in his or her land or buildings;
- (k) regulate or prohibit the being at large of animals or any class or classes of animals in the whole or any part of the municipality, prohibit any person who owns any animal from allowing it to be at large and for that purpose require the person who owns the animal to restrain it on a leash or otherwise;
- (l) provide for the seizing, impounding and destruction or other disposition of animals found at large in the municipality and determine the compensation to be allowed for carrying out the provisions of the bylaw and for services rendered with respect to, and sustenance supplied for, animals seized, impounded, destroyed or otherwise disposed of;
- (m) provide for the sale, destruction or other disposition of animals impounded or seized if they are not claimed within a time specified in the bylaw or if the claimant does not comply with any conditions respecting payment of costs, expenses and removal within that time;
- (n) define, restrict or enlarge the meaning of any word or expression used in this section;
- (o) provide that sections 217 to 225 apply, with any necessary modification, to any domestic animal or class of domestic animals within the municipality.

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(2) Any provision of subsection (1) that empowers a council to exercise its powers with respect to an animal or class or classes of animals includes the right to exercise its powers with respect to any subclass of animals.

(3) A council may enter into an agreement with the council of any adjacent municipality, urban municipality or northern municipality providing for the extension and application of this section and any bylaw passed pursuant to this section to the whole or any portion of that municipality.

1995, c.30, s.28; 2002, c.38, s.9.

Licensing, registration and destruction of dogs

217(1) In sections 218 to 224:

(a) **“judge”** means a judge of the Provincial Court of Saskatchewan, a justice of the peace or a person designated in a bylaw passed pursuant to clause 216(1)(g);

(b) **“owner”** includes:

(i) a person who keeps, possesses or harbours a dog;

(ii) the person responsible for the custody of a minor where the minor is the owner of a dog;

but does not include:

(iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease of or an injury to the dog;

(iv) a municipality or the Saskatchewan Society for the Prevention of Cruelty to Animals with respect to an animal shelter or impoundment facility operated by it.

(2) In sections 218 and 219, **“provocation”** means an act done intentionally for the purpose of provoking a dog.

1989-90, c.R-26.1, s.217.

Dangerous dogs

218(1) Subject to subsection (2), if a complaint is made that a dog in a municipality is dangerous, a judge shall on hearing the complaint declare the dog to be dangerous where it is proved that:

(a) the dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;

(b) the dog has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;

(c) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;

(d) the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

- (2) A council may require, by bylaw, that any complaints made pursuant to subsection (1) be made to and be heard by a person designated in a bylaw passed pursuant to clause 216(1)(g).
- (3) No dog shall be declared dangerous where an action described in clause (1)(a), (b) or (c) occurred while the dog was:
- (a) acting in the performance of police work; or
 - (b) working as a guard dog on commercial property:
 - (i) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
 - (ii) defending that property against a person who was committing an offence.
- (4) The owner of a dog complained of, if known, shall be served with notice of a hearing pursuant to subsection (1), but the judge may make an order pursuant to subsection (5) in the absence of the owner if he or she fails to appear.
- (5) Where a judge declares a dog to be dangerous, the judge shall make an order embodying all of the following requirements:
- (a) the owner shall keep the dog in an enclosure which complies with prescribed criteria;
 - (b) if the owner removes the dog from the enclosure, the owner shall muzzle and leash it in accordance with prescribed criteria and keep it under his or her direct control and supervision;
 - (c) the owner shall obtain and keep in effect liability insurance in the prescribed amount to cover damage or injury caused by the dog;
 - (d) the owner shall display a sign on his or her property warning of the presence of the dog, in the prescribed form and manner;
 - (e) the owner shall comply with the regulations and the *Animal Disease and Protection Act* (Canada), as amended from time to time, with respect to the detection and control of rabies;
 - (f) where a bylaw pursuant to clause 216(1)(g) is in effect in the municipality, the owner shall report the sale or other disposition of the dog to the person appointed for the purpose in the bylaw;
 - (g) where the dog is moved to a different municipality or to a northern municipality or an urban municipality, the owner shall notify the administrator or clerk of that municipality, northern municipality or urban municipality.
- (6) An order pursuant to subsection (5) may also include any or all of the following terms:
- (a) the owner shall have the dog tattooed in the prescribed manner;
 - (b) the owner shall have the dog spayed or neutered;
 - (c) the owner shall take any other measures the judge considers appropriate.

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(7) Notwithstanding subsection (5), where the judge is a judge of the Provincial Court of Saskatchewan or a justice of the peace, he or she, in the alternative, may order that the dog be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.

(8) Where an order has been made pursuant to subsection (5) against an owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause (5)(c) be waived.

(9) On an application pursuant to subsection (8), the judge may waive compliance with clause (5)(c), on any terms and conditions that he or she considers reasonable, where he or she is satisfied that the owner is unable to comply with the requirements of that clause for reasons other than financial circumstances.

(10) An owner or complainant who feels aggrieved by an order made pursuant to subsection (5) or (7) may appeal the order:

(a) to a judge of the Provincial Court of Saskatchewan by way of a trial de novo where the order was made by a person designated in a bylaw passed pursuant to clause 216(1)(g) or by a justice of the peace; or

(b) on the grounds that it:

(i) is erroneous in point of law;

(ii) is in excess of jurisdiction; or

(iii) constitutes a refusal or failure to exercise jurisdiction;

to the court where the order was made by a judge of the Provincial Court of Saskatchewan.

(11) A person desiring to appeal an order pursuant to subsection (10) shall, within seven days of the order being appealed from, file a notice of appeal with the judge or court being appealed to and the provisions of Part XXVII of the *Criminal Code*, as amended from time to time, apply, with any necessary modification, to the appeal.

(12) A person who feels aggrieved by a decision of a judge of the Provincial Court of Saskatchewan made with respect to an appeal pursuant to clause (10)(a) may appeal the decision to a judge on any grounds set out in clause (10)(b), and the provisions of subsection (11) apply to the appeal.

1989-90, c.R-26.1, s.218.

Offences and penalties, destruction etc., of dogs

219(1) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence against this Act.

(2) Any person who does not comply with an order made against him or her pursuant to subsection 218(5) is guilty of an offence against this Act.

(3) Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence against this Act.

1989-90, c.R-26.1, s.219.

Destruction order

220(1) Unless the owner otherwise agrees, every order for destruction of a dog shall state that it shall not be implemented for eight days.

(2) Where an appeal is taken against an order for the destruction of a dog, the application of the order is stayed pending the disposition of the appeal.

1989-90, c.R-26.1, s.220.

Return of dog

221 Where the judge on appeal overturns the order for destruction of the dog, the dog shall be released to the owner after the owner has paid the costs of impoundment of the dog pending the hearing.

1989-90, c.R-26.1, s.221.

Actions for damages

222 In an action brought to recover damages for injuries to persons or property caused by a dog, it is not necessary for the person injured to prove that the dog is, or that the owner knew that the dog was, of a dangerous or mischievous nature or is accustomed to doing acts causing injury.

1989-90, c.R-26.1, s.222.

Destruction by peace officers

223(1) A peace officer as defined by the *Criminal Code*, as amended from time to time, may destroy any dog that he or she finds injuring or viciously attacking a person or domestic animal.

(2) Where he or she acted in good faith, a peace officer who destroys a dog pursuant to subsection (1) is not liable to the owner for the value of the dog.

1989-90, c.R-26.1, s.223.

Entry and search

224(1) Where a peace officer as defined by the *Criminal Code*, as amended from time to time, or a municipal official designated in a bylaw passed pursuant to clause 216(1)(h) has reasonable and probable grounds for believing that a dog is dangerous or has been ordered to be destroyed and is:

- (a) in or on any premises other than a dwelling house; or
- (b) in any vehicle or other chattel;

the peace officer or official may, with or without a warrant, enter the premises, vehicle or chattel, search for the dog and impound it or, if there is an order to destroy or otherwise dispose of the dog, deliver the dog to the person appointed in the order to destroy or otherwise dispose of it.

(2) Where it appears to a judge, on information laid before him or her on oath, that there are reasonable and probable grounds for believing that a dog that has been ordered to be destroyed or otherwise disposed of is in any dwelling place or any other premises or vehicle or chattel, the judge may issue a warrant authorizing a peace officer to enter the dwelling place or other premises or vehicle or chattel specified in the warrant and search for the dog, and the peace officer may impound and deliver the dog to the person appointed by the judge to destroy or otherwise dispose of it.

1989-90, c.R-26.1, s.224.

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Regulations

225 The Lieutenant Governor in Council may make regulations:

- (a) prescribing a category of persons for the purpose of a bylaw pursuant to clause 216(1)(g);
- (b) prescribing a period within which a dog that has bitten a person or domestic animal shall not be destroyed;
- (c) providing for any other matter or thing he or she considers necessary or advisable to carry out the intent of sections 218 to 224.

1989-90, c.R-26.1, s.225.

PUBLIC UTILITIES

Interpretation

226 In sections 227 to 240, “**public utility**” means work:

- (a) for the supply, collection, treatment, storage and distribution of water;
- (b) for the collection, transmission, treatment and disposal of sewage or storm drainage;
- (c) for the provision of radio or television services or both; or
- (d) for the provision of a municipal transportation system.

1989-90, c.R-26.1, s.226.

Establishment of public utility

227(1) A council, by bylaw, may establish a public utility with respect to any part of the municipality and provide in the bylaw or in another bylaw for assessing and levying the cost of the work:

- (a) by prepaid individual contributions from the persons benefiting from the utility;
- (b) by a general levy on all taxable property in the benefited area; or
- (c) as a local improvement by enacting a bylaw adopting *The Local Improvements Act, 1993*.

(2) If a council establishes a service pursuant to subsection (1), it shall operate the service as a public utility service in accordance with sections 228 to 240.

1989-90, c.R-26.1, s.227; 1993, c.L-33.1, s.66.

Powers re public utility

228(1) Subject to sections 229 to 240, a council may, by bylaw:

- (a) purchase, lease, construct, operate, maintain and dispose of any public utility in whole or in part;
 - (a.1) contract with consumers for the installation of a public utility;
- (b) contract with consumers for the provision of public utility services;
- (c) set the terms and conditions under which public utility services are supplied;

- (d) set, collect and enforce the collection of fees by or for public utility services;
 - (e) enter into a contract with any person to supply a public utility service, or to supply goods or services necessary for the provision of a public utility service, for a period of not more than 10 years;
 - (f) subject to the consent of the municipality or urban municipality in which the person resides, supply any person outside the municipality with a public utility service, and exercise all other powers necessary to carry out its agreement for the supply of the service with that person;
 - (g) control, supervise and manage the public utility.
- (2) The cost of any work of installation of a public utility performed pursuant to clause (1)(a.1) may be recovered in the manner described in subsection 237(3).
- (3) In applying subsection 237(3) for the purposes of subsection (2), “**as certified**” means as set out in the certificate of an engineer or a statement signed by all of the consumers who are parties to the contract.

1989-90, c.R-26.1, s.228; 1992, c.63, s.60.

Public utility boards

228.1(1) A council may, by bylaw:

- (a) establish, on its own or in conjunction with one or more municipalities or urban municipalities, a public utility board;
 - (b) delegate to a public utility board any or all of the powers conferred on the council or the municipality by sections 227 to 240;
 - (c) set the terms and conditions under which a public utility board is to carry out its duties and exercise its powers;
 - (d) enter into agreements with other municipalities or with urban municipalities with respect to the establishment of a public utility board, the delegation of authority to a public utility board, the terms and conditions under which a public utility board is to operate and other matters that are necessarily incidental to the functioning of a public utility board.
- (2) A public utility board established pursuant to subsection (1) is a body corporate.
- (3) A public utility board established pursuant to subsection (1) may borrow from any person, credit union or bank any moneys that the board considers necessary to meet its expenditures.
- (4) The total amount of the moneys that may be borrowed by a public utility board at any one time pursuant to subsection (3) is not to exceed the cost of the public utility work for the purposes of which the moneys are being borrowed, as estimated by an engineer, and any costs that are necessary and incidental to the construction and acquisition of the work.
- (5) A public utility board may invest any surplus moneys in accordance with section 279, and that section applies, with any necessary modification, to the public utility board.

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- (6) In addition to the borrowing powers mentioned in subsection (3), where a public utility board has invested surplus moneys in authorized investments, the board may borrow any moneys that it considers necessary on the security of those investments, and may pledge or hypothecate the bonds, securities or debentures as security for the loan.
- (7) A public utility may borrow an amount in excess of the aggregate permitted pursuant to subsections (3) and (6) with the prior approval of the Saskatchewan Municipal Board.
- (8) Where the revenues of a public utility board exceed its expenditures for a year, the excess amount forms part of the general operating funds of the board, and may be used by the board in any manner it sees fit.
- (9) Section 261 applies to a public utility board, with any necessary modification.
- (10) Where a public utility board is dissolved, the minister may prescribe the manner in which:
- (a) any surplus is to be distributed to persons to whom the public utility service is supplied; and
 - (b) any liabilities of the board are to be adjusted and settled.
- (11) Where, on the dissolution of a public utility board, there are insufficient realizable assets to satisfy its liabilities, the minister may prescribe:
- (a) a charge to be imposed on persons to whom the public utility service is supplied to satisfy the board's indebtedness and associated expenses; and
 - (b) the method of enforcing the payment of the charge.
- (12) A public utility board shall provide for an annual audit of its books, records and accounts in accordance with section 69.
- (13) The financial year of a public utility board is the period commencing on January 1 and ending on December 31 in the same year.
- (14) A municipality that withdraws from an agreement made pursuant to clause (1)(d) shall nevertheless continue to pay over to the public utility board any moneys collected with respect to rates, charges or rents as set out in section 233 and reflected in that agreement.

1992, c.63, s.61; 1994, c.29, s.17.

Acquisition and disposition of land, etc.

- 229(1)** Where a council has passed a bylaw pursuant to section 228, the council may lease, by the same or another bylaw, on any terms and conditions it considers appropriate, or purchase any lands, buildings, waters, privileges or patents or other rights that, in the opinion of the council, may, at any time, be necessary or expedient for the purposes of the public utility.
- (2) The council may lease, sell or otherwise dispose of:
- (a) any property or assets acquired by the municipality for the purposes of a public utility when the property or asset is no longer needed for the public utility; and
 - (b) any product, refuse or residue resulting from the operation of the public utility.

(3) Where a council disposes of any thing pursuant to subsection (2), it shall ensure that it is free of any charge or lien on account of any mortgage or other security issued by the municipality.

(4) The income derived from the proceeds or the investment of any proceeds from any disposition pursuant to subsection (2) may be appropriated by the council as if it were money raised by general rate for general municipal purposes.

1989-90, c.R-26.1, s.229.

Access to land

230(1) For the purpose of providing a public utility, a municipality may, after giving reasonable advance notice of its intention to the owner or occupant of any land, whether within or outside the municipality, enter on and survey or conduct tests of the land.

(2) For the purposes of the maintenance, repair, examination or removal of a public utility, a municipality may, after making reasonable effort to notify the owner or occupant of any land:

- (a) enter on the land, dig in it and lay pipes, excavate ditches and erect poles and wires through the land;
- (b) subject to subsections (3) and (4):
 - (i) break up, dig and trench any public highway;
 - (ii) lay down pipes or erect poles and wires in, on, through, over or under any public highway.

(3) No municipality shall:

- (a) dig up or interfere with any public highway under the control of another municipality or urban municipality; or
- (b) carry in, on, through, over or under any public highway mentioned in clause (a) any pipes, poles or wires;

without the consent of the municipality or urban municipality, as the case requires.

(4) No municipality shall:

- (a) dig up or interfere with any public highway under the control of the Government of Saskatchewan; or
- (b) carry in, on, through, over or under any public highway mentioned in clause (a) any pipes, poles or wires;

without the consent of that government.

(5) A person who is authorized by the municipality to do so is entitled, at all reasonable times, to enter any lands or improvements to which a public utility service is provided after producing evidence of his or her authority to the owner or occupant of the lands or improvements when requested by the owner or occupant to do so for the purpose of:

- (a) reading meters;
- (b) erecting or installing meters and removing, altering or replacing any of them as circumstances require;

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- (c) conducting sampling tests;
 - (d) inspecting any service lines, connections or meters; or
 - (e) maintaining and repairing meters, service lines or other equipment.
- (6) Where a customer discontinues the use of any public utility service provided by a municipality or if the municipality lawfully refuses to continue to provide the service, any person authorized by the municipality to do so may, at any reasonable time, enter the lands or improvements to which the service of the customer was supplied for the purpose of removing any fitting, wire, machine, apparatus, meter, pipe or other thing for the provision of that service that is the property of the municipality and may remove it from the land or improvements.
- (7) Where a person who is authorized by the municipality to enter any land or improvement for the purposes of subsection (5) or (6) is denied access to it, the municipality may apply *ex parte* to a judge for an order requiring the owner or occupant of the land or improvement to grant access to the land or improvement to the person authorized by the municipality.

1989-90, c.R-26.1, s.230.

Water and sewage pipes, etc.

231 For the purpose of distributing water or for the purpose of sewage, the municipality may install pipes, tanks, reservoirs and other conveniences and may alter the position of or construct any of those works.

1989-90, c.R-26.1, s.231.

Maintenance of water and sewer lines

232(1) All water or sewer service lines from the mains to the outer line of the street and from the outer line of the street to the interior face of the outer walls of the building supplied and all related parts, fittings and meters are under the control of the municipality.

(2) The municipality is responsible for the repair and maintenance of any water or sewer service line or service pipe from the mains to the outer line of the street.

(3) Where a water or sewer service line or service pipe requires repair or maintenance between the outer line of the street and the inner surface of the outer wall of the building supplied with the public utility service, the owner or occupant of the land on which the building is situated shall immediately repair it to the satisfaction of the municipality.

(4) Where an owner or occupant fails to make the repairs mentioned in subsection (3) to the satisfaction of the municipality, the municipality may:

- (a) enter on the lands and buildings where the service line or pipe is situated;
- (b) make the necessary repairs; and
- (c) charge the cost of those repairs to the owner of the land or building.

(5) On the expiration of the lifetime of a water or sewer service line or service pipe, as specified by the municipal engineer at the time the work was constructed, the council may:

- (a) repair, maintain, replace or reconstruct the water or sewer service line or service pipe at the expense of the municipality as a local improvement; or
- (b) charge the actual costs of the water or sewer service line or service pipe to the owner of the land serviced by it.

1989-90, c.R-26.1, s.232.

Service costs, charges, constitute lien

233(1) Where the person to whom a public utility service is supplied is the owner of the land or improvement to which that service is supplied, the moneys payable by him or her for that service and all rates and costs imposed pursuant to any bylaw passed pursuant to section 227 or 228 or imposed by a public utility board where the authority to act pursuant to section 227 or 228 has been delegated to the board pursuant to clause 228.1(1)(b):

- (a) are a lien on the land and improvement and that lien has priority over all other liens or charges except that of the Crown; and
- (b) are a charge on the goods and chattels of the debtor and may be levied and collected in the same manner as taxes are recoverable.

(2) If the person to whom a public utility service is supplied is a person other than the owner of the land or improvement to which that service is supplied, the moneys payable by the person for that service and all rates and costs imposed pursuant to any bylaw passed pursuant to section 227 or 228 or imposed by a public utility board where the authority to act pursuant to section 227 or 228 has been delegated to the board pursuant to clause 228.1(1)(b) are a debt due by the person and are a lien on his or her goods and chattels and may be levied and collected with costs by distress.

(3) A distress and sale for rates, charges or rents pursuant to this section is to be conducted in the same manner as distresses and sales are conducted for arrears of taxes, and the costs chargeable are those payable pursuant to *The Distress Act*.

(4) An attempt to collect any rates, charges or rents pursuant to this section does not in any way invalidate any lien the municipality is entitled to on land, improvements or goods and chattels pursuant to this section.

(5) If any rate, charge or rent is in arrears after December 31 of the year in which it becomes payable, the amount of the rate, charge or rent may, at the discretion of the council, be added to, and by its addition forms part of, the taxes on the land or improvements with respect to which the public utility service was provided.

1989-90, c.R-26.1, s.233; 1992, c.63, s.62.

Public utility rate arrears

233.1(1) A municipality may pay to a public utility board established pursuant to section 228.1 the amount of any outstanding rates, charges or rents imposed by the public utility board pursuant to section 233, less any discounts provided by this Act.

(2) Any rates, charges or rents mentioned in subsection (1) that have been paid by the municipality but not collected by it shall be added to and become part of the municipal taxes owing to the municipality by the person who is liable to pay them.

1994, c.29, s.18.

c. R-26.1

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Damage, etc., to public utility service

234(1) Any person who causes any loss, damage or injury to any public utility service or to any land, improvements or personal property used in providing that service, whether owned by the municipality or not, is liable to the owner for that loss, damage or injury.

(2) A municipality is not liable for damages resulting from:

- (a) any interference with the supply of a public utility service if:
 - (i) the interference is necessary for the repair and proper maintenance of the public utility service; and
 - (ii) a reasonable attempt is made to notify the owners or occupants of land or improvements affected by the intended interference; or
- (b) the breaking or severing of a service pipe, service line or attachment.

1989-90, c.R-26.1, s.234.

Prohibition re disposition of service

235(1) A council may prohibit, by bylaw, any user of a public utility service from:

- (a) lending, selling or disposing of that service;
- (b) giving away that service or permitting it to be taken;
- (c) using that service other than for his or her own use and benefit;
- (d) increasing the usage of that service beyond that authorized by the municipality or agreed to with the municipality; or
- (e) wrongfully or improperly wasting that service.

(2) Subject to *The Environmental Management and Protection Act, 2002*, *The Saskatchewan Watershed Authority Act, 2005* and any regulations made pursuant to those Acts but notwithstanding any other Act or agreement, a council may, by bylaw, make provision for all or any of the following purposes:

- (a) preventing, restricting, controlling or regulating the discharge into any drain, sewer or sewage system operated by the municipality of any harmful matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property or that would injure, pollute or damage any stream, watercourse, drain, sewer, sewage system or sewage treatment plant;
- (b) providing for and regulating and controlling the preliminary treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any drain, sewer or sewage system operated by the municipality; or
- (c) compelling owners or occupants of land or improvements to construct and properly maintain any works that the council may consider necessary for the proper treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any drain, sewer or sewage system operated by the municipality and preventing any such discharge where those works have not been so constructed or are not so maintained.

(3) A bylaw passed pursuant to subsection (1) or (2) may provide that the service provided to any person who contravenes the bylaw may be discontinued and may impose a fine for contravention of the bylaw.

1989-90, c.R-26.1, s.235; 2002, c.S-35.02, s.148;
2005, c.S-35.03, s.114.

Connection to utilities

236(1) This section applies only to property owners who own land that adjoins a street or lane along which a public utility main has been laid adjacent to that land.

(2) The council may require all owners of property in the municipality, or in any defined part of the municipality, whether that property is occupied or not, to connect the property by connections approved by the municipality with the municipal public utilities, or with any one or more of those utilities, as currently constructed or as they may be extended from time to time, notwithstanding that any of the property is connected with any of the utilities.

(3) Where an owner of property has failed to comply with the requirement of the council pursuant to subsection (2), the council may:

- (a) cause the required connection to be made; and
- (b) recover the cost of making it in the same manner as is provided in subsection 237(3) or (4).

1989-90, c.R-26.1, s.236.

Plumbing fixtures, installation

237(1) On receipt of a report and recommendation of a medical health officer of the Department of Health, the council may require the installation of any plumbing fixtures that meet the requirements of the regulations passed pursuant to *The Public Health Act, 1994* in any buildings situated on and abutting on a street or lane where there are public utility mains, and the connection of the plumbing fixtures with the public utility connections, and the municipality, with or without the consent of the owner or occupant, may enter the premises and do the required work.

(2) On completion of the work mentioned in subsection (1), the municipal engineer shall file with the assessor a certificate or certificates giving the numbers and descriptions of the lots or parcels of land on which the improvements have been made and the actual costs of the work.

(3) The cost of the work as certified, together with interest at any rate per annum that the council may determine, is to be divided into not more than 20 equal annual instalments, and an instalment shall, each year for a period of not more than 20 years, be added to and form part of the taxes on the land or buildings on which the improvements have been made.

(4) The council, in any case, may advance any portion of the cost of plumbing fixtures and the installation of them in any amount, and the amount advanced is, by agreement between the council and the owner of the property on which the installation has been made, repayable over any number of years not exceeding 20 years that may be specified in the agreement and in a manner that the annual instalments, including interest from the date of the advance, shall be as nearly as possible equal, and one of the instalments shall, each year for the number of years specified in the agreement, be added to and form part of the taxes on the land or building on which the installation has been made.

1989-90, c.R-26.1, s.237; 1992, c.63, s.63; 1994,
c.P-37.1, s.76.

c. R-26.1**RURAL MUNICIPALITY, 1989****Bylaw for enforcement of terms of service**

238 A council, by bylaw, may provide in:

- (a) the general bylaw pursuant to which a public utility service is supplied or in another bylaw; or
- (b) any agreement entered into by the municipality as the supplier of a public utility service and the consumer of that service;

for enforcement of the terms and conditions under which that public utility service is supplied by discontinuing the service until the consumer complies with those terms and conditions.

1989-90, c.R-26.1, s.238.

Setting of charges, etc., for public utilities

239 A council may, by bylaw:

- (a) set, in connection with the provisions of public utility services, any rates, charges, tolls, fares or rents and the times that, places where and manner in which they will be payable and provide for any discount that the council considers expedient for prepayment or punctual payment or for an additional percentage that is specified in the bylaw of the rates, charges, tolls, fares or rents in arrears to be charged for failure to pay them until after the date fixed for payment;
- (b) classify sewage according to its nature, the land or buildings drained according to their size and character, the uses to which they are put or the nature of the business conducted on the premises, and may fix different sewer service rates for difference classes;
- (c) provide for the lease or sale of fittings, equipment, meters or other things to consumers;
- (d) provide for collecting the rates, charges, tolls, fares or rents in connection with any public utility service;
- (e) in addition to any other remedy, provide for enforcing payments of rates, charges, tolls, fares or rents, in case of default:
 - (i) by discontinuing the public utility service being supplied to the consumer; or
 - (ii) in accordance with section 233.

1989-90, c.R-26.1, s.239.

Offences and penalties re public utilities

240 Any person who:

- (a) wilfully or maliciously hinders or interrupts a municipality in the exercise of any of the powers conferred on it with respect to the provision of public utility services;
- (b) wilfully or maliciously discharges water so that it is wasted;
- (c) without the authorization of a council or its designate, wilfully opens or closes any hydrant or obstructs free access to any hydrant;

- (d) causes any harmful or offensive matter to be added to or deposited into or on the water or waterworks or source of supply for the waterworks or in any way fouls the water or commits any wilful damage or injury to the works or pipes;
- (e) wilfully tampers with a meter connected to a service conduit within or outside a building or place so as to alter the amount of water registered by the meter unless that person is so authorized by the municipality;
- (f) attaches any line or pipe to the property of the municipality or obtains or uses a public utility service without the consent of the municipality; or
- (g) wilfully, and without authority, hinders, interrupts or cuts off the supply of a public utility service;

is guilty of an offence against this Act.

1989-90, c.R-26.1, s.240.

Public utility financial reporting

240.1 The Lieutenant Governor in Council may make regulations respecting the supply of public utility services in municipalities, including:

- (a) prescribing performance measurements and accountability requirements for public utility operations or any class of public utility operations in municipalities;
- (b) prescribing financial reporting requirements for public utility operations or any class of public utility operations in municipalities;
- (c) prescribing public disclosure requirements for public utility operations or any class of public utility operations in municipalities;
- (d) prescribing requirements for the adoption and reporting of rate policies and investment strategies for public utility operations or any class of public utility operations in municipalities;
- (e) requiring public utility operations or any class of public utility operations and municipalities to comply with any regulations made pursuant to this section.

2002, c.38, s.10.

Transportation system

241(1) The council may provide, by bylaw, for the acquisition, by purchase, lease or otherwise, of a municipal transportation system and for the maintenance and operation of that system.

(2) The council may appoint, by bylaw, a board consisting of at least three and not more than five persons to manage, control and operate any transportation system belonging to the municipality and may:

- (a) define the powers and duties of the board and any remuneration to be paid to its members;
- (b) by resolution, name the members of the board who hold office during the pleasure of the council.

1989-90, c.R-26.1, s.241.

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Public works, powers of council**242(1)** The council may:

- (a) make grants to a person or institution that has installed a sewer or water system, or both, in a hamlet or organized hamlet for the purpose of supplying the residents of the hamlet or organized hamlet with sewer or water services, or both;
- (b) make provision for a supply of water for the municipality or any portion of it and regulate the use of the water;
- (c) subject to subsection (2), enter into an agreement with Saskatchewan Power Corporation for the construction of a power distribution system in an organized hamlet and, by the same or another bylaw or resolution, authorize the payment by the municipality to Saskatchewan Power Corporation of a sum or sums of money to meet the cost, or part of it, of the construction or of the construction of a power transmission line to connect any organized hamlet in the municipality with the corporation's system and of a power distribution system within the organized hamlet and assess and levy the amount of the payment within the area of the hamlet in one or more years as the council may determine;
- (d) subject to *The Environmental Management and Protection Act*, regulate waste disposal sites within the municipality and make provision for the disposal of the refuse in any area designated by council;
- (e) purchase, maintain and control a cemetery within or outside the municipality;
- (f) **Repealed.** 1997, c.48, s.12.
- (g) construct, operate and maintain a medical and health centre or a social centre;
- (h) acquire land within or outside the municipality for the purpose of constructing or extending an airport, and provide for the improvement and maintenance of it, subject to the *Air Regulations (Canada)*, as amended from time to time, and any other regulations as may be made or approved from time to time by the Governor in Council;
- (i) accept control of Crown lands and establish and maintain on the lands and on lands owned by the municipality, forests, nurseries and plantations for the growing of trees;
- (j) provide for the cleaning up of the foreshore of any lake within the municipality by removing stones, refuse and weeds, and constructing pathways, notwithstanding that the municipality may not have acquired the foreshore by purchase, lease or otherwise, but subject to the rights of the owner of it;
- (k) subject to subsection (3), provide for:
 - (i) street lights or sidewalks in any area designated by council; and
 - (ii) assessing and levying the energy charges for the light and the cost of doing the work by a general levy on all taxable property within that area or as a local improvement under *The Local Improvements Act, 1993*.

- (2) The council shall not pass a bylaw or resolution pursuant to clause (1)(c) unless requested by the hamlet board to do so.
- (3) The council shall not pass a bylaw or resolution pursuant to clause (1)(k):
- (a) with respect to an organized hamlet unless the hamlet board of that hamlet has requested the work to be done; or
 - (b) providing for the assessment and levying the energy charges for the light and the cost of doing the work as a local improvement unless the council has first adopted, by bylaw, the provisions of *The Local Improvements Act, 1993* with respect to the work.

1989-90, c.R-26.1, s.242; 1993, c.L-33.1, s.66;
1997, c.48, s.12.

Custom work

243(1) The council, on request by any person occupying land in or outside the municipality, may:

- (a) carry out any work on land as the council may consider desirable; and
 - (b) require the person to deposit with the administrator any moneys it considers sufficient to cover the cost of the work to be performed.
- (2) The amount due with respect to any work performed under subsection (1) is a lien on any land owned by the person for whom the work was performed and may be recovered from the person by suit or by distress of his or her goods and chattels, in which case section 370 applies.
- (3) If any amount is owed to the municipality at the end of the year for work performed in that year by the municipality pursuant to subsection (1) for a person occupying land in the municipality, the municipality may add that amount to the taxes on any land owned by that person in the municipality, and on the municipality doing so, that amount forms part of the taxes on that land.

1989-90, c.R-26.1, s.243; 2002, c.38, s.11.

Acquisition of lands, etc.

244(1) The council may:

- (a) acquire by purchase, lease or otherwise for any municipal or public purpose any improvements, furnishings, implements or equipment or any land whether the land is within or outside the municipality as it considers expedient to acquire;
- (b) acquire, erect, furnish and maintain buildings for the purpose of conducting any business that the municipality is empowered to operate or for the purpose of leasing the buildings or a portion of any of them;
- (c) acquire, erect, furnish and maintain buildings for any municipal or public purpose within or outside the municipality, including a residence for any employee of the municipality;
- (d) purchase land within the municipality for resale for residential, industrial or commercial purposes and, prior to disposing of the land or any part of it, subdivide the land;

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- (e) subject to subsection (2), but without restricting the powers conferred by clauses (a) to (d) or by any other provision of this Act, acquire, by agreement with the owner, an area of land in addition to the area actually required, in any case where it appears to the council when exercising any of its powers to acquire land that it would be to the advantage of the municipality to do so, and hold the additional area or lease, sell or otherwise dispose of it or of any part of it that is not required for the purpose of the municipality;
- (f) subject to *The Municipal Expropriation Act*, enter on and take and use and acquire so much real property as in the opinion of the council may be needed for any public work in the municipality or for any other public purpose, without the consent of the owners of the real property, making due compensation for the real property to the parties entitled to it;
- (g) sell, lease or otherwise dispose of in whole or in part any property owned by the municipality, but where any property is leased every lease of the property shall be subject to cancellation by the lessor or lessee on six months' notice given in writing;
- (h) control and regulate the use by the public or property owned or controlled by the municipality;
- (i) subject to subsection (3), but notwithstanding anything in *The Tax Enforcement Act* or any former *Tax Enforcement Act*, sell, lease or otherwise dispose of the mines and minerals, or any of them owned by the municipality, whether obtained by tax enforcement proceedings or otherwise, on any terms and conditions as the council considers proper by offering the mines and minerals for sale, lease or other disposition in parcels, either by public auction or by tender, after three weeks' notice of the sale, lease or other disposition or of the date up to which tenders will be received has been given in a newspaper published in a city in the province and circulating in the municipality and by notice posted in the office of the administrator;
- (j) subject to subsection (4), convey or dispose of land for the purpose of providing a site for a hospital, school, public library or any institution required for any purpose under *The Department of Social Services Act* or *The Regional Health Services Act*, at any price as may be agreed on or by way of gift;
- (k) purchase, lease or otherwise acquire any land or estate or interest in land, whether within or outside the municipality, for a pasture or hay meadow, improve it and charge fees for the use of it;
- (l) purchase seed grain or grass seed and seed any land under the control of the municipality and harvest and sell the crop.
- (2) Where the council sells any additional land pursuant to clause (1)(e), section 31 of *The Tax Enforcement Act* applies, with any necessary modification.
- (3) The council, when offering any mines or minerals for sale, may lease or other disposition pursuant to clause (1)(i) by public auction or by tender, fix an upset price or reserve bid or, in the case of tender, stipulate that:
- (a) no tender will necessarily be accepted; and
- (b) notwithstanding anything in *The Auctioneers Act*, the administrator or other municipal employee selling, leasing or otherwise disposing of mines or minerals pursuant to clause (1)(i) shall not be required to obtain an auctioneer's licence for that purpose.

(4) Section 31 of *The Tax Enforcement Act* respecting prior notice of sale shall not apply to any land disposed of pursuant to clause (1)(j).

1989-90, c.R-26.1, s.244; 1994, c.29, s.19; 2002, c.R-8.2, s.93.

Public accommodation

244.1(1) A council may, by bylaw, acquire, establish or operate any land or buildings for the purpose of providing public accommodation and may enter into an agreement with any person or with any agent of the Crown for that purpose.

(2) In this section, “**public accommodation**” includes, but is not limited to, hotels, motels, hostels and related services, such as restaurants, considered necessary by the council.

1995, c.30, s.29.

Agreement for operation

245 The council may enter into an agreement for the operation of a recreational facility by a community service organization.

1989-90, c.R-26.1, s.245.

Acquisition, etc., of recreational facilities

246 The council, by bylaw, may provide for the acquisition, construction, operation and maintenance of recreational facilities within or outside the municipality for the benefit of the municipality or any area of the municipality and for the assessment and levy of a special tax to recover the cost of the facility within the municipality or the area on the following conditions:

- (a) the area to be assessed and taxed shall be clearly defined by the bylaw and a map or plan showing the boundaries of the area to be taxed shall be annexed to the bylaw;
- (b) the council shall determine and set out in the bylaw the amount to be recovered by the special tax and shall determine the number of years in which the special tax shall be imposed;
- (c) the council shall submit the bylaw to the vote of the burgesses of the area in the manner set out in sections 160 to 167; and
- (d) where the majority of those persons voting vote in favour of the bylaw, a uniform tax on all taxable assessments in the area shall be imposed and that tax is binding on all taxable assessments located within the area for the period indicated in the bylaw.

1989-90, c.R-26.1, s.246.

Regional park services

246.1(1) Except for powers and duties mentioned in Part VI, a municipality has no jurisdiction or authority for the provision of services or the exercise of powers and duties within a regional park, unless the park authority and the council of the municipality have entered into an agreement providing that the municipality is to provide the services or exercise the powers or duties notwithstanding subsection 4(3).

(2) Except for bylaws and resolutions passed pursuant to Part VI, bylaws and resolutions passed by a council pursuant to this Act do not apply within a regional park unless the park authority and the council have entered into an agreement providing that the bylaw or resolution is to apply notwithstanding subsection 4(3).

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(3) A park authority and the council of a municipality may enter into an agreement to provide that a bylaw mentioned in section 213 applies within a regional park notwithstanding subsection 4(3).

1996, c.58, s.9; 1998, c.32, s.11; 2003, c.36, s.11.

NUISANCES, DANGEROUS, UNTIDY AND UNSIGHTLY PREMISES

Interpretation

247 In section 248 “**building**” includes any fence, scaffolding, structure or erection.

1989-90, c.R-26.1, s.247.

Nuisances

248(1) A council may declare any building to be a nuisance if the council is of the opinion that the building:

- (a) is dangerous to the public health or safety;
- (b) substantially depreciates the value of other land or improvements in the vicinity; or
- (c) is substantially detrimental to the amenities of the neighbourhood.

(2) When a building has been declared to be nuisance and after the council has given at least 14 days’ written notice to the owner of the building and to all persons who appear by the records of the Land Titles Registry and by the last revised assessment roll of the municipality at the time the notice is prepared to have an interest in the land on which the building is situated stating:

- (a) the date, time and place of a meeting of the council at which the making of an order will be considered; and
- (b) that the owner and those persons appearing to have an interest in the land will be given an opportunity to be heard at the meeting before an order is made;

the council may order the owner, within the time specified in the order, which time is required to be not less than 45 days from the day on which the order is made:

- (c) to:
 - (i) demolish or remove the building and to fill in any open basement or excavation remaining on the site of the building after its demolition or removal; or
 - (ii) take any other measures with respect to the basement or excavation that may be described in the order; or
- (d) to remedy the condition of the building in the manner and to the extent described in the order.

(3) Where the council has made an order pursuant to subsection (2), the council shall serve:

(a) a copy of the order on the owner and all persons who appear by the records of the Land Titles Registry and by the last revised assessment roll of the municipality at the time the order was made to have an interest in the land; and

(b) a notice on the owner and the other persons mentioned in clause (a) of their right to a review of the order by a judge pursuant to subsection (4).

(4) The owner or any other person having a registered interest in the building who considers himself or herself aggrieved by the order made pursuant to subsection (2), within 45 days after the day on which the order is made, may apply to a judge for a review of the matter and the judge may set aside, vary or modify the order on any terms as to costs and otherwise that he or she considers just, if the judge is satisfied:

(a) that the council has acted in a manner contrary to the intent and meaning of this section; or

(b) that the procedure required by this section has not been followed.

(5) If the owner does not comply with an order made pursuant to subsection (2) within the time specified in the order, the council may:

(a) placard the building to protect the public;

(b) proceed to have any work done that it considers necessary for the purpose of carrying out the order; and

(c) recover the cost of the work done pursuant to clause (b):

(i) by legal action or distress; or

(ii) by adding the costs to the taxes on the land on which the building is or was situated.

(6) When the council proceeds pursuant to subsection (5) and the building is occupied, the council, if it is of the opinion that the work cannot be conveniently carried out while the building is occupied, by written notice may require the person occupying the building to vacate the building within one month.

(7) If a person to whom a notice has been given pursuant to subsection (6) fails to vacate the building within one month after receiving the notice the council may apply *ex parte* to a judge for an order requiring that person to deliver up possession of the land on which the building is situated and of the building to a nominee of the council, and the judge may make any order, including an order as to costs, that he or she considers just.

(8) If the council proceeds pursuant to subsection (5) and removes or demolishes the building, it:

(a) may sell or otherwise dispose of the building or the materials from the building, at any price that it considers reasonable; and

(b) shall pay the proceeds of the sale or other disposition, after deducting the amount of:

(i) the cost of the work;

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- (ii) any costs awarded to the council pursuant to subsection (7); and
- (iii) any taxes owing with respect to the building or the land on which it is situated;

to the owner, mortgagee or other person entitled to the proceeds.

(9) An order, a copy of an order or a notice pursuant to this section may be served on the owner or other person to be served:

- (a) personally or by registered mail at his or her address as shown by the last revised assessment roll or by the records of the Land Titles Registry; or
- (b) if the owner or other person to be served is deceased or his or her address is unknown, by publication in two issues of a newspaper circulating in the municipality.

(10) No action lies against:

- (a) the municipality;
- (b) the council;
- (c) any member of the council; or
- (d) any municipal employee or agent;

with respect to any matter or thing done pursuant to this section.

1989-90, c.R-26.1, s.248; 2000, c.L-5.1, s.469;
2002, c.38, s.12.

Declaring and abating nuisances

249(1) The council may:

- (a) declare any basement, excavation, drain, ditch, watercourse, pond, surface water or any other matter or thing in or on any private land or in or about any improvement a nuisance and dangerous to the public safety or health; and
- (b) by the same bylaw or resolution, order that the basement, excavation, drain, ditch, watercourse, pond, surface water, matter or thing be removed, pulled down, filled or otherwise dealt with by the owner, agent, lessee or occupier of the land as the council may determine within the time after the service of the order as may be specified in the order.

(2) A placard shall be posted at or near the locality of the nuisance declared pursuant to subsection (1) setting out the order made with respect to the nuisance.

(3) An order made pursuant to subsection (1) is required to be served on the owner or occupant:

- (a) either personally or by registered mail; or
- (b) if the owner or occupant is deceased or the address of the owner is unknown, by publication in two issues of a newspaper circulating in the municipality.

(4) If the owner or occupant of the land on which the nuisance is situated fails to comply with an order made pursuant to subsection (1) within the time specified in the order, the council may:

- (a) proceed to have any work done that it considers necessary for the purpose of carrying out the order; and
- (b) recover the cost of the work done pursuant to clause (a):
 - (i) by legal action or distress; or
 - (ii) by adding the costs to the taxes on the land on which the work was done.

1989-90, c.R-26.1, s.249; 2002, c.38, s.13.

Untidy and unsightly premises

250(1) The council may declare any premises in the municipality to be untidy and unsightly, and where a declaration has been made the council shall prepare a notice setting out:

- (a) that the premises specified in the notice have been declared to be untidy and unsightly;
 - (b) that the owner or occupant of the premises is required to remedy the untidiness and unsightliness before the date of the next regular council meeting; and
 - (c) that if the owner or occupant fails to remedy the untidiness and unsightliness as required or does not appear at the next regular council meeting and satisfy the council that the work should not be proceeded with, the council may proceed to have the work done to remedy the untidiness and unsightliness and may recover the cost of the work by suit or distress or may add the cost to the taxes on the land that constitutes the premises.
- (2) The notice shall set out the date, time and place of the next regular council meeting and shall, at least 10 days before the date of that meeting, be served on the owner or occupant of the premises:
- (a) either personally or by registered mail; or
 - (b) if the owner or occupant is deceased or the address of the owner is unknown, by publication in two issues of a newspaper circulating in the municipality.
- (3) Where the owner or occupant fails to remedy the untidiness and unsightliness as required or does not appear before the council as required and satisfy the council that the work should not be proceeded with, the council may proceed to have the work done and may recover the cost of the work by suit or distress or by adding the costs to the taxes on the land that constitutes the premises.

1989-90, c.R-26.1, s.250; 1996, c.58, s.10.

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Derelict vehicles

251(1) In this section, “**derelict vehicle**” means any automobile, tractor, truck, trailer or other vehicle that:

- (a) either:
 - (i) has no valid licence plates attached to it; or
 - (ii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - (b) is located on private land, but that:
 - (i) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the municipality in which the land is situated; and
 - (ii) does not form a part of a business enterprise lawfully being operated on that land.
- (2) Where an owner or occupant of property keeps or permits to be kept on the property a derelict vehicle, the council may serve a notice on the owner or occupant, as the case may be, setting out the time and place of a council meeting at which the owner or occupant may appear to show cause why the derelict vehicle should not be removed from the property and disposed of.
- (3) Subject to subsections (4) and (5), the notice served pursuant to subsection (2) shall be served personally on the owner or occupant to be served not less than three days before the date of the council meeting referred to in the notice.
- (4) Where the person to be served with the notice does not reside in the municipality the notice shall be deemed to be served if it is sent to the person by registered mail, postage prepaid, at the address of the person appearing in the records of the municipality not less than 10 days before the date of the council meeting referred to in the notice.
- (5) Notwithstanding subsection (4), where the address of the person to be served with a notice is unknown to the council, the notice shall be deemed to be served if it is published in at least two issues of a newspaper circulated in the municipality with the last publication appearing not less than three days before the council meeting mentioned in the notice.
- (6) Where the person served or deemed to be served with a notice pursuant to this section:
- (a) does not appear before council pursuant to the notice;
 - (b) appears before council and fails to satisfy the council that the derelict vehicle should not be removed from the property and disposed of;

the council or its agent or employee authorized by it for the purpose may remove the derelict vehicle from the property and destroy or otherwise dispose of it and the cost of removing and destroying or otherwise disposing of the vehicle may be added to, and when so added forms part of, the taxes on the land from which the vehicle was removed.

(7) The council shall be the sole judge as to whether or not an automobile, tractor, truck or trailer is a derelict vehicle within the meaning of subsection (1).

(8) No action lies against a municipality, any member of the council or any agent or employee of the municipality for any reasonable or necessary act done in connection with the removal or destruction or other disposition of a derelict vehicle in accordance with this section.

1989-90, c.R-26.1, s.251; 1996, c.58, s.11; 2002, c.38, s.14.

Unsafe unoccupied buildings

251.1(1) When, in the opinion of the council, an unoccupied building is damaged and is an imminent danger to the public safety, the council may take any reasonable emergency action that is required to secure the building and eliminate the danger, and the cost of that work is to be added to and forms part of the taxes on the building on which the work is done and on the land on which the building is situated.

(2) When emergency action is taken pursuant to subsection (1), the administrator shall immediately send by registered mail to the owner of the building on which the work was done and of the land on which the building is situated a notice:

(a) advising the owner of the action of the municipality and of its intention to charge the cost of the work against the land and building; and

(b) inviting the owner or his or her agent to appear before the council if he or she is in disagreement with the need for the action of the municipality or the cost of the work, on a specific date stated in the notice, for the purpose of making representations with respect to the need for the action or the intention of the municipality to charge the costs of the emergency action against the land and building.

(3) On the recommendation of the medical health officer, the council may declare any occupied residential building to be dangerous to the health of the occupants of the building and may order the owner, the owner's agent, the lessee or the occupant of the building to repair the building in the manner determined by the council within the time, after service of the order, that is specified in the order.

(4) If an order made pursuant to subsection (3) is not complied with within 14 days after the time specified for completion of the work in the order, the municipality may undertake the necessary work to repair the building.

(5) Any amounts expended by a municipality pursuant to this section are to be added to and form part of the taxes on the building on which the work is done or on the land on which the building is situated.

1996, c.58, s.12.

General bylaw

251.2(1) As an alternative to exercising authority pursuant to any or all of sections 247, 248, 249, 250, 251 and 251.1, the council of a municipality may, by bylaw, provide for standard requirements and procedures regarding the matters provided for in any of those sections, with respect to:

(a) inspections;

(b) notices;

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- (c) compliance orders;
 - (d) time requirements;
 - (e) appeal processes and appeal bodies;
 - (f) enforcement;
 - (g) penalties; and
 - (h) general procedural matters.
- (2) A bylaw made pursuant to this section may provide for:
- (a) any matters mentioned in subsection (1) with respect to bylaws mentioned in section 33 of *The Fire Prevention Act, 1992*;
 - (b) any other matters relating to buildings and property that any other Act provides may be dealt with pursuant to this section.
- (3) A copy of any bylaw made pursuant to this section, and any amendment to the bylaw, is to be delivered to the minister within 30 days of being made.
- (4) Failure to comply with subsection (3) does not affect the validity of the bylaw or amendment.
- (5) A bylaw made pursuant to this section must provide mechanisms that permit prompt action in situations involving an imminent danger to public health and safety, and, for that purpose, an order made pursuant to the bylaw may be enforced before expiration of the period in which the order may be appealed.
- (6) Any words, terms or expressions used in a bylaw made pursuant to this section that are defined in this Act have the same meaning in the bylaw as in this Act.
- (7) A bylaw made pursuant to this section may permit the municipality to assign inspection or enforcement duties pursuant to the bylaw to an employee or agent of the municipality.
- (8) A bylaw made pursuant to this section may contain reasonable provisions:
- (a) permitting inspectors and experts accompanying inspectors to, for the purposes of inspection, enter buildings, structures or premises other than private dwellings at reasonable times and, under reasonable circumstances provided in the bylaw, without first obtaining the consent of the owner or occupant;
 - (b) permitting an inspector to perform tests and take samples; and
 - (c) providing penalties for obstructing an inspector who is performing his or her duties.
- (9) A bylaw made pursuant to this section must contain reasonable provisions for giving notice to owners and other persons affected by the operation of the provisions of the bylaw, or reasonable provisions concerning the circumstances in which notice may be dispensed with in the interest of protecting public health and safety.
- (10) A bylaw made pursuant to this section must provide for reasonable times in which orders made pursuant to the bylaw are to be complied with, or if an inspector or other person is given the authority to set times, must provide that those times are to be reasonable.

- (11) A bylaw made pursuant to this section must provide that:
- (a) an order made pursuant to the bylaw may be appealed to a local appeal board established or designated by the municipality; and
 - (b) a decision made by the local appeal board may be appealed to the Saskatchewan Municipal Board.
- (12) An appeal pursuant to this section does not operate as a stay of the order or decision appealed from unless the local appeal board, on an application by the appellant, decides otherwise.
- (13) On an appeal pursuant to subsection (11), the local appeal board or Saskatchewan Municipal Board, as the case may be, may confirm, modify or repeal the order or decision appealed from, or substitute its own order or decision for the order or decision being appealed from.
- (14) Notwithstanding any provision of *The Municipal Board Act*, a decision made by the Saskatchewan Municipal Board pursuant to clause (11)(b) may be appealed to the Court of Queen's Bench on a point of law or jurisdiction only within 30 days after the date the decision is made.
- (15) On an appeal pursuant to subsection (14), the Court of Queen's Bench may confirm, modify or repeal the decision appealed from or order the matter to be returned to the Saskatchewan Municipal Board to be dealt with in light of the court's decision on the question of law or jurisdiction.
- (16) A bylaw made pursuant to this section may contain reasonable provisions for:
- (a) the performance by the municipality of any work ordered pursuant to the bylaw that has not been performed by the owner within the time specified in the order, subject to a stay if the order is appealed;
 - (b) the payment by the owner of the costs of the work; and
 - (c) the addition to the owner's taxes of any costs incurred pursuant to clause (b) that have not been paid by the owner.
- (17) Subsections 174(1) to (4) apply to any bylaws made pursuant to this section.

1996, c.58, s12; 2001, c.38, s.24.

MISCELLANEOUS POWERS

Grants and expenditures

252(1) A council may make expenditures of any sum that may be required to meet the cost of all or any of the following:

- (a) membership in any association;
- (b) the reception and entertainment of guests;
- (c) sending municipal employees, members of council or other persons to attend conventions or meetings related to any municipal matter;
- (d) travelling or other expenses incurred related to the business of the municipality;
- (e) honouring persons who, in the opinion of the council, have served or brought honour to the municipality.

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(2) A council may make grants to or provide goods or services in aid of any person or organization within or outside the municipality for any purpose, including the health, well-being or benefit of the residents of the municipality.

(3) A council may make grants subject to any terms and conditions that it considers necessary.

(4) Money payable as a grant pursuant to the authority of this section is exempt from attachment.

2002, c.38, s.15.

253 Repealed. 2002, c.38, s.15.**Agreements with other municipalities, etc.**

254(1) A council may authorize agreements for the purposes set out in subsection (1.1) with any of the following:

- (a) the councils of urban municipalities or other municipalities in Saskatchewan or in Alberta or Manitoba;
- (b) Indian bands;
- (c) any regional health authority or any other board or organization constituted for the purpose of managing, operating or coordinating any health care service in Saskatchewan or in Alberta or Manitoba;
- (d) any governing body of any school or other educational institution in Saskatchewan or in Alberta or Manitoba; or
- (e) any department or agency of the Government of Saskatchewan or Canada or of any other province or territory of Canada.

(1.1) An agreement mentioned in subsection (1) may be made to provide for the carrying out jointly or managing of any work, service or purpose:

- (a) in which the contracting parties have a common interest; and
- (b) that each could lawfully carry out alone within its own territorial limits.

(1.2) A council may authorize agreements with any individual or association or Indian band with respect to any matter within the jurisdiction of the council.

(1.3) A council may delegate to its administrator, or any other designated employee, the responsibility for entering into agreements with any person or association for providing routine services necessary to administer operations of the municipality, and provide for the extent of and the carrying out of that responsibility.

(2) The council may create a board for the purposes of managing and organizing any work, service or purpose under an agreement mentioned in subsection (1).

(3) A board created pursuant to subsection (2) is a body corporate.

(4) Subject to section 265, where the council enters into an agreement pursuant to subsection (1) or (1.2), the council may incur any debts not payable within the current year as the council considers expedient for the purpose of carrying out the agreement.

(5) A council may enter into agreements with Indian bands with respect to the following matters:

- (a) the payment of compensation to the municipality for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the municipality being set apart as an Indian reserve;
- (b) the application, enforcement and compatibility of the bylaws of the municipality and the bylaws of the Indian band;
- (c) the provision of municipal services to an Indian band or to persons on an Indian reserve;
- (d) mechanisms for resolving disputes that may arise between the municipality and an Indian band with respect to any matter.

(6) A council may enter into an agreement with the council of any other municipality to share municipal taxes or municipal grants in lieu of taxes that are paid or payable to the municipalities.

1989-90, c.R-26.1, s.254; 1992, c.63, s.65; 1993, c.T-20.1, s.7; 1994, c.29, s.20; 1996, c.58, s.13; 1997, c.48, s.13; 2002, c.R-8.2, s.93 and c.38, s.16.

Additional powers

255 The council may:

- (a) become a member of a co-operative association, a credit union, business corporation or non-profit corporation that is or will be carrying out business within the boundaries of the municipality, an adjacent municipality or an adjacent urban municipality by the purchase of one or more shares or otherwise and hold additional shares of which it becomes the owner by the application of dividends;
- (b) provide for payment of a gratuity or annual allowance to the administrator on retirement;
- (c) provide for a life insurance plan and disability, maternity, medical and dental benefit plans for employees and elected and appointed officials of the municipality under a benefit plan operated by the Saskatchewan Association of Rural Municipalities or other person, association or organization;
 - (c.1) provide life insurance, medical and dental benefits under the plan mentioned in clause (c) to the spouses and dependent children of the employees and elected and appointed officials of the municipality;
- (d) acquire any insurance for the municipality or any of its property as the council considers advisable pursuant to a plan of insurance operated by the Saskatchewan Association of Rural Municipalities or otherwise.

1989-90, c.R-26.1, s.255; 1998, c.32, s.12.

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Municipal commercial undertakings

255.1(1) Subject to subsection (3), and to any other express limitation in this or any other Act, a municipality has full power and authority to:

- (a) engage in any commercial, industrial or business undertaking;
 - (b) participate in partnership with any person in any commercial, industrial or business undertaking;
 - (c) incorporate a company for the purpose of engaging in any commercial, industrial or business undertaking; and
 - (d) acquire shares in a corporation engaged in any commercial, industrial or business undertaking.
- (2) For the purposes of this Act, an activity engaged in by a municipality pursuant to subsection (1) is a municipal purpose.
- (3) Except as otherwise provided in this or any other Act, no municipality shall:
- (a) guarantee the payment of any bonds or debentures issued by any industrial, commercial or business undertaking; or
 - (b) guarantee loans made to any person.

1995, c.30, s.30; 1996, c.58, s.14.

Application of *The Local Improvements Act, 1993*

255.2 The provisions of *The Local Improvements Act, 1993* apply to rural municipalities, with any necessary modification.

1995, c.30, s.30.

Lost and unclaimed property

255.3(1) A municipality shall retain in its possession for 90 days all lost and unclaimed personal property.

(2) If personal property that is unclaimed is perishable, the property may be disposed of as soon as is practicable after receipt by the municipality.

(3) If personal property is not claimed within the time limit specified in this section, it becomes the property of the municipality, and the municipality may dispose of the personal property:

- (a) by donating it to any person or organization; or
- (b) by offering it for sale at a public auction.

(3.1) Any personal property offered for sale at a public auction pursuant to clause (3)(b) and not sold may be disposed of in any manner that the council directs.

(4) The purchaser of the personal property becomes the owner of the personal property and any claim of the 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 municipality.

(5) If no claim is made for the proceeds within one year from the date of sale, the proceeds form part of the general funds of the municipality.

1996, c.58, s.15; 2001, c.38, s.25.

FINANCE

Financial year

256 The financial year of the municipality is the calendar year.

1989-90, c.R-26.1, s.256.

Service fees

256.1(1) Except as otherwise provided in this Act, a council may, by bylaw:

- (a) set fees in connection with any services provided by the municipality;
- (b) set times by which, places where, and the manner in which the fees are to be paid;
- (c) set terms and conditions in connection with the fees and the services provided; and
- (d) provide for enforcing the terms and conditions and the payment of the fees by discontinuing service until the terms and conditions have been complied with or the fee has been paid.

(2) Any fee set pursuant to subsection (1) that is payable with respect to services supplied to lands or improvements that are exempt from taxation pursuant to this or any other Act must:

- (a) apply uniformly on the same basis to lands or improvements that are exempt from taxation as to those that are not exempt from taxation; and
- (b) apply at the same rate to all lands and improvements that are exempt from taxation that receive the services to which the fee applies.

1998, c.32, s.13.

Preparation of budget

257 As soon as practicable in each year, a council shall prepare a budget containing the estimated revenues and expenditures for the current year including:

- (a) the moneys necessary to meet instalment payments with respect to all debts of the municipality falling due within the year;
- (b) the moneys required to meet expenditures for ordinary municipal purposes including any estimated deficits with respect to the operation of a public utility service for the current year;
- (b.1) the amount of any operating deficit incurred in the preceding year;
- (c) all moneys that will be required or expended in that year for capital purposes;
- (d) moneys that the municipality, by statute, is required to raise by levying taxes;
- (e) due allowance for the costs of collection of taxes, the abatement of and discounts on taxes and taxes that may not be collected; and
- (f) the probable revenue of the municipalities to be derived from:
 - (i) government grants;

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- (ii) surplus of any previous year that will be appropriated for current year's expenditures; and
- (iii) all other sources of revenue.

1989-90, c.R-26.1, s.257; 1998, c.32, s.14; 2001, c.38, s.26.

Adoption of budget, setting of mill rate

258 The council shall:

- (a) determine the amount of taxes required to be levied to at least meet the estimated expenditures, having regard to estimated revenues from other sources; and
- (b) adopt the budget; and
- (c) subject to section 259, set a mill rate.

1989-90, c.R-26.1, s.258.

Lower mill rate for hamlets

259 The council, in setting a mill rate pursuant to section 258, may set a mill rate for taxable assessments in hamlets that is lower than the mill rate that is applicable to taxable assessments elsewhere in the municipality.

1989-90, c.R-26.1, s.259.

Excess revenue

260 Where the revenues exceed the expenditures for a year, the excess amount forms part of the general operating funds of the municipality and may be used by the council in any manner it sees fit unless otherwise specially appropriated.

1989-90, c.R-26.1, s.260.

Submission of budget

261(1) Where in the opinion of the minister the financial position of a municipality warrants it, the Saskatchewan Municipal Board may, upon the request of the minister, require the council of that municipality to submit to the board for approval the budget and proposed mill rate of the municipality for the then current year and any subsequent years that the board considers necessary.

(2) Where under subsection (1) the budget and proposed mill rate are required to be submitted to the Saskatchewan Municipal Board:

- (a) no bylaw or resolution of the municipality respecting the budget or mill rate shall have any force or effect until the Saskatchewan Municipal Board has approved the budget and mill rate under this section; and
- (b) the Saskatchewan Municipal Board, in approving the budget and mill rate, may make alterations, variations, increases or decreases in the budget or mill rate or both of the municipality, which alterations, variations, increases or decreases shall be final and binding on the municipality unless subsequently changed by that board.

1989-90, c.R-26.1, s.261.

TEMPORARY BORROWING

Borrowing for municipal purposes

262(1) The council may authorize the reeve and administrator to borrow, either before or after levying taxes for the current year, from any person, credit union or bank any moneys that the council considers necessary to meet the expenditures of the municipality for municipal purposes.

(2) The municipality may give, as security for a loan made pursuant to subsection (1), a promissory note or other form of obligation, signed by the reeve and administrator which shall be valid and binding on the municipality.

(3) The council, during the year in which moneys are borrowed pursuant to subsection (1) and in each of the two succeeding years, may extend the loan and renew or extend the promissory note or other obligation, whether original or by way of a renewal, for a period not exceeding one year at a time.

(4) The council, by an agreement, may designate the revenues of the municipality, if any, to be charged with the repayment of the promissory note or other obligation made pursuant to this section.

(5) The total amount borrowed pursuant to this section and outstanding at any one time is not to exceed the amount of the municipal taxes levied for the preceding year.

(6) No provision of this Act respecting long-term borrowing applies to any indebtedness incurred under this section by a council.

1989-90, c.R-26.1, s.262.

Penalty for voting to borrow excess amount

263 Where the council authorizes the borrowing of an amount in excess of the amount limited pursuant to subsection 262(5), the members of the council who voted in favour of that borrowing are:

- (a) disqualified from holding any municipal office for three years; and
- (b) severally and jointly liable for any loss sustained by the municipality as a result of the borrowing of the excess amount.

1989-90, c.R-26.1, s.263.

Borrowing on security of bonds, etc.

264(1) Where a municipality has invested surplus funds in any investments mentioned in section 279, the council, by resolution, may authorize the reeve and administrator:

- (a) to borrow from any person, credit union or bank any moneys that the council considers necessary; and
- (b) to pledge or hypothecate the bonds, securities or debentures as security for the loan;

and the resolution shall regulate the amount to be borrowed and the rate of interest to be paid.

(2) A loan pursuant to this section may be secured by a promissory note signed by the reeve and administrator and sealed with the corporate seal of the municipality.

(3) The power to borrow under this section shall be in addition to the powers contained in section 262.

(4) A loan under this section shall not be a charge on the taxes of the municipality.

1989-90, c.R-26.1, s.264.

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LONG-TERM BORROWING

Creation of debt

265 The council may create a debt that is not repayable in the current year where:

- (a) the debt created together with the total of debts created pursuant to this section and that are outstanding does not exceed the amount of municipal taxes levied in the preceding year;
- (b) the debt is repayable within the three subsequent years; and
- (c) no debentures are issued as security for any portion of the debt created.

1992, c.63, s.66.

Borrowing subject to approval

266 Where the council proposes to create a debt that:

- (a) would result in the outstanding aggregate amount of the debt of the municipality exceeding the limitation prescribed by clause 265(a);
- (b) is not repayable within three years from the time of the creation of the debt; or
- (c) is to be secured by the issue of debentures of the municipality;

the council shall pass a bylaw for the creation of the debt and submit the bylaw to the Saskatchewan Municipal Board.

1989-90, c.R-26.1, s.266; 1992, c.63, s.67.

Bylaw of no effect unless approved

267 No bylaw passed pursuant to section 266 has any effect until it is approved by the Saskatchewan Municipal Board.

1989-90, c.R-26.1, s.267.

Vote on bylaw to borrow

268(1) The Saskatchewan Municipal Board may require a council that has passed a bylaw pursuant to section 266 to submit the bylaw to a vote of the burgesses.

(2) Where the Saskatchewan Municipal Board requires a council to submit a bylaw mentioned in subsection (1) to a vote of the burgesses and a majority of the burgesses whose votes are not rejected are not in favour of the bylaw, the Saskatchewan Municipal Board shall not approve the bylaw.

1989-90, c.R-26.1, s.268.

Conditions of approval

269 The Saskatchewan Municipal Board, as a condition of its approval of a bylaw passed pursuant to section 266, may:

- (a) require the council to secure the amount of the debt to be created by a promissory note or other form of security;
- (b) set the maximum rate of interest that the municipality may obligate itself to pay with respect to the debt to be created; and
- (c) specify the period within which the debt to be created shall be repaid.

1989-90, c.R-26.1, s.269; 1992, c.63, s.68.

Passing of bylaw after approval

270(1) Where a bylaw required by the Saskatchewan Municipal Board to be submitted to a vote of the burgesses is approved, the bylaw shall, subject to subsection (2), come into force 30 days after the vote was taken.

(2) Where a recount of the votes with respect to a bylaw is applied for, the council shall not take any action with respect to the bylaw until the judge conducting the recount transmits a written statement of the results of the recount to the administrator.

(3) The time between the making of an application for a recount and the final disposition of it shall not be reckoned as part of the 30 days mentioned in subsection (1).

1989-90, c.R-26.1, s.270; 1992, c.63, s.69.

Report of administrator

271 Where a bylaw that was approved by the burgesses is passed, the administrator shall forthwith after the passing of it forward to the Saskatchewan Municipal Board:

- (a) a certified copy of the bylaw;
- (b) a certified copy of the notice provided for in section 161 and a statutory declaration proving the publication of the notice;
- (c) a statutory declaration showing the amount of municipal taxes levied in the preceding year;
- (d) a certified copy of the returning officer's statement as to the result of the vote; and
- (e) in the event of a recount, a certified copy of the written statement of the judge as to the result of the recount.

1989-90, c.R-26.1, s.271; 1992, c.63, s.70.

Debentures as security

272(1) Where a council receives the approval of the Saskatchewan Municipal Board to create a debt pursuant to section 266, the council may issue a debenture or debentures, subject to any conditions of the Saskatchewan Municipal Board or that are contained in the bylaw, to secure the amount of the principal and the interest of the debt to be created or of any lesser sum.

(2) The debenture or debentures, and the coupons attached, when signed by the reeve and administrator, sealed with the corporate seal of the municipality and signed and sealed by the Saskatchewan Municipal Board, bind the municipality and create a charge or lien on all municipal property and rates and taxes in the municipality.

(3) The signatures of the reeve and administrator on any debenture or coupon, except the signature of the administrator for the purpose of certifying the registration of the debenture in the debenture register of the municipality, may be reproduced by lithographing or printing or any other method of mechanical reproduction.

1989-90, c.R-26.1, s.272; 1992, c.63, s.71.

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Form of debentures

273 Debentures and any attached coupons shall be in the form that may be determined by the Saskatchewan Municipal Board.

1989-90, c.R-26.1, s.273.

Term of debentures

274(1) Debentures shall not run for a longer period than that determined by the Saskatchewan Municipal Board or 20 years, whichever is the shorter period, except as provided in section 275, and may be dated at any time within 12 months from the date on which notice of the authorization of the loan secured by the debentures appears in the Gazette.

(2) The first instalment of principal and interest on the debentures may be made payable at any time within 18 months from the date of the debenture.

1989-90, c.R-26.1, s.274.

Extended term of debenture

275 If the first instalment of principal and interest of a debenture is made payable at any time after one year from the date of the debenture as provided in section 274, the debenture may run for any longer term than 20 years as may be necessary to allow repayment of the loan in 19 years from the date of the repayment of the first instalment of principal and interest.

1989-90, c.R-26.1, s.275.

Amendment of bylaw

276 Where:

- (a) owing to a decline or advance in the rate of interest between the passing of a bylaw and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided; or
- (b) in the opinion of the council, it is desirable that the whole or any part of the debentures authorized by such a bylaw bear a rate of interest differing from the rate specified in the bylaw;

the council, with the approval of the Saskatchewan Municipal Board, may amend the bylaw by providing for a different rate of interest on all or any of the debentures and for a corresponding change in the amount to be raised annually by the sale of the debentures.

1989-90, c.R-26.1, s. 276.

Debenture Register

277(1) The administrator shall keep a book to be known as the Debenture Register.

(2) Full particulars of every debenture issued by the municipality shall be entered in the Debenture Register.

1989-90, c.R-26.1, s.277.

Transmission of debentures**278(1)** Where:

- (a) a transmission of registered debentures issued by a municipality under this or any other Act takes place pursuant to any testamentary act or instrument, or in consequence of an intestacy; and
- (b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of Her Majesty's dominions, or in any of Her Majesty's colonies or dependencies, or in the United States of America;

the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in Quebec, a copy of it duly certified in accordance with the laws of that province, or the other judicial or official instrument, or a copy of it or extract from it certified under the seal of the court or other authority, without proof of the authenticity of the seal or other proof whatever, shall be produced to and deposited with the administrator of the municipality or, where the register of any debentures is kept in the office of the Saskatchewan Municipal Board, shall be produced to and deposited with that board.

(2) A certificate by the Minister of Finance or Deputy Minister of Finance that all succession duties payable to the province with respect to the debentures have been paid shall also be produced to and deposited with the administrator or the Saskatchewan Municipal Board, as the case may require, together with any other documents as the municipality's or the board's own practice or regulations may require.

(3) The production and deposit under subsections (1) and (2) are sufficient authority to the administrator or the Saskatchewan Municipal Board, as the case may be, after obtaining any consent required under the *Dominion Succession Duty Act*, the *Estate Tax Act* (Canada), as amended from time to time, or *The Succession Duty Act, 1972*:

- (a) to pay the amount or value of any dividend, coupon, debenture or obligation; or
- (b) to transfer or consent to the transfer of any debenture or obligation;

in pursuance of and in conformity with the probate, letters of administration or other document.

1989-90, c.R-26.1, s.278.

Investments**279(1)** A council may:

- (a) invest any surplus moneys to the credit of any fund in:
 - (i) securities of the Government of Canada or of any province of Canada;

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- (ii) securities whose payment is guaranteed by the Government of Canada or of any province of Canada;
- (iii) securities of the municipality or any other municipal corporation, school division or union hospital district in Saskatchewan;
- (iv) deposit certificates or similar investments issued by a bank, trust corporation or credit union;
- (v) any other securities investment which is approved by the Saskatchewan Municipal Board;

and, as the securities mature, may invest the proceeds in other similar securities;

(b) sell, assign or transfer the securities, and may call in and vary the investments for others of a similar nature.

(2) For the purpose of making the investments mentioned in subsection (1), the money to the credit of any two or more funds may be consolidated into one account and securities may be purchased from that account, in which case a record is to be maintained of the equity of each fund in the consolidated account and the securities so purchased.

1989-90, c.R-26.1, s.279; 1992, c.63, s.72.

Prohibition re voting for investment

280(1) No member of the council shall knowingly vote in favour of the investment of any money in contravention of section 279.

(2) A member of a council who knowingly votes in favour of the investment of money in contravention of section 279 is, in addition to any other penalty that may be imposed by law personally liable for any loss sustained by the municipality as a result of the contravention.

(3) If a council, on the request in writing of an elector, refuses or neglects for one month to bring an action to recover an amount for which a member of the council is personally liable by reason of subsection (2), an action may be brought by an elector on behalf of the municipality to recover the amount diverted.

(4) When a majority of a council votes on a matter in contravention of subsection (1), any member of council who, by a vote recorded in the minutes of the meeting, appears to have voted against the matter is not liable to conviction for a contravention of subsection (1).

(5) Any member of the council who knowingly votes in favour of the investment of any moneys in contravention of section 279 is guilty of an offence against this Act.

1989-90, c.R-26.1, s.280.

Capital Trust Fund

281(1) A council may, by bylaw, create a capital trust fund:

- (a) for constructing or acquiring public works, including the purchase of machinery; and
- (b) for any other purpose that the council considers appropriate.

- (2) A council may, by the bylaw mentioned in subsection (1) or by another bylaw, do any or all of the following:
- (a) assign to the capital trust fund any surplus moneys of the municipality;
 - (b) assign to the capital trust fund, in whole or in part, moneys that are payable to the municipality pursuant to any contract or agreement;
 - (c) provide:
 - (i) for an amount specified in the bylaw to be included in the annual budget of the municipality; and
 - (ii) for the payment into the capital trust fund of all sums realized as a result of the inclusion.
- (3) A bylaw passed pursuant to subsection (1) or (2):
- (a) remains in force for any period that may be stated in the bylaw; and
 - (b) may, by bylaw, be extended from time to time for additional periods.
- (4) A council may make expenditures from the capital trust fund for any of the purposes authorized by bylaw pursuant to subsection (1).
- (5) The establishment, reduction and use of the capital trust fund, including the purchase from it of bonds, debentures and other securities and the sale of them, is subject to the control and approval of the council and to any rules that the council may make.

2001, c.38, s.27.

PART VI Assessment and Taxation

Interpretation

282 In this part:

- (a) **“agency”** means the Saskatchewan Assessment Management Agency;
- (b) **“appeal board”** means the Saskatchewan Municipal Board;
- (b.1) **“assessment manual”** means the assessment manual established by order of the agency pursuant to section 12 of *The Assessment Management Agency Act*;
- (c) **“base date”** means the date established by the agency for determining the value of land and improvements for the purpose of establishing assessment rolls for the year in which the valuation is to be effective and for each subsequent year preceding the year in which the next revaluation is to be effective;
- (d) **“classification”** means the determination of what class established pursuant to section 285.2 any land, improvements or both belong to.

1989-90, c.R-26.1, s.282; 1996, c.58, s.16; 1997, c.48, s.14; 2002, c.38, s.17.

ASSESSMENT OF LAND, IMPROVEMENTS AND BUSINESS

All land and improvements assessable

283 All land and improvements in a municipality are subject to assessment.

2000, c.25, s.16.

283.1 Repealed. 2000, c.25, s.17.

283.11 Repealed. 2000, c.25, s.51.

Miscellaneous rules regarding assessment

283.2(1) In assessing the value of land or improvements, the assessor shall not take into account machinery and equipment that is used in association with a pipeline and is located on the land or within the improvement.

(2) Subject to subsections (3) and (4), in the case of petroleum oil and gas wells:

(a) resource production equipment by which petroleum oil and gas:

(i) is produced to surface, including for its enhanced recovery;

(ii) is stored, except at a battery site;

(iii) is transported from a well site to a battery or gas handling site; or

(iv) is compressed, except for gas that is for the most part a by-product of petroleum oil production;

is to be taken into account in an assessment;

(b) resource production equipment at a battery or gas handling site by which:

(i) petroleum oil and gas is separated, treated, processed, dehydrated or stored or is transported within the site; or

(ii) petroleum oil and gas waste products are disposed of;

is not to be taken into account in an assessment.

(3) Surface casing, production casing, or any other liner casing used in conjunction with producing oil or gas or in disposing of oil, gas, water or any other substance is not to be taken into account in an assessment.

(4) Resource production equipment that is used in association with a petroleum oil or gas well at which there has been no production in the 12-month period ending September 1 of the previous year, other than production during testing, is to be assessed at only a nominal amount for the current year.

(4.1) Subject to subsection (4.2), resource production equipment used in association with a petroleum oil or gas well is to be assessed in the year after production operations at the well are suspended or abandoned.

(4.2) Resource production equipment is only to be assessed where it was used in association with a petroleum oil or gas well that was in production for more than 29 days.

(5) In the case of a mine, resource production equipment by which a mineral resource is extracted and produced, but not processed or refined, is to be taken into account in an assessment.

(6) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

- (a) identifying resource production equipment or classes of resource production equipment to be taken into account in an assessment;
- (b) identifying resource production equipment or classes of resource production equipment not to be taken into account in an assessment.

1996, c.58, s.18; 2000, c.25, s.19.

Rules for assessment of land

284(1) Land is to be assessed at its fair value as of the applicable base date exclusive of the value of any improvements.

(1.1) Notwithstanding subsection (1), land may be assessed together with the improvements on it for the purpose of using a valuation technique or method of appraisal set out in the assessment manual that requires that land and improvements be assessed together.

(1.2) If land and improvements are assessed together pursuant to subsection (1.1), the provisions of this section apply, with any necessary modification, to that assessment.

(2) The dominant and controlling factor in the assessment of land is equity.

(3) The value at which land is assessed is to bear a fair and just proportion to the value at which all similar lands are assessed:

- (a) in the municipality; and
- (b) in any school division situated wholly or partly in the municipality or in which the municipality is wholly or partly situated.

(4) In determining the fair value of land, the assessor shall take into consideration and be guided by:

- (a) the present use of the land and any other condition or circumstance affecting its value; and
- (b) any applicable formula, rule or principle set out in the assessment manual.

(4.1) For the purposes of subsection (4), the assessor shall apply all the facts, conditions and circumstances required to be taken into account as if they had existed on the applicable base date.

(4.2) For the purposes of clause (4)(b), the agency may, in the assessment manual, establish alternate appraisal methods.

(4.3) A municipality may use an alternate appraisal method established pursuant to subsection (4.2) if:

- (a) the alternate appraisal method is approved for use by order of the agency;
- (b) the municipality meets the criteria, as set out in the assessment manual, to use the alternate appraisal method; and
- (c) the council of the municipality has received a report from the assessor adopting the use of the alternate appraisal method within the municipality.

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(5) The value of land through which a pipeline runs is not to be reduced if the pipeline is buried in the land and the surface rights are not owned by the owner of the pipeline.

(6) Where the holder of land under a grazing or hay lease, licence or permit from the Government of Saskatchewan, the Government of Canada or the municipality or a lease, licence or permit from the Government of Saskatchewan for the purpose of fur farming is assessed with respect to his or her occupancy or to his or her beneficial or equitable interest in the land, the value of the occupancy or interest for the purpose of assessment shall be the fair value having regard to the use to which the land is put.

(7) Where a holder of land under a grazing lease, licence or permit cultivates a portion of the land, except for the purpose of seeding it to grass for grazing use only, that portion shall be assessed at its fair value.

(8) The value of a railway roadway owned or occupied by a railway company is to be assessed in accordance with the schedule of rates prescribed by the agency.

(9) All land owned or occupied by a railway company, other than a railway roadway, is to be assessed at its fair value.

(10) Land that is part of the station grounds or right-of-way of a railway company and is held by a person under a lease, licence or permit, is to be assessed to that person as if that person owned the land.

(10.1) Where the land mentioned in subsection (10) is no longer held by a person under a lease, licence or permit, the land is to be assessed to the railway company as part of the station grounds or right of way of the railway company.

(11) Notwithstanding the disposal of lots or plots in a cemetery owned by the owner of a commercial cemetery as defined in *The Cemeteries Act, 1999*, the owner of the cemetery shall be assessed with respect to all the lands included in the cemetery.

(12) **Repealed.** 1996, c.58, s.19.

(13) **Repealed.** 1996, c.58, s.19.

1989-90, c.R-26.1, s.284; 1996, c.58, s.19; 1999, c.9, s.5; 2001, c.38, s.28; 1999, c.C-4.01, s.91; 2002, c.38, s.18.

Rules re assessment of improvements

285(1) Improvements are to be assessed at their fair value as of the applicable base date.

(2) Subject to subsection (3), improvements are to be assessed apart from the land on which they are situated.

(3) Improvements may be assessed together with the land on which they are situated for the purpose of using a valuation technique or method of appraisal set out in the assessment manual that requires improvements to be assessed together with the land on which they are situated.

(4) If a property is assessed pursuant to subsection (3), the provisions of this section apply, with any necessary modification, to that assessment.

- (5) The dominant and controlling factor in the assessment of improvements is equity.
- (6) The value at which any improvement is assessed is to bear a fair and just proportion to the value at which all similar improvements are assessed:
- (a) in the municipality; and
 - (b) in any school division situated wholly or partly in the municipality or in which the municipality is wholly or partly situated.
- (7) In determining the value of any improvement, the assessor shall take into consideration and be guided by:
- (a) any applicable formula, rule or principle set out in the assessment manual; and
 - (b) any circumstances that may affect the value of the improvement.
- (8) For the purposes of subsection (7), the assessor shall apply all the facts, conditions and circumstances required to be taken into account as if they had existed on the applicable base date.
- (9) For the purposes of clause (7)(a), the agency may, in the assessment manual, establish alternate appraisal methods.
- (10) A municipality may use an alternate appraisal method established pursuant to subsection (9) if:
- (a) the alternate appraisal method is approved for use by order of the agency;
 - (b) the municipality meets the criteria, as set out in the assessment manual, to use the alternate appraisal method; and
 - (c) the council of the municipality has received a report from the assessor adopting the use of the alternate appraisal method within the municipality.
- (11) Railway superstructure on land, other than railway roadway, that is owned or occupied by a railway company shall not be assessed.

2002, c.38, s.19.

Income based appraisal methods

285.1(1) In determining the value of land, improvements or land and improvements, none of the assessor, the board of revision or the appeal board shall use or take into consideration any valuation technique or method of appraisal based on income or benefits unless the formulas, rules and principles respecting that valuation technique or method of appraisal are set out in the assessment manual.

(2) For the purposes of subsection (1), the assessor, the board of revision or the appeal board shall only use or take into consideration a valuation technique or method of appraisal based on income or benefits in the manner permitted by and set out in the assessment manual.

2002, c.38, s.19.

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Classes of property

285.2(1) In this section, “**fair value assessment**” means the fair value of any land or improvements as determined in accordance with this Act, applying the rules and manuals set by the agency.

(2) The Lieutenant Governor in Council may, by regulation, establish classes of property for the purposes of this section.

(3) Classes of property established pursuant to subsection (2) may be:

(a) classes of land;

(b) classes of improvements;

(c) classes of land, improvements or both classified according to the use to which the land or improvements or land and improvements are put.

(4) The assessor shall determine to which class established pursuant to the regulations, if any, any land or improvements or both belong.

(5) The Lieutenant Governor in Council may, by regulation, set percentages of value that are applicable to classes of property established pursuant to subsection (2).

(6) After calculating the fair value assessment of land or improvements or both that belong to a class of property established pursuant to subsection (2), the assessor shall multiply the fair value assessment by the percentage of value set by regulations made pursuant to subsection (5) that is applicable to the class of property to which the land or improvements or both belong.

(7) The figure obtained by performing the calculation set out in subsection (6) is the figure to be used for calculating the taxes payable pursuant to section 330 with respect to the land, improvement or both.

(8) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which this section came into force.

1996, c.58, s.21.

286 Repealed. 2000, c.25, s.20.

Provision of information to assessor

287(1) For assessment purposes, the assessor may, at any time, request any information or document that relates to or might relate to the value of any land, improvements or land and improvements from any person who owns, uses, occupies, manages or disposes of the property.

(2) Every year, the assessor may request the owner of the land and improvements to provide information respecting:

(a) the persons who are carrying on business on the land and in the improvements; and

(b) the nature of the business being carried on.

- (3) For the purpose of using a valuation technique or method of appraisal based on the use of income or benefits mentioned in section 285.1 at a future time when that valuation technique or method of appraisal could be relevant, an assessor may request from a person mentioned in subsection (1) any information or document that relates to:
- (a) the income generated or expected to be generated by any land, improvement or land and improvements; and
 - (b) the expenses incurred or expected to be incurred with respect to any land, improvement or land and improvements.
- (4) Subject to section 307.3, a person who receives a request from an assessor pursuant to subsection (1), (2) or (3) shall, before the expiration of a period set by the assessor of not less than 30 days after the date of receiving the request, provide the assessor with:
- (a) all of the requested information and documents relating to or affecting the determination of the value that are in the possession or under the control of the person; and
 - (b) a written declaration signed by the person stating that the information provided by the person is complete, true and accurate to the best of his or her knowledge.
- (5) Subject to subsection (6), every person who, in the course of his or her duties, acquires or has access to any information or document obtained pursuant to subsection (1), (2) or (3) shall:
- (a) keep that information or document confidential; and
 - (b) not make any use of or disclose that information or document without the consent of the person to whom the information or document relates.
- (6) A person mentioned in subsection (5) may use or disclose the information or document mentioned in that subsection:
- (a) to determine the value of any property;
 - (b) for the purposes of an appeal to a board of revision, the appeal board or the Court of Appeal; or
 - (c) if the use or disclosure does not identify the person to whom the information or document relates.
- (7) On or before October 1 in each year, every railway company shall furnish the assessor of each municipality with a certified statement showing the following information as of January 1 in the current year:
- (a) the total number of kilometres of the railway roadway situated within the municipality;
 - (b) the description and area in hectares of land within the municipality owned or occupied by the company, other than a railway roadway;
 - (c) the description and location of any improvements within the municipality, other than railway superstructures, owned or occupied by the company;
 - (d) any change in the ownership of a railway roadway and any abandonment of a railway roadway;
 - (e) the address to which assessment and tax notices are to be sent.

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(8) On or before November 1 in each year, every owner or operator of a petroleum oil well or gas well shall furnish the assessor with a certified statement showing the following information as of September 1 in the current year:

- (a) the owner's or operator's name and address;
- (b) a list of the resource production equipment that is subject to assessment;
- (c) any change in the resource production equipment that has occurred since the last information was furnished to the assessor;
- (d) the cost of any equipment included and not covered in the schedules of values prepared by the agency;
- (e) the address to which assessment and tax notices are to be sent.

(9) On or before March 1 in each year, every owner of a pipeline shall furnish the assessor of each municipality with a certified statement showing the following information as of January 1 in the current year:

- (a) the total number of kilometres of the pipeline right of way situated within the municipality;
- (b) the total number of kilometres and the diameter of main and additional pipeline laid on or under the pipeline right of way within the municipality;
- (c) the description and area in hectares of land within the municipality owned or occupied by the owner, other than the pipeline right of way;
- (d) the description and location of any improvements within the municipality owned or occupied by the owner;
- (e) the address to which assessment and tax notices are to be sent.

(10) If any land, improvement or business is sold, when requested by the agency or, if a municipality carries out its own valuations and revaluations, when requested by the 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*.

(11) If a change in the ownership or operation of a petroleum oil well or gas well or a pipeline has taken place, or if the operation of a petroleum oil well or gas well or pipeline has been abandoned, within 30 days from the change of ownership or operation or abandonment, the owner or operator shall file a notice of the change with the assessor.

(12) No action lies or shall be commenced against any person by reason of that person providing any information or document on a request for that information or document pursuant to this section.

2002, c.38, s.20; 2003, c.36, s.12.

Offence and penalty

287.1(1) No person shall:

- (a) fail to furnish any information or document required of that person pursuant to section 287; or
- (b) wilfully furnish the assessor with false information.

- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than:
- (a) \$5,000 in the case of an individual; and
 - (b) \$10,000 in the case of a corporation.
- (3) If the owner of a property is convicted of an offence pursuant to this section and ordered to pay a fine and the owner does not pay the fine, the fine:
- (a) is a debt due to the municipality;
 - (b) may be recovered as a debt due to the municipality or may be added to the taxes of the property for which the information or document was requested but not provided;
 - (c) is a lien on the land that has priority over all other liens or charges except for those of the Crown; and
 - (d) is a charge on the goods and chattels of the owner of the land and is recoverable in the same manner as other taxes that are a lien on land.
- (4) If a person is convicted of an offence pursuant to this section, the convicting court may, in addition to any fine it may impose, do either or both of the following:
- (a) order the convicted person to comply with the provision of section 287 with respect to which the convicted person was convicted;
 - (b) make any other order that the court considers necessary or appropriate.
- (5) If the person whose assessment is the subject of the appeal or his or her agent seeks to introduce the following evidence at the hearing of the appeal, the board of revision or appeal board shall not take that evidence into consideration in making its determination:
- (a) any information or document that was not provided to the assessor as required by section 287 when it was required to be provided;
 - (b) any information that is substantially at variance with information provided to the assessor in response to a request made pursuant to section 287.
- (6) If a board of revision or appeal board determines that a person whose assessment is the subject of an appeal, or his or her agent, has refused or failed to comply with a request for information or documents pursuant to section 287, regardless of whether the person has been convicted pursuant to this section, the board of revision or appeal board may, if the person is the appellant, dismiss the appeal.

2002, c.38, s.20.

Statement of school support

288 Where a separate school division is established, the assessor shall accept:

- (a) the written statement of any person whose name is to be entered in the roll; or
- (b) a written statement made on behalf of that person;

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that he or she is a public school supporter or a separate school supporter, as the case may be, and the statement is sufficient to authorize the assessor to enter opposite the name of that person in the roll a designation indicating which school division the person supports, and in the absence of any statement that person is deemed to be a public school supporter.

1989-90, c.R-26.1, s.288.

289 to 293 Repealed. 1996, c.58, s.24.

ASSESSMENT ROLL

Preparation

294(1) The assessor shall prepare annually, not later than May 1, an assessment roll in which he or she shall enter:

- (a) a list of all land and improvements assessed, identified by legal description;
- (b) the category of assessment, whether land or improvement;
 - (b.1) any class established pursuant to section 285.2 that any land or improvements belong to;
- (c) the fair value assessment of the land or improvement, and any phased-in assessed value of the land or improvement if the council of the municipality has passed a bylaw pursuant to subsection 22(11) of *The Assessment Management Agency Act*;
- (c.1) the assessed value of the land or improvements after applying the applicable percentage of value set by regulation made pursuant to subsection 285.2(5);
- (d) the name and address:
 - (i) with respect to every parcel of land that is assessed:
 - (A) of the registered owner as shown in the records of the Land Titles Registry;
 - (B) of the owner under a bona fide agreement for sale; or
 - (C) in the case of land exempt from taxation:
 - (I) of the owner under a bona fide agreement for sale; or
 - (II) of the occupant under a lease, licence, permit or contract;
 - (ii) with respect to every improvement that is assessed:
 - (A) of the registered owner as shown in the records of the Land Titles Registry;
 - (B) of the owner of the improvement; or
 - (C) of the owner or operator of the resource production equipment of any mine, petroleum oil well or gas well and any pipe line on or under land;

(iii) **Repealed.** 2000, c.25, s.22.

(e) in the case of a municipality in which a separate school division is or may be established, a designation respecting whether the person described in clause (d) is a public school supporter or a separate school supporter.

(2) Notwithstanding clause (1)(d), where two or more parcels of land are owned by the same person, the assessor may combine the assessment of those parcels into a single assessment for the purposes of the assessment roll.

(3) If land and improvements are assessed together pursuant to subsection 284(1.1) or 285(3), the assessor:

(a) may combine the assessment of land and improvements into a single assessment for the purposes of the assessment roll of the municipality; and

(b) shall report to the council that a single value is being used for certain land and improvements in the municipality for the purposes of the assessment roll.

1989-90, c.R-26.1, s.294; 1995, c.30, s.34; 1996, c.58, s.25; 1997, c.48, s.16; 2000, c.L-5.1, s.470 and c.25, s.22; 2001, c.38, s.30; 2002, c.38, s.21.

Two or more liable to assessment

295(1) If two or more persons are the owners or occupants of any land, improvement or land and improvements that are liable to assessment, the name of each of those persons is to be entered on the assessment roll with respect to the person's share of or interest in the land, improvement or land and improvements.

(2) Where the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied land in the municipality, the land shall be deemed to be duly assessed if entered on the assessment roll with a note stating that the owner is unknown.

1989-90, c.R-26.1, s.295; 2000, c.25, s.23; 2002, c.38, s.22.

Person to be included in roll

296(1) A person whose name is entered in the assessment roll may apply in writing to the assessor to have the name of any other person entered in the same assessment roll if that other person's name should have been entered in the roll.

(2) The assessor shall comply with an application made pursuant to subsection (1), after verifying that the person named in the application should have his or her name entered in the assessment roll.

1989-90, c.R-26.1, s.296.

Offences re assessment roll

297 Every person who wilfully:

(a) enters or procures the entry of the name of a person or a fictitious name in the assessment roll or enters a name of a person who should not be entered;

(b) omits or procures the omission of the name of a person from the assessment roll;

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- (c) procures the assessment of a person at too low an amount;
- (d) makes a fraudulent assessment;
- (e) neglects any duty required by him or her by this Act;

is guilty of an offence against this Act.

1989-90, c.R-26.1, s.297.

Offences by assessors

298 Every assessor who:

- (a) makes a fraudulent assessment;
- (b) wilfully or fraudulently inserts in the assessment roll the name of a person who should not be entered in it;
- (c) wilfully or fraudulently omits the name of a person who should be entered in the roll; or
- (d) wilfully neglects any duty required of him or her by this Act;

is guilty of an offence against this Act.

1989-90, c.R-26.1, s.298.

Fixed assessment agreement

299(1) Subject to subsection (2), where there is any dwelling within the municipality that:

- (a) is situated on land within an organized hamlet; and
- (b) would be exempt from taxation pursuant to this Act except for its location within the organized hamlet;

the council may enter into an agreement with the owner of the dwelling providing for a fixed value to be placed on the dwelling for assessment purposes in an amount of not less than the value that would otherwise be placed on the dwelling for assessment purposes on the basis that the land on which the dwelling is situated was located outside of an organized hamlet.

(2) No agreement shall be entered into pursuant to subsection (1) unless:

- (a) authorized by bylaw; and
- (b) approved by the agency.

(3) Subject to subsection (4), an agreement entered into pursuant to subsection (1):

- (a) shall remain in force for any period, not exceeding five years, as may be specified in the agreement; and
- (b) with the approval of the agency, may be renewed from time to time for periods not exceeding five years each.

(4) Notwithstanding anything in an agreement entered into pursuant to subsection (1) or in an instrument renewing any agreement entered into pursuant to that subsection, the agreement or the renewal shall be deemed to have terminated and shall be void on:

- (a) the placing, erecting or constructing on the land to which the agreement or renewal applies, after the date on which the agreement or renewal became effective, of any additional improvements; or
- (b) a change of the use of the dwelling to which the agreement or renewal relates, the assessment of which has been reduced by the agreement; or
- (c) a subdivision or change in ownership of the land or the dwelling.

1989-90, c.R-26.1, s.299.

Assessment where no agreement entered into

300(1) Where:

- (a) an agreement under subsection 299(1) cannot be reached; or
- (b) on application by an owner of land, the council does not enter forthwith into an agreement with the owner pursuant to that subsection;

the owner may petition the appeal board to adjudicate in the matter.

(2) The appeal board, after considering a petition pursuant to subsection (1), may order the municipality to assess the improvements at a stated sum.

(3) Subsections 299(3) and (4) apply, with any necessary modification, to an order made pursuant to subsection (2).

1989-90, c.R-26.1, s.300; 1992, c.63, s.76.

Notice of assessment

301(1) Within two weeks after the preparation of the assessment roll, the assessor shall:

- (a) cause a notice to be published in one issue:
 - (i) of a newspaper circulated in the municipality; and
 - (ii) of the Gazette; and
- (b) subject to subsections (1.3) and (2), send by ordinary mail to every person whose name and address appears on the roll in relation to taxable land, improvements or businesses, a notice of assessment.

(1.1) Where two or more persons are the owners or occupants of any land or improvement that is liable to assessment, the owners or occupants may designate between themselves which one of them is to receive the notice of assessment pursuant to clause (1)(b) for the land or improvement.

(1.2) Any designation made pursuant to subsection (1.1) must be in writing, signed by each owner or occupant of the land or improvement, and delivered to the assessor.

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RURAL MUNICIPALITY, 1989

(1.3) Notwithstanding clause (1)(b) but subject to subsection (2), where an assessor receives a designation in accordance with subsection (1.2), the assessor may mail the notice of assessment to the person named in the designation rather than to each person named on the assessment roll as owners or occupants of the land or improvement.

(1.4) Any designation delivered to an assessor in accordance with subsection (1.2) remains in effect until any owner or occupant of the land or improvement notifies the assessor otherwise, in writing.

(2) Notwithstanding subsection (1), a council may, by bylaw passed on or before June 1 in any year, dispense with the mailing of assessment notices where the assessed value:

- (a) has not changed from the previous year's assessed value; or
- (b) has decreased by no more than the lesser of:
 - (i) \$1,000 from the previous year's assessed value; and
 - (ii) 1% of the previous year's assessed value.

(2.01) A bylaw passed pursuant to subsection (2) continues in force until it is changed or repealed.

(2.02) Nothing in subsection (2) affects the right of appeal to the board of revision and the appeal board.

(2.1) Notwithstanding subsection (2), where, pursuant to subsection 22(11) of *The Assessment Management Agency Act*, the council of a municipality passes a bylaw providing for the phasing in of assessed values resulting from a revaluation, the council may, by bylaw, dispense with the mailing of assessment notices in the second and any subsequent year of the phase-in period, if the assessment notice in the first year of the assessment period contains the phase-in assessed values for each year of the phase-in period, except where:

- (a) the name of the owner or occupant, as the case may be, on the assessment roll has changed since the issuance of the last assessment notice; or
- (b) the assessed value has changed for a reason other than the revaluation.

(3) Subject to subsection (2), the assessor, on completion of the mailing of all notices, shall:

- (a) prepare a statement setting forth the notices that have been mailed by him or her and the date of mailing;
- (b) sign the statement; and
- (c) keep it with the records of the municipality.

(4) The statement made pursuant to subsection (3) shall be prima facie evidence of the mailing of the notices on the date stated without proof of the appointment or signature of the assessor.

(5) The assessor shall make the assessment roll available for public inspection during normal business hours from the day of completion of the assessment roll to the last day for lodging an appeal.

(6) The council may authorize that the assessment roll or portions of the assessment roll be available for public inspection at any additional times that council may determine.

1989-90, c.R-26.1, s.301; 1995, c.30, s.35; 1997, c.48, s.17; 1998, c.32, s.18; 2000, c.25, s.24; 2002, c.38, s.23.

Error, etc., not to invalidate assessment

302 No assessment shall be invalidated by reason of:

- (a) an error, omission or misdescription in any assessment notice; or
- (b) the non-receipt of an assessment notice by the person to whom it is addressed.

1989-90, c.R-26.1, s.302.

APPEAL TO BOARD OF REVISION

Notice of appeal

303(1) A person may give to the secretary of the board of revision a notice of appeal to the board of revision, if the person:

- (a) has an interest in any land or improvements or is affected by the valuation or classification of any land or improvements; and
- (b) believes that an error has been made in the valuation or classification of the land or improvements or in the preparation or the content of the relevant assessment roll or notice of assessment.

(1.1) A municipality, other taxing authority or the agency may give to the secretary of the board of revision a notice of appeal to the board of revision where the municipality, other taxing authority or the agency, as the case may be, believes that an error has been made in the valuation or classification of any land or improvement or in the preparation or the content of the relevant assessment roll or notice of assessment.

(1.2) The agency is to be made a party to the appeal:

- (a) where the agency has prepared the valuation or classification of any land or improvement being appealed; or
- (b) where the appeal is by a municipality or other taxing authority.

(2) The appellant shall give a separate notice of appeal for each assessment in which the appellant alleges that an error exists.

(3) A notice of appeal must be given to the secretary of the board of revision:

- (a) within 30 days after the day on which the notice of assessment is mailed to the person; or
- (b) if no notice of assessment is mailed to the person, within 30 days after the later of the date when the notice of assessment has been posted and published pursuant to subclause 301(1)(a)(i) and the date the notice of assessment is published in the Gazette pursuant to subclause 301(1)(a)(ii).

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(3.1) The appellant shall give a notice of appeal pursuant to this section personally, by registered mail or by ordinary mail.

(4) A notice of appeal must reference a specific parcel of land, improvement or parcel of land and the improvements to that parcel of land, be in the prescribed form, and state all grounds on which the appeal is based, including:

- (a) a description of the valuation or classification with respect to which an error is alleged to exist;
- (b) the nature of any error alleged in the preparation or content of any entry on the assessment roll or notice of assessment;
- (c) the specific grounds on which it is alleged that an error exists;
- (d) in summary form, the material facts on which the appellant relies; and
- (e) the address of a place at which documents relating to the appeal may be left, or to which those documents may be mailed, for the appellant.

(4.1) If a property has been assessed pursuant to subsection 284(1.1) or 285(3), no person shall base an appeal on:

- (a) the valuation of land apart from the improvements to the land; or
- (b) the valuation of improvements apart from the land on which the improvements are situated.

(5) Where a person fails to provide any information required pursuant to subsection (4), the board of revision may, at any time prior to determining the appeal, require the person to provide the information during a specified time, and, if the person does not provide the information during that time, may dismiss the appeal.

(6) Where an appellant gives a notice pursuant to this section, the appellant shall, at the time of filing the notice to appeal, or at any other time within the 30-day period mentioned in subsection (3), pay any fee to the municipality against which the appeal has been taken that may be established by bylaw by the council.

(7) A council may, by bylaw, establish fees for the purposes of subsection (6) that do not exceed any prescribed maximum fee or the appropriate amount set out in a prescribed schedule of maximum fees.

(7.1) An appellant may withdraw his or her appeal for any reason by notifying the secretary of the board of revision in writing at least five days before the day on which the appeal is to be heard by the board of revision.

(7.2) Where an appellant withdraws an appeal pursuant to subsection (7.1), the council shall refund any fee that was submitted by the appellant to the municipality.

(7.3) If an appellant's appeal is not placed on the list of appeals for the reasons mentioned in subsection 305(2), the council shall refund to the appellant any appeal fee submitted to the municipality by the appellant.

(8) Where an appellant is successful, in whole or in part, on an assessment or classification appeal at either the board of revision or the appeal board, the council shall refund any fee that was submitted by the appellant to the rural municipality.

Non-payment of fees

304 Where an appellant fails to pay any fee prescribed by the Lieutenant Governor in Council or established by bylaw for the purposes of an appeal to the board of revision pursuant to this or any other Act within the 30-day period mentioned in subsection 303(3), the appeal is deemed to be dismissed.

1996, c.58, s.26.

List of appeals

305(1) Before the sitting of the board of revision, the secretary of the board shall:

(a) prepare a list, in the form prescribed by the minister, of the appeals that have been made pursuant to and in accordance with section 303, which appeals will be heard, as far as possible, in the order in which they stand on the list, but the board of revision may adjourn or reschedule the hearing of any appeal as it considers advisable;

(b) post the list of appeals in a conspicuous place in the municipal office and ensure that it remains posted during the sittings of the board;

(c) subject to subsection (1.1), serve at least 21 days before the sitting of the board of revision, on every person who has made an appeal pursuant to and in accordance with section 303 at the address for service indicated in the notice of appeal and on the owner named on the assessment roll, where the appeal is made by a person other than the owner named on the assessment roll or his or her agent, a notice of the time and place of the sitting of the board of revision to hear the appeal.

(1.1) After notice has been served pursuant to clause (1)(c), the appellant, the owner named on the assessment roll if other than the appellant, the secretary of the board of revision, and the assessor may agree to have the appeal heard by the board of revision on a date earlier than the date set out in the notice.

(2) The secretary of the board of revision shall not place an appeal on the list pursuant to subsection (1) unless, in the secretary's opinion, the appellant has complied with all the requirements set out in section 303, including the requirements for the notice of appeal set out in subsection 303(4).

(3) Where the secretary of the board of revision is of the opinion that an appellant's notice of appeal does not comply with subsection 303(4) or (4.1), the secretary shall:

(a) notify the appellant of the deficiencies in the notice of appeal; and

(b) grant the appellant an additional period not exceeding 14 days to perfect the notice of appeal.

1996, c.58, s.26; 1997, c.48, s.18; 2000, c.25, s.26; 2002, c.38, s.25.

c. R-26.1

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Appointment of boards of revision

306(1) A council, by resolution, shall appoint not less than three persons to constitute the board of revision for the municipality.

(1.1) No member of the council is eligible to sit as a member of the board of revision for the municipality.

(1.2) No member of the board of education of any school division situated wholly or partly in the municipality, or in which the municipality is wholly or partly situated, is eligible to sit as a member of the board of revision for the municipality.

(1.3) A person appointed to the board of revision pursuant to subsection (1) holds office:

- (a) for a term not exceeding 12 months and until:
 - (i) the board has concluded its business; and
 - (ii) a successor is appointed;
- (b) until that person dies or resigns; or
- (c) until that person is removed for cause;

whichever is earlier.

(2) The members of the board of revision shall designate one of their number as chairperson.

(3) **Repealed.** 2000, c.25, s.27.

(4) No person who has a pecuniary interest, within the meaning of section 45, in any land or improvement, the assessment or classification of which is the subject of an appeal to the board of revision, shall act as a member of the board of revision on that appeal.

(5) The council shall appoint a secretary of the board of revision who may be the assessor.

(6) The council may pay the members and secretary of the board of revision any remuneration that it may determine.

(6.1) Any remuneration set pursuant to subsection (6) must be fixed for the term of appointment of those members or that secretary, as the case may be.

(7) The chairperson of the board of revision may:

- (a) appoint panels of not less than three persons from the membership of a board of revision; and
- (b) appoint a chairperson for each panel.

(7.1) Notwithstanding subsection (7) but subject to the conditions prescribed in section 306.1, the chairperson may appoint one member of the board of revision to serve as a panel.

(8) Each panel appointed pursuant to subsection (7) or (7.1) may hear and rule on appeals concurrently as though it were the board of revision in every instance.

(9) A majority of the members of a board of revision or of a panel constitutes a quorum for the purposes of a sitting or hearing or of conducting the business of the board or panel.

(10) If a majority of the members of a panel is unable to attend a sitting of the panel, the chairperson of the board of revision may, from among the members of the board of revision, appoint a sufficient number of persons to the panel to constitute a quorum to act in the place and exercise all the powers of the absent members for that sitting.

(11) The board of revision shall hear appeals, as far as possible, in the order in which the appeals stand in the list, but the board of revision may adjourn or expedite the hearing of any appeal where the board of revision considers it appropriate to do so.

(12) The Lieutenant Governor in Council may make regulations prescribing the rules of conduct and procedure for boards of revision.

1996, c.58, s.26; 1998, c.32, s.20; 1999, c.9, s.8;
2000, c.25, s.27; 2003, c.36, s.14.

Simplified appeals

306.1(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 \$100,000 or less.

(2) Notwithstanding subsection 306(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 subsection 303(4).

(4) Section 307.1 does not apply to an appellant in an appeal to which this section applies.

2003, c.36, s.15.

District board of revision

307(1) A municipality may, by bylaw, authorize an agreement with other municipalities, to provide for the creation of, and the appointment of members to, a district board of revision.

(1.1) No member of the council of a municipality that is a signatory to an agreement pursuant to subsection (1) is eligible to sit as a member of the district board of revision.

(1.2) No member of the board of education of any school division situated wholly or partly in a municipality that is a signatory to an agreement pursuant to subsection (1), or in which a municipality that is a signatory to an agreement pursuant to subsection (1) is wholly or partly situated, is eligible to sit as a member of the district board of revision.

(2) A district board of revision is deemed to be a board of revision to hear and decide appeals pursuant to section 303 from within the municipalities that are signatories to the agreement.

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(2.1) The secretary of the district board of revision may apply on behalf of the district board of revision for any extension of time permitted pursuant to this Act.

(3) Where municipalities enter into an agreement pursuant to subsection (1), they shall appoint a secretary for the board of revision and provide for the remuneration of that secretary within the agreement.

1996, c.58, s.26; 1998, c.32, s.21; 1999, c.9, s.9.

Written materials

307.1(1) Where a party to an appeal intends to make use of any written materials on the hearing of an appeal, the party shall file copies of the materials with the secretary of the board of revision at least 10 days prior to the dates set for the hearing.

(2) A party who files copies of materials pursuant to subsection (1) shall serve copies of the materials on all other parties to the appeal at least 10 days prior to the date set for the hearing.

(3) If a party does not comply with subsection (1) or (2), the board may, in its discretion:

- (a) accept and consider the material sought to be filed;
- (b) refuse to accept or consider the material sought to be filed.

(4) At least 10 days before the date set for the appeal hearing, the assessor shall file with the secretary of the board of revision and serve a copy on all parties to the appeal:

- (a) a complete assessment field sheet; and
- (b) a written explanation of how the assessment was determined.

1996, c.58, s.26; 1999, c.9, s.10.

Disclosure of information

307.3(1) Following a request for information and prior to providing information to the assessor or any other party to an appeal, the party that is to provide the information may declare the information confidential and seek an undertaking of the other party that all or some of the information so provided is provided solely for the purpose of preparing an assessment or for an appeal hearing and that no other use may be made of the information.

(2) Failure to provide an undertaking pursuant to subsection (1) forfeits the right of a party to obtain the information being sought by any other process.

(3) Every person who fails to comply with an undertaking given pursuant to this section is guilty of an offence.

1996, c.58, s.26.

Agreement to adjust assessment

307.4(1) Subject to section 311, where all parties to an appeal agree to a valuation or classification other than the valuation or classification stated on the notice of assessment, the parties may submit, in writing, a new valuation or classification to the board of revision, and that submission, subject to confirmation by the board of revision, forms the written decision of the board of revision with respect to the appeal.

(2) Where the board of revision does not confirm the new valuation or classification submitted pursuant to subsection (1), the board shall provide the appellant with written reasons for its decision.

(3) Where the board of revision does not confirm the new valuation or classification submitted pursuant to subsection (1), the appellant may resume his or her appeal pursuant to this Act without any loss of rights, and the secretary of the board shall schedule a new hearing of the appeal.

1998, c.32, s.22.

Confidentiality of information

307.5(1) On the request of any party to an appeal, a board of revision, the appeal board or the Court of Appeal may declare all or any part of the information provided by that party to be confidential if the board of revision, the appeal board or the Court of Appeal determines that disclosure of that information on the hearing of the appeal could reasonably be expected to:

- (a) result in financial loss or gain to the party or to any other person;
- (b) prejudice the competitive position of the party or of any other person; or
- (c) interfere with the contractual negotiations or other negotiations of the party or of any other person.

(2) If a board of revision, the appeal board or the Court of Appeal makes an order pursuant to subsection (1), it may also make all or any of the following orders:

- (a) an order that any part of the appeal be heard in the absence of the public;
- (b) an order that the actual income and expense information for an individual property that forms part of a report, study or transcript be purged or masked before the report, study or transcript is released to the public;
- (c) an order that any information that forms part of a report, study or transcript and that identifies a person be purged or masked before the report, study or transcript is released to the public;
- (d) any other order respecting procedures to be followed by the parties to the appeal respecting the disclosure or release of any information arising from the appeal.

(3) No order declaring information to be confidential pursuant to this section prevents full disclosure of that information on an appeal to the appeal board or to the Court of Appeal.

2002, c.38, s.26.

Witnesses

308(1) The board of revision may direct the secretary of the board to issue a summons to any person to attend as a witness at the board of revision.

(2) A person to whom a summons is issued pursuant to subsection (1) is entitled to receive any compensation that may be determined by the council for being present at the board of revision.

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(3) Subject to subsection (4), no person who is issued a summons to appear at a board of revision shall fail to attend at the time and place mentioned, or having attended or being present, refuse to be sworn if required to give evidence.

(4) The board of revision may excuse any person from attending for good and sufficient reason.

(5) Any person who contravenes subsection (3) is guilty of an offence against this Act.

1989-90, c.R-26.1, s.308; 1996, c.58, s.27.

All evidence to be tendered

308.1 Any party to an appeal shall tender all evidence on which he or she relies at or prior to the board of revision hearing.

1996, c.58, s.28.

Failure to appear

308.2(1) Subject to subsection (2), where an appellant fails to appear either personally or by agent at the board of revision hearing:

- (a) the board may make a decision in the absence of the appellant;
- (b) the decision of the board pursuant to clause (a) is final; and
- (c) no appeal may be taken by the appellant from that decision.

(2) Where an appellant must attend more than one board of revision hearing in more than one municipality on the same day, the appellant may apply to the board of revision for an adjournment, and the board of revision shall grant the application.

1996, c.58, s.28.

Recording

308.3(1) Where, at least two days before the day scheduled for the hearing of an appeal to the board of revision, a party to the appeal requests that the hearing or part of the hearing or the testimony of a witness testifying at a hearing be recorded, the chairperson of the board or panel shall order that the hearing or a part of the hearing or the testimony of a witness shall be recorded by a person appointed by the board.

(2) Where an order is made pursuant to subsection (1), the chairperson of the board or panel may, at the time of making the order or after deciding the appeal, charge against the party who requested the recording or a transcript the costs or a part of the costs of:

- (a) recording the hearing, a part of the hearing or the testimony of a witness, including the cost of the services of the person appointed to make a recording;
- (b) producing a readable transcript of a recording or a part of a recording; or
- (c) making copies of a recording or a transcript.

(3) The secretary of the board of revision may withhold the recording or transcript until the costs charged pursuant to subsection (2) have been paid.

(4) Where, pursuant to this section, a recording is made of a hearing or of part of a hearing or of the testimony of a witness testifying at a hearing, and the matter is subsequently appealed to the appeal board, on the request of any party to the appeal and after the requesting party has paid the costs of producing the transcript, the secretary of the board of revision shall forward a transcript of the recording to the appeal board.

1996, c.58, s.28; 1997, c.48, s.19; 1999, c.9, s.11.

Amending notice of appeal

308.4(1) On application made by an appellant appearing before it, the board of revision may, by order, grant leave to the appellant to amend his or her notice of appeal so as to add a new ground on which it is alleged that error exists.

(2) An order made pursuant to subsection (1) may be made subject to any terms and conditions that the board of revision considers appropriate.

(3) An order made pursuant to subsection (1) is to be in writing.

1996, c.58, s.28.

Correction of assessment errors regardless of resulting value

308.5 On any appeal to a board of revision, the board of revision may order the correction of errors in assessment relating to any ground stated in the notice of appeal, and the assessor shall amend the assessment roll accordingly, regardless of whether the resulting assessment value increases, decreases or remains the same.

2001, c.38, s.31.

309 Repealed. 1996, c.58, s.29.

Oath

310(1) It is not necessary to take the evidence of the appellant, assessor or the person appealed against under oath except where:

(a) the board of revision considers it necessary or proper; or

(b) the evidence of the person is:

(i) tendered on his or her own behalf; or

(ii) required by the opposite party.

(2) Where it is necessary to take the oath of a witness, the oath may be administered by any member of the board of revision hearing the appeal.

1989-90, c.R-26.1, s.310.

Prohibition on variation of assessed values

311 Notwithstanding that the value at which any specified land or improvement has been assessed appears to be more or less than its fair value, the amount of the assessment may not be varied on appeal if the value at which it is assessed bears a fair and just proportion to the value at which all similar lands and improvements are assessed:

(a) in the municipality; and

(b) in any school division situated wholly or partly in the municipality or in which the municipality is wholly or partly situated.

1999, c.9, s.12.

c. R-26.1

RURAL MUNICIPALITY, 1989

Limitation on sittings of board of revision

312 A board of revision shall conclude all hearings of appeals and render its decisions by August 1 in each year, and no appeal may be heard after that date except as provided in section 3, subsection 315.2(10) or section 325.

1989-90, c.R-26.1, s.312; 1999, c.9, s.13.

Written record

312.1 A board of revision shall maintain a written copy of each of its decisions.

1996, c.58, s.30.

Notice of decision

313(1) If the decision of a board of revision is not given or is given verbally at the time of the hearing of an appeal, the administrator shall give or serve:

- (a) a written notice of the decision; and
- (b) written reasons of the board of revision;

to the appellant or other person within 14 days after the decision is made.

(2) Any notice required by this section to be given or served is to be served personally or mailed by registered mail to the last known address of the person being served.

(3) A notice served by registered mail is deemed to have been delivered on the fifth day following the date of its mailing.

1989-90, c.R-26.1, s.313; 1992, c.63, s.78; 1996, c.58, s.31.

Amendment or alteration of roll

314(1) Forthwith after the conclusion of the sittings, the administrator shall amend or alter the assessment roll in accordance with the decisions of the board of revision.

(2) The administrator may at any time correct any obvious errors in the roll and a record of the correction shall be recorded in the minutes of the council meeting next following the correction.

1989-90, c.R-26.1, s.314.

Amendment or alteration of roll after confirmation

315(1) Where the assessment roll has been confirmed before all appeals from the board of revision have been disposed of, no amendment or alteration to the roll shall be made except as provided for in sections 314, 324 and 332.

(2) Where a decision on appeal would result in a change or alteration in the assessment of land or improvements on the roll if the roll had not been confirmed, the municipality shall adjust the taxes on the land or improvements in accordance with the appeal decision and where:

- (a) the appeal decision cancels or reduces the assessment on the land or improvements, the municipality shall refund all or part of the taxes paid, as the case may be, in excess of those required to be paid as a result of the appeal decision; or

- (b) the appeal decision establishes or increases the assessment on the land or improvements, the municipality shall collect, and the land or improvements are liable for, the amount of taxes that would be payable if the original assessment was that set by the appeal decision.
- (3) Any taxes and penalties required to be paid as a result of an appeal decision are recoverable pursuant to this Act and *The Tax Enforcement Act*.

1989-90, c.R-26.1, s.315; 2000, c.25, s.28.

Immunity

315.1 No action lies or shall be instituted against a board of revision or any member of a board of revision 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.

1997, c.48, s.20.

Appeals to board to consolidate assessment appeals

315.2(1) For the purposes of this section, “**municipality**” means a rural municipality, an urban municipality or a northern municipality.

(2) Notwithstanding section 303, a person may appeal an assessment directly to the appeal board where:

- (a) the person has an interest in lands, improvements or businesses in more than one municipality;
- (b) with respect to those lands, improvements or businesses, the person, in accordance with section 303, gives notices of appeal to the board of revision in more than one of the municipalities; and
- (c) the appeal board grants the person leave to have the appeals heard by the appeal board as a single assessment appeal and, for that purpose, consolidates the appeals.

(3) A person who wishes to appeal directly to the appeal board pursuant to this section shall, at the same time he or she gives notices of appeal to the boards of revision pursuant to section 303:

- (a) file with the appeal board:
 - (i) an application for leave to appeal to the appeal board, in the form specified by the appeal board;
 - (ii) a copy of each notice of appeal filed in each municipality affected; and
 - (iii) the fee specified by the appeal board; and
- (b) give a copy of the application for leave to appeal to the appeal board to:
 - (i) the secretary of each board of revision affected; and
 - (ii) all other parties to the appeals.

c. R-26.1

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- (4) Within 15 days after receiving a copy of the application for leave to appeal to the appeal board pursuant to clause (3)(b), the council of any municipality affected may file with the appeal board a written objection to the application.
- (5) Where the council of a municipality files a written objection pursuant to subsection (4), the council shall:
- (a) state the grounds for the objection in the written objection; and
 - (b) give a copy of the written objection to the appellant.
- (6) Within 45 days after the application for leave to appeal and supporting materials are filed with the appeal board pursuant to clause (3)(a), the appeal board shall:
- (a) either:
 - (i) grant leave to appeal; or
 - (ii) dismiss the application; and
 - (b) serve written notice of its decision, with reasons, by ordinary mail on all parties to the appeals and on each board of revision affected by the application for leave to appeal.
- (7) The appeal board may grant leave to appeal if the appeal board is of the opinion that the grounds of appeal for each assessment are sufficiently alike to warrant consolidating the appeals into a single assessment appeal before the appeal board.
- (8) A decision of the appeal board granting leave to appeal:
- (a) transfers to the appeal board the appeals brought pursuant to section 303 that were the subject of the application for leave to appeal; and
 - (b) consolidates the appeals mentioned in clause (a) into a single assessment appeal before the appeal board.
- (9) On the appeal board granting leave to appeal, the council of each municipality affected shall refund any fee that was submitted by the appellant pursuant to section 303.
- (10) Notwithstanding section 303, if the appeal board dismisses an application for leave to appeal brought pursuant to this section, each board of revision affected has an additional 60 days, after the date on which it was advised that leave to appeal was dismissed, to hear the appeal and render its decision.

1999, c.9, s.14.

Appeals to board on commercial and industrial property

315.3(1) Notwithstanding section 303, a person may appeal an assessment directly to the appeal board, without leave, where:

- (a) the person has an interest in lands or improvements that are classified as commercial and industrial property pursuant to *The Rural Municipality Assessment and Taxation Regulations*;

- (b) the total fair value assessment of those lands or improvements as recorded in the assessment roll is greater than the prescribed amount; and
 - (c) the person, the applicable board of revision and the municipality agree to proceed in accordance with this section.
- (2) A person who wishes to appeal directly to the appeal board pursuant to this section shall, at the same time he or she gives a notice of appeal to the board of revision pursuant to section 303:
- (a) file with the appeal board:
 - (i) a notice of appeal to the appeal board, in the form specified by the appeal board; and
 - (ii) the fee specified by the appeal board; and
 - (b) give a copy of the notice of appeal to the appeal board to:
 - (i) the secretary of the board of revision affected; and
 - (ii) all other parties to the appeals.

1999, c.9, s.14.

Appeals to board pursuant to section 315.2 or 315.3

315.4(1) Sections 307.1 to 308.4 respecting the procedure on appeals to a board of revision apply, with any necessary modification, to an appeal pursuant to section 315.2 or 315.3.

(2) Subject to subsection (3), on the hearing of an appeal pursuant to section 315.2 or 315.3, the appeal board, in addition to its powers and responsibilities, has all the powers and responsibilities that a board of revision would have with respect to the appeal.

(3) Subject to section 3, the appeal board shall conclude the hearing of any appeal pursuant to section 315.2 or 315.3 and render its decision, with written reasons, within nine months after it:

- (a) grants leave to appeal pursuant to section 315.2; or
- (b) receives a notice of appeal pursuant to section 315.3.

(4) Where the appeal board hears an appeal pursuant to section 315.2 or 315.3, the appellant has no right of appeal pursuant to section 316.

1999, c.9, s.14.

APPEAL TO THE SASKATCHEWAN MUNICIPAL BOARD

Right of appeal

316 An assessor, any appellant to the board of revision or any other person aggrieved by a decision of the board of revision has a right of appeal to the appeal board in accordance with the procedures set out in sections 317 to 321 against a decision of a board of revision on an appeal and against the omission, neglect or refusal of that board to hear or decide an appeal to it.

1989-90, c.R-26.1, s.316.

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Service of notice by appellant

317(1) An appellant, including a municipality, other taxing authority or the agency, bringing an appeal to the appeal board shall serve on the secretary of the appeal board a notice of appeal in the prescribed form setting out all the grounds of appeal.

(2) The appellant shall serve the notice of appeal mentioned in subsection (1):

(a) within 30 days after being served with a written notice of the decision of the board of revision; or

(b) in the case of the omission or neglect of the board of revision to hear or decide an appeal, at any time within the calendar year for which the assessment was prepared.

(2.1) The appellant shall serve a notice of appeal pursuant to this section personally, by registered mail or by ordinary mail.

(3) Subject to subsection (4), if an appellant does not effect service in accordance with this section, the appeal is deemed to be dismissed.

(4) If, in the opinion of the appeal board, the appellant's failure to perfect an appeal in accordance with this section is due to a procedural defect that does not affect the substance of the appeal, the appeal board may allow the appeal to proceed, on any terms and conditions that the appeal board considers just.

1998, c.32, s.24; 1999, c.9, s.15.

Service of notice by appeal board

317.01 Immediately after the secretary of the appeal board is served with a notice of appeal pursuant to section 317, the secretary of the appeal board shall:

(a) serve a copy of the notice of appeal on every party to the appeal other than the appellant; and

(b) provide a copy of the notice of appeal to the secretary of the board of revision.

1998, c.32, s.24.

Non-payment of fees

317.1 Where an appellant fails to pay any fee established by any Act or regulations for the purposes of an assessment or classification appeal to the appeal board pursuant to this or any other Act within the 30-day period mentioned in subsection 317(2), the appeal is deemed to be dismissed.

1996, c.58, s.32; 1998, c.32, s.25.

Appeal determined on written materials

317.2 Subject to section 322.1, and notwithstanding any power that the appeal board would otherwise have pursuant to *The Municipal Board Act* to seek and obtain other information, an appeal to the appeal board pursuant to this Act is to be determined on the basis of the materials transmitted pursuant to subsection 318(1) and any transcript requested and produced pursuant to section 308.3.

1996, c.58, s.32; 1997, c.48, s.22.

Transmission to appeal board

318(1) On the request of the secretary of the appeal board, the secretary of the board of revision shall, with respect to each appeal to the appeal board, cause to be transmitted to the appeal board:

- (a) the notice given pursuant to section 303;
- (b) materials filed with the board of revision prior to its hearing;
- (c) any exhibits entered at the board of revision hearing;
- (d) the minutes of the board of revision, including a copy of any order made pursuant to section 308.4;
- (e) any written decision of the board of revision; and
- (f) a written statement describing the portion, if any, of the hearing before the board of revision that was recorded by a person appointed by the board of revision.

(2) Following receipt of the items transmitted to it pursuant to subsection (1), or after at least 30 days have passed since making the request mentioned in subsection (1), whichever is earlier, the appeal board shall fix a time and place for hearing the appeal and notify the agency, the assessor and all other parties to the appeal of the time and place fixed.

1996, c.58, s.32; 1998, c.32, s.26; 2003, c.36, s.16.

319 Repealed. 2003, c.36, s.16.

Notice of appeals to be posted

320 The administrator shall cause a conspicuous notice to be posted in his or her office containing the names of all the appellants and parties against whose assessments appeals have been taken, with a brief statement of the grounds or causes of appeal together with the time and place at which the appeal board will sit to hear the appeals.

1989-90, c.R-26.1, s.320.

Hearing of appeals

321 At the time and place fixed by it, the appeal board shall hear the appeals.

1989-90, c.R-26.1, s.321.

Production of roll, amendment if required

322(1) The administrator, if requested by the appeal board, shall appear at the hearing and produce the assessment roll and all papers and writings in his or her custody connected with the matter of appeal.

- (2) If the assessment roll has not been confirmed by the agency:
 - (a) the assessor shall amend the roll, if required, according to the terms of the decision of the appeal board and make a record of the amendment; or

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(b) if the appeal board reserves its decision, the person having charge of the assessment roll shall, when the decision is given:

- (i) immediately amend the roll, if required, according to the terms of the decision of the appeal board; and
- (ii) make a record of the amendment.

1989-90, c.R-26.1, s.322.

New evidence

322.1(1) The appeal board shall not allow new evidence to be called on an appeal except where it is satisfied that:

- (a) except by his or her failure to make a request pursuant to section 308.3, through no fault of the person seeking to call the new evidence, the written materials and transcript mentioned in section 317.2 are incomplete, unclear or do not exist;
- (b) the board of revision has omitted, neglected or refused to make a decision; or
- (c) the appellant has established that relevant information has come to the appellant's attention and that the information was not obtainable or discoverable by the appellant through the exercise of due diligence at the time of the board of revision hearing.

(2) Where the appeal board allows new evidence to be called pursuant to subsection (1), the appeal board may make use of any powers it possesses pursuant to *The Municipal Board Act* to seek and obtain further information.

1996, c.58, s.33; 1997, c.48, s.24.

Reconsideration of assessment

322.2 On an appeal from a decision of the board of revision with respect to the assessment or classification of land or improvements, the appeal board may adjust, either up or down, the assessment of or change the classification of the land or improvements in order that:

- (a) errors in and omissions from the assessment roll may be corrected; and
- (b) an accurate, fair and equitable entry of assessment for the land or improvements may be placed on the assessment roll.

2000, c.25, s.29.

Same decision applies

322.3(1) A decision made by the board of revision or the appeal board on an appeal of an assessment of any land or improvements applies, to the extent that it relates, to any assessment placed on the assessment roll for the land or improvements after the appeal is initiated but before the decision is made, without the need for any further appeal being initiated with respect to the assessment.

(2) Where the parties to an appeal cannot agree as to whether or to what extent subsection (1) applies in their circumstances, any party to the appeal may apply to the board that issued the decision to issue a ruling on the matter, and that ruling is subject to appeal in the same manner as any other decision issued by that board.

1998, c.32, s.27; 2000, c.25, s.30.

APPEALS AND STATED CASES TO COURT OF APPEAL

Appeal respecting school support

323(1) Where the ground of appeal was that the appellant or some other person was wrongly assessed as a public or separate school supporter, an appeal lies from the appeal board to the Court of Appeal.

(2) The procedure on the appeal is the same, as nearly as may be, as on an appeal from a decision of the court to the Court of Appeal subject to any general rules or orders from time to time made by the Court of Appeal.

1989-90, c.R-26.1, s.323.

GENERAL PROVISIONS RESPECTING ASSESSMENT

Omissions

324(1) Subject to subsection (2), the assessor shall enter the information required pursuant to section 294 in the assessment roll and shall make a record of the entry where, before December 1 in the current year, it is discovered that:

- (a) a person liable to assessment is not assessed;
 - (b) **Repealed.** 2000, c.25, s.31.
 - (c) a person has commenced construction of an improvement in the year;
 - (d) an improvement has been altered, demolished or removed, either in whole or in part; or
 - (e) a use of land or improvements has been changed, and the classification should be changed.
- (2) If an improvement is assessed while under construction, the assessor shall not make any addition to the roll with respect to that improvement in the current year unless the improvement is occupied or used or is reasonably fit for occupancy or use before December 1 in that year, in which case the assessor shall add to the roll a sum representing the increase in value of the improvement.
- (3) Immediately after a change is made pursuant to this section, the assessor shall place the assessment on the assessment roll and levy taxes on the assessment at the same rates as the rest of the roll, and the amount levied is to be adjusted in the manner provided in section 335 or 336, and the rates are collectable in the same manner as other taxes.
- (4) If the assessment of an improvement is increased pursuant to subsection (2), the rates mentioned in subsection (3) apply to the assessment first made pursuant to subsection (1) up to the date of occupancy or use of the improvement or the date on which the improvement is reasonably fit for occupancy or use, whichever is earlier, and the rates apply after that time to the full assessment of the improvement.
- (5) If any land or improvement that is exempt from taxation pursuant to section 331 ceases to be so exempt on or before December 1 in the current year, the assessor shall assess the person liable to assessment and enter on the assessment roll the information required by section 294.

1989-90, c.R-26.1, s.324; 1998, c.32, s.28; 2000, c.25, s.31; 2001, c.38, s.32.

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324.1 Repealed. 2000, c.25, s.32.

324.2 Repealed. 2000, c.25, s.32.

Notice of addition

325(1) Where a change is made to the roll, an assessment notice shall be sent by the administrator to the person or persons affected.

(2) Every person to whom an assessment notice is sent pursuant to subsection (1) shall be given every reasonable opportunity to appeal against the assessment.

(3) Any appeals made pursuant to subsection (2) shall be heard and determined as nearly as may be in the manner provided by this Act.

1989-90, c.R-26.1, s.325; 1998, c.32, s.29.

Proof of assessment

326 A copy of the assessment roll, or any portion of the roll under the seal of the municipality and certified to be a true copy by the administrator, is admissible in any court or before any judge as *prima facie* evidence of its contents without any further or other proof.

1989-90, c.R-26.1, s.326.

Confirmation of assessment roll

327(1) The assessor shall make a return to the agency, in a form and at the times required by the agency, showing:

(a) particulars of any alterations that have been made in the assessment roll; and

(b) any additional assessments for the year that are made pursuant to this Act.

(2) Notwithstanding any appeals that may be pending to the appeal board or to the Court of Appeal, the agency may, on receipt of the return and having conducted any inquiries that it considers necessary:

(a) by order published in the Gazette; and

(b) by issuing a certificate signed by the chairperson of the board of the agency;

confirm the assessments in the roll as the assessment of the municipality for the current year.

(3) On receipt of the certificate the administrator shall retain it with the records of the municipality and on receipt of the certificate the roll is valid and binding on all parties concerned notwithstanding any defect or error committed in or with regard to it or any defect, error or mis-statement in any notice required by this Act or any omission to deliver or to transmit any such notice.

(4) If, after a return is made to the agency pursuant to subsection (1), the time for appealing an assessment or additional assessments to the board of revision has elapsed and the board of revision has rendered its decision on all appeals before it, the assessor shall make a further return to the agency in the manner set out in subsection (1).

(5) On receipt of a further return pursuant to subsection (4), the agency shall, if satisfied that the assessments should be confirmed, confirm them by a supplementary certificate issued under its seal and in that case subsection (3) applies.

(6) If assessments are made in any year, or where assessments are added to the roll, and taxes are imposed on the assessments in the year in which those assessments are made or added to the roll or in a subsequent year, the taxes so imposed are, after the assessments have been confirmed, deemed to be properly levied with respect to the year in which the assessments were made or added to the roll and are collectable in the same manner as other taxes.

1989-90, c.R-26.1, s.327; 2004, c.53, s.18.

Effect of assessment where person has no interest

328 Where a person has no interest in the land or improvement with respect to which the person's name appears on the assessment roll, the assessment binds the land or improvement and the person whose name should have appeared on the assessment roll, but does not bind the person whose name appears on the roll.

1992, c.63, s.79.

Unconfirmed assessment not recoverable

329 Where an assessment has not been confirmed by the agency, taxes levied on the assessment are not recoverable pursuant to this Act or *The Tax Enforcement Act* until the assessment is confirmed.

1997, c.48, s.25.

TAXES

Levy

330(1) Each council shall authorize a levy on all taxable assessments in a municipality:

- (a) of a uniform rate considered sufficient to raise the amounts of taxes required pursuant to section 258; and
- (b) of any other rates required by this or any other Act.

(2) Notwithstanding subsection (1) but subject to subsection (3), where a municipality has entered into a restructuring agreement pursuant to section 13.2, the council may, by bylaw, authorize a special purpose levy on properties affected by the restructuring agreement for the purposes specified in the restructuring agreement.

(3) No special purpose levy mentioned in subsection (2) may be authorized:

- (a) subject to clause (b), for a term greater than 10 years; or
- (b) where the special purpose levy is to retire a municipal debt, for a term greater than the term of the outstanding debt.

2001, c.38, s.33.

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Phase-in of assessments, other taxing authorities

330.1 Where, pursuant to subsection 22(11) of *The Assessment Management Agency Act*, the council of a municipality passes a bylaw providing for the phasing in of assessed values resulting from a revaluation, and the municipality levies taxes on behalf of another taxing authority, the council shall:

- (a) use the assessed values as phased in as the basis for levying those taxes; and
- (b) by resolution, and notwithstanding any other Act, following consultation with the affected taxing authority, substitute a rate that is sufficient to raise the same amount of tax revenue for that taxing authority as the amount that would have been raised for that taxing authority had the phasing-in bylaw not been adopted.

1995, c.30, s.38.

Municipal tax phase-in plan

330.2(1) If the incidence of taxation in a municipality changes as a result of a revaluation pursuant to *The Assessment Management Agency Act*, the council of the 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) A tax phase-in plan established by a council pursuant to subsection (1) may:
 - (a) set limits on the amounts or percentages of tax increase or decrease resulting from revaluation to be permitted in each year of the plan for land or improvements, or for any class of land or improvements set by regulation pursuant to this section, and those limits need not be the same for tax increases and decreases or for each category or class of category to which the limits apply;
 - (b) **Repealed.** 1996, c.58, s36.
 - (c) specify the method of funding the difference in each year of the plan between any limit on a tax increase set pursuant to clause (a) and the tax increase that would otherwise result from revaluation.
- (3) A method specified pursuant to clause (2)(c) is to include one or more of the following:
 - (a) a reduction of the tax decreases that would otherwise result from revaluation;
 - (b) a meeting of the difference through a levy on land or improvements, or a class of land or improvements;
 - (c) transfer from surplus or reserve funds.
- (4) A tax phase-in plan established by a council pursuant to subsection (1) shall:
 - (a) ensure that the difference between any limit set pursuant to subsection (2) and the tax increase that would otherwise result from revaluation in each year of the plan is funded in each current year;
 - (b) exclude from the plan tax increases or decreases resulting from any change in assessed values that is not the result of revaluation; and

- (c) ensure that the full amount of any tax increase or decrease resulting from revaluation is in effect after completion of the tax phase-in plan.
- (5) A tax phase-in plan established pursuant to subsection (1):
 - (a) shall be implemented by adjusting the levy set pursuant to sections 258 and 330; and
 - (b) may be extended to any other rates required by this or any other Act by agreement with any other taxing authority on whose behalf the municipality levies taxes.
- (6) The Lieutenant Governor in Council may, by regulation, establish classes of lands or improvements for the purposes of this section.

1995, c.30, s.38; 1996, c.58, s.36; 1997, c.48, s.26; 2000, c.25, s.34; 2003, c.36, s.18.

Mill rate factors

- 330.3**(1) A council may, by bylaw, set mill rate factors that are to be multiplied by the rate established pursuant to section 258 and clause 330(1)(a), or subsections 15(2) and (3), section 259 and clause 330(1)(a), or sections 8 and 9 of *The Municipal Tax Sharing (Potash) Act*, for the purpose of establishing the levy for a taxable assessment.
- (2) A mill rate factor may be made applicable to a class of assessment of land, improvements or both established by regulations made pursuant to this section.
 - (3) The Lieutenant Governor in Council may make regulations:
 - (a) setting classes of assessment of land, improvements or both for the purposes of this section;
 - (b) respecting limits on mill rate factors that may be set by a council;
 - (c) prescribing classes of assessment of land, improvements or both for which a mill rate factor may not be set.
 - (4) No council shall fail to comply with any regulations made pursuant to subsection (3).
 - (5) A regulation made pursuant to subsection (3) may be made retroactive to a day not earlier than the day on which this section came into force.
 - (5.1) At the request of or with the consent of the board of an organized hamlet, the council may, by bylaw pursuant to subsection (1), provide that mill rate factors may be made applicable to a class of assessment of land, improvements or both within the organized hamlet that are different from the mill rate factors applied elsewhere within the municipality.
 - (6) Notwithstanding any other Act or law, a municipality may apply a mill rate factor established pursuant to this section to a rate levied on behalf of another taxing authority by agreement with the other taxing authority on whose behalf it collects the taxes for which the rate is set.

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(6.1) Notwithstanding any other Act or law, a municipality that applies a mill rate factor pursuant to subsection (6) shall adjust the rate set pursuant to clause 330(1)(b) so that the same total amount of tax is levied on behalf of the other taxing authority after applying a mill rate factor.

(7) Subject to subsection (8):

(a) a council must give notice of its intention to set mill rate factors, or to vary or repeal any mill rate factors it has set, to the other taxing authorities on whose behalf it levies taxes, on or before June 30 of the year prior to the year in which the mill rate factors, amendment or repeal are to be effective; and

(b) a taxing authority that desires to enter into an agreement pursuant to subsection (6) must advise the municipality of that fact on or before September 30 of the preceding year, with respect to taxes to be levied in any year.

(8) Subsection (7) does not apply to the setting of mill rate factors that are to take effect in 1997, or to agreements that are to take effect in 1997.

(9) **Repealed.** 1997, c.48, s.27.

(10) A mill rate factor that is expected to be applied, by agreement, to a rate levied on behalf of another taxing authority, must be set or amended by council prior to March 1 of the current year.

1996, c.58, s.37; 1997, c.48, s.27; 1999, c.9, s.16;
2000, c.25, s.35; 2003, c.36, s.18.

Exemption from taxation

331(1) The following lands and improvements are exempt from taxation:

(a) the interest of the Crown in any land and improvements, including land and improvements held by any person in trust for the Crown;

(b) land and improvements specially exempted by law;

(c) subject to subsection (1.1), land and improvements:

(i) that are owned and occupied by a registered independent school as defined in *The Education Act, 1995*, if the school is owned or operated by:

(A) a non-profit corporation that is incorporated, continued or registered pursuant to *The Non-profit Corporations Act, 1995*;

(B) a community services co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996*; or

(C) a body corporate that is operated on a not-for-profit basis and is incorporated or continued pursuant to an Act; and

(ii) that consist of:

(A) prescribed buildings; and

(B) land not exceeding the prescribed amount used in connection with the buildings mentioned in paragraph (A);

(d) land and improvements owned and occupied by a school division or the conseil scolaire within the meaning of *The Education Act, 1995* and consisting of:

- (i) office buildings and the land, not exceeding 0.2 hectares, used in connection with those buildings;
- (ii) buildings used for storage and maintenance purposes and the land, not exceeding 0.8 hectares, used in connection with those buildings;
- (iii) buildings used for the purposes of a school and the land, not exceeding 1.5 hectares, used in connection with each school;
- (iv) buildings and the land described in subclauses (i), (ii) and (iii) for a period of two years from the time they cease to be used for the purposes mentioned in those subclauses;

except any part of any of those buildings used as a dwelling and the land used in connection with those parts;

(d.1) buildings or any portion of a building occupied by an Indian band and used for the purposes of a school, together with any land used in conjunction with those buildings or that portion of the building, where the land and buildings are owned by:

- (i) an Indian band;
- (ii) a school division; or
- (iii) any person, society or organization whose lands and improvements are exempt from taxation pursuant to this or any other Act.

(e) every place of public worship and the land used in connection with each of those places, not exceeding 1.2 hectares, that is owned by a religious organization, except any portion of that place or of that land that is used as a residence or for any purpose other than a place of public worship;

(f) **Repealed.** 1997, c.37, s.8.

(g) every cemetery other than a commercial cemetery as defined in *The Cemeteries Act, 1999*;

(h) all lands and improvements owned by the municipality and that are being used by the municipality for municipal or public purposes;

(h.1) the buildings and land owned by the park authority of a regional park that would be wholly or partially within the boundaries of a municipality except for subsection 4(3) and that are used for regional park purposes, except for any portion of the buildings and land used as a residence or for any purpose other than a regional park purpose;

(h.2) minerals, within the meaning of *The Mineral Taxation Act, 1983*;

(h.3) the lands and improvements of every public library established pursuant to *The Public Libraries Act, 1996*, to the extent of the actual occupation of the lands and improvements for the purposes of the institution;

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- (i) land and improvements owned by an urban municipality or other rural municipality and used for municipal or public purposes;
- (j) the land and improvements of agricultural societies organized under *The Agricultural Societies Act* or any former *Agricultural Societies Act*;
- (k) the buildings with land attached owned by a division, branch or local unit of The Royal Canadian Legion Saskatchewan Command, the Army, Navy and Air Force Veterans in Canada, The Royal Canadian Air Force Association, the Disabled Veterans' Association of Saskatchewan, the Canadian Mental Health Association (Saskatchewan Division) and The Canadian National Institute for the Blind, so long as the buildings and grounds are actually used and occupied by a division, branch or local unit of any of them but not if otherwise occupied;
- (l) every monument erected as a war memorial and the land, not exceeding 0.2 hectares, used in connection with the memorial;
- (m) airports or landing fields owned by the municipality or by any urban municipality and the land and improvements used in connection with them;
- (m.1) the buildings and lands, not exceeding 1.6 hectares, of and attached to or otherwise used in connection with and for the purpose of The Young Men's Christian Association, The Young Women's Christian Association, any association or organization doing work for young women similar to the work done by The Young Women's Christian Association, and any law school established and maintained by the Benchers of the Law Society of Saskatchewan, so long as the buildings and lands are actually used and occupied by the institution but not if otherwise occupied;
- (n) every community hall owned and operated by a co-operative as defined in *The Co-operatives Act* and the land owned by the co-operative and used in connection with each hall;
- (o) unoccupied buildings that are residential in nature and that are situated on agricultural land;
- (o.1) buildings that are used to grow plants in an artificial environment;
- (p) improvements, other than dwellings, that are used exclusively in connection with the agricultural operation of land that is owned or operated by the owner or lessee of the improvements;
- (p.1) the portions of improvements, other than dwellings, that are:
 - (i) used:
 - (A) partly in connection with the agricultural operation of land that is owned or operated by the owner or lessee of the improvements; and
 - (B) partly for other purposes; and
 - (ii) determined by the agency to be attributable to the agricultural operation of that land;

- (q) a dwelling that is:
 - (i) situated outside of an organized hamlet; and
 - (ii) occupied by an owner or a lessee of land;

to the extent of the amount of the assessment of the dwelling that does not exceed the total of the assessments of any land in the municipality or in any adjoining municipality that is owned or leased by:

- (iii) the occupant or the occupant's spouse or both of them;
- (iv) subject to subsection (2), a partnership of which the occupant is a partner; and
- (v) subject to subsection (2), a corporation of which the occupant is a shareholder.

(1.1) Where the exemption from taxation provided by clause (c) is less than that granted by any other Act, the exemption granted by that other Act applies.

(1.2) For the purposes of clauses (1)(p) and (p.1), **“agricultural operation of land”**:

- (a) includes the tillage of land, the production or raising of crops, dairy farming, the raising of poultry or livestock, the production of poultry products or livestock products in an unmanufactured state and any portion of the use of an operation mentioned in clause (b) that is determined by the agency to be a non-commercial use; but
- (b) does not include the commercial operation of seed cleaning plants, farm chemical and fertilizer outlets, grain elevators, equipment sales and service enterprises and other similar commercial operations.

(1.3) For the purposes of clause (1)(q), **“land”** means land:

- (a) for which the predominant potential use is cultivation, determined by the assessor as the best use that could be reasonably made of the majority of the surface area;
- (b) for which the predominant potential use is as range land or pasture land, determined by the assessor as the best use that could reasonably be made of the majority of the surface area;
- (c) the majority of the surface area of which is not developed for any use, has been left in or is being returned permanently to its native state or cannot be used for agricultural purposes; or
- (d) used for other agricultural purposes.

(2) For the purposes of clause (1)(q), the assessment of land owned or leased by a:

- (a) partnership of which any person who is an occupant is a partner is deemed to be that portion of the actual assessment of the land that bears the same relationship to that actual assessment as the number of persons who are the occupants and who are partners in the partnership bears to the highest number of partners in the partnership at any time in the taxation year;

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- (b) corporation of which any person who is an occupant is a shareholder is deemed to be that portion of the actual assessment of the land that bears the same relationship to that actual assessment as the number of shares of the corporation held by persons who are the occupants bears to the highest number of issued shares of the corporation in the taxation year.
- (2.1) Where more than one dwelling described in clause (1)(q) is owned or leased by any of the persons mentioned in subclauses (1)(q)(iii), (iv) or (v), clause (1)(q) applies:
- (a) if the dwellings are in the same municipality, only to the residence with the greater assessment; and
 - (b) if the dwellings are in adjoining municipalities, with respect to each dwelling, only to the amount of the assessment that does not exceed the total of the assessments of any land in the municipality in which the dwelling is located that is owned or leased by one or more of those persons.
- (2.2) Notwithstanding clause (1)(q), either the owner or the lessee mentioned in that clause, but not both, is eligible to receive the exemption provided by that clause with respect to assessment of the same land in the same taxation year.
- (2.3) For the purposes of clause (1)(q), the owner is to receive the exemption, except that the lessee is to receive the exemption:
- (a) with respect to land leased from an owner who is not eligible to receive the exemption; and
 - (b) with respect to land leased from an owner who is entitled to the exemption, if the owner or lessee provides to the assessor, on or before March 31 in any year, a copy of the lease and a written notice signed by the owner stating that the owner has agreed that the lessee is to receive the exemption.
- (2.4) Where a written notice has been provided to the assessor pursuant to clause (2.3)(b), the lessee is to continue to receive the exemption unless the owner or lessee provides to the assessor a written notice, signed by the owner, rescinding or amending the previous notice on or before March 31 in the year in which the rescission or amendment is to be effective.
- (2.5) If the lease mentioned in clause (2.3)(b) is amended, the lessee shall promptly supply the assessor with a copy of the lease as amended.
- (3) A council may, by bylaw, exempt from taxation in whole or in part any land or improvements designated in the bylaw.
- (3.1) A bylaw pursuant to subsection (3) remains in force for one fiscal year of the municipality.
- (4) A council may enter, by bylaw, into an agreement, subject to any terms and conditions that the council may specify, with the owner or occupant of any land or improvements designated in the bylaw for the purpose of exempting the land or improvements from taxation, in whole or in part, for not more than five years.
- (5) If a person believes that an error has been made in determining that any land or improvement is liable to taxation, he or she may appeal the determination.

(6) Sections 303 to 323 apply, with any necessary modification, to an appeal made pursuant to subsection (5).

1989-90, c.R-26.1, s.331; 1992, c.63, s.80; 1993, c.55, s.185; 1996, c.58, s.38; 1997, c.37, s.8 and c.48, s.28; 1998, c.32, s.30; 1999, c.9, s.17; 2000, c.25, s.36; 2001, c.38, s.34; 1999, c.C-4.01, s.91.

Collection of other taxes

331.1(1) Where, after the coming into force of this section, a council exempts or partially exempts any land or improvements from taxation pursuant to subsection 331(3), or enters into an agreement to exempt or partially exempt any land or improvements from taxation pursuant to subsection 331(4), the municipality shall raise each year, on behalf of any other taxing authority on whose behalf it levies taxes, an amount equal to the amount that would have been levied on behalf of the other taxing authority if the exemption had not existed, unless the other taxing authority and any other municipality that also levies rates on its behalf agree otherwise.

(2) A municipality shall raise the amount mentioned in subsection (1) by adjusting the rate levied within the municipality on behalf of the other taxing authority either at a uniform rate or, by agreement with the other taxing authority, by means of a uniform rate multiplied by the applicable mill rate factors set pursuant to section 330.3.

(3) The amount mentioned in subsection (1) is to be calculated by multiplying the most recent assessment of the land or improvements to which the exemption or partial exemption applies by the rate set by the other taxing authority, subject to any applicable mill rate factors.

(4) Notwithstanding subsection (1) but subject to subsection (5), where, for the purposes of economic development, a council enters into an agreement pursuant to subsection 331(4) to exempt or partially exempt any land or improvements from taxation, the municipality is not required, for the term of the agreement, to replace the tax revenues lost by any other taxing authority on whose behalf the municipality levies taxes.

(5) Where a council enters into an agreement for the purposes mentioned in subsection (4), the council must, before February 1 of the first year in which the tax exemption is to take effect, give written notice of the tax exemption to any other taxing authority on whose behalf the municipality levies taxes.

(6) Notwithstanding subsection 331(4), any other taxing authority on whose behalf the municipality levies taxes may agree to an extension of an agreement entered into for the purposes mentioned in subsection (4), in which case the taxing authority is deemed to have waived, for the extended term of the agreement, the municipality's obligation to the taxing authority to replace lost tax revenues.

1996, c.58, s.39; 2000, c.25, s.37.

Grain storage space within inland grain terminals

331.2(1) In this section:

- (a) **“agreement”** means an agreement that meets the requirements of subsection (3);

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- (b) **“grain storage space”** means space within an inland grain terminal:
 - (i) that is owned, leased or operated by an independent grain company through a joint venture or otherwise; and
 - (ii) that:
 - (A) was subject to an agreement as at January 1, 2001; or
 - (B) was constructed for the express purpose of being used by a producer for the storage of grain in accordance with an agreement;
 - (c) **“independent grain company”** means a grain company:
 - (i) that is incorporated, registered or continued pursuant to *The Business Corporations Act*, *The Co-operatives Act, 1996* or *The New Generation Co-operatives Act*;
 - (ii) in which no one person owns, directly or indirectly, more than 10% of the voting shares; and
 - (iii) that is not listed on any of the following exchanges:
 - (A) the Toronto Stock Exchange;
 - (B) the Canadian Venture Exchange;
 - (C) the New York Stock Exchange;
 - (D) the NASDAQ Stock Market;
 - (E) the American Stock Exchange;
 - (d) **“inland grain terminal”** means a grain elevator:
 - (i) the principal uses of which are:
 - (A) the receiving of grain before or after the official inspection and official weighing of the grain; and
 - (B) the cleaning, storing and treating of the grain before it is moved forward by truck or rail; and
 - (ii) that has a minimum grain storage capacity of 16 500 tonnes, as licensed by the Canadian Grain Commission;
 - (e) **“producer”** means a person engaged in the agricultural operation of land for the purpose of producing grain;
 - (f) **“voting share”** means any security of an independent grain company that carries the right, either alone or as part of a class or series of securities, to elect more than 50% of the board of directors of the independent grain company.
- (2) For the purposes of clauses 331(1)(p) and (p.1), a producer who enters into an agreement with an independent grain company for the use of a grain storage space is to be considered a lessee of the grain storage space.

(3) For the purposes of this section, an agreement between an independent grain company and a producer for the use of a grain storage space must:

- (a) be in writing;
- (b) be for a term:
 - (i) that is 10 years or more; or
 - (ii) that expires if and when the independent grain company, or its successors or assigns, ceases to operate the inland grain terminal in which the grain storage space is provided;
- (c) be for the purpose of providing the producer with grain storage space prior to the sale of the grain;
- (d) permit the independent grain company to commingle the producer's grain with grain of the same kind, grade and quality as the producer's grain;
- (e) at all times, permit the producer to remove from the inland grain terminal grain of the same kind, grade and quantity as stored by the producer, less any applicable dockage as defined in section 2 of the *Canada Grain Act*, for the purpose of redelivering the grain to the producer's land prior to the sale of the grain; and
- (f) ensure the producer access to the grain storage space at all times to the extent set out in the agreement.

(4) Every independent grain company claiming a property tax exemption pursuant to this section shall, on or before March 1 of the year in which the exemption is claimed, submit to the assessor of the municipality in which the grain storage space is located:

- (a) a statement certified by the proper officer of the independent grain company that shows the names and addresses of all registered shareholders of the independent grain company as at December 31 of the preceding year; and
- (b) an affidavit or declaration of the proper officer of the independent grain company stating that, to the best of that officer's information and belief, no one person owns, directly or indirectly, more than 10% of the voting shares in the independent grain company.

2002, c.38, s.27

Taxation of occupant of exempt property

332(1) If any land or improvement exempt from taxation pursuant to clauses 331(1)(a) to (n), or a portion of it, is occupied by any person, that person shall be assessed and taxed with respect to the land or improvement or portion of it in accordance with this Act, but the land or improvement itself is not liable.

(2) If any land or improvement that is exempt from taxation pursuant to section 331 ceases to be so exempt on or before December 1 in any year, the owner or occupant assessed shall be taxed with respect to that portion of the year during which it is not exempt.

1989-90, c.R-26.1, s.332; 1992, c.63, s.81.

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Prohibition re bonus, etc.

333 Subject to any other Act and to section 255 of this Act, no municipality shall bonus in any manner, subscribe for stock in, or guarantee the payment of any bonds or debentures issued by, any industrial or commercial undertaking which is not carrying out business in the municipality, an adjacent municipality or an adjacent urban municipality.

1989-90, c.R-26.1, s.333.

334 Repealed. 2000, c.25, s.38.

Adjustment of levy on certain buildings

335 Where the construction of an improvement is commenced in any year and the improvement is assessed in that year, the council shall adjust the amount levied to correspond with the portion of the year following the date on which construction of the improvement was commenced.

1989-90, c.R-26.1, s.335.

Adjustment of levy on buildings demolished

336 Where an improvement is demolished or removed prior to December 1, the council, on a written request made during the year, shall adjust the amount levied with respect to the improvement to correspond with that portion of the year prior to the date on which the improvement was demolished or removed.

1989-90, c.R-26.1, s.336.

COLLECTION OF TAXES, LICENCE FEES, ETC.

Amusement tax

337(1) In this section:

- (a) **“owner”** means a person operating a place of amusement in the municipality;
 - (b) **“place of amusement”** means a place where an exhibition or entertainment is given or game played and an entrance or admission fee is charged or collected.
- (2) A council may require, by bylaw, that every person attending a place of amusement shall pay a tax on each admission to a place of amusement, which tax may vary with the amount of the entrance or admission fee or by category of place of amusement.
- (3) By the same or another bylaw, a council may make rules for the collection, proper accounting and due payment of the amusement tax, and without limiting the generality of the foregoing, may:
- (a) require that the tax be collected by the owners of places of amusement by means of tickets or otherwise in a form approved by the municipality;
 - (b) allow the owners a commission on the sale of tickets or the amount of tax collected;

- (c) require the owners to deface tickets sold pursuant to this section in any manner that may be approved by the municipality and to place at an entrance of their respective place of amusement receptacles for receiving the tickets so defaced;
 - (d) authorize inspectors or police officers:
 - (i) to enter places of amusement to ascertain whether the bylaw is being observed; and
 - (ii) to place in the lobby or elsewhere notices concerning the tax;
 - (e) exempt certain persons and the persons attending certain classes of entertainment from paying the tax;
 - (f) require the owners to make returns in a form approved by the municipality, showing the number of admissions to their respective places of amusement, the entrance or admission fees paid, the amount of tax collected and any other information that may be considered necessary;
 - (g) require the owners to pay the amount collected to the administrator after each performance or entertainment or at any times and in any manner that may be considered advisable.
- (4) The council may accept from the owner moneys in lieu of the tax and may exempt persons attending the place of amusement from payment of the tax.

1989-90, c.R-26.1, s.337.

Tax or fee for sanitation, etc., services

338(1) For the purposes of providing a sanitation, scavenging, fire protection or street lighting service within a municipality in accordance with this Act, the council may, by bylaw, impose a special tax or fee for each dwelling or other building, including a trailer, that will have the benefit of the service or services.

(2) The special tax or fee imposed pursuant to subsection (1) is to be levied on the lot or parcel on which the dwelling, other building or trailer for which the tax or fee was imposed is situated and may be added to the tax roll and collected in the same manner as municipal taxes.

1998, c.32, s.31.

Tax roll

339(1) On or before the first day of September in each year the administrator shall:

- (a) prepare a tax roll; and
 - (b) proceed to collect the taxes specified in the roll.
- (2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:
- (a) the name and number of the municipality;
 - (b) the name and residence address of every person assessed;
 - (c) the nature and description of the land or improvements with respect to which the person is assessed;

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- (d) the total amount for which he or she is assessed;
- (e) an indication whether the assessed person is a public school supporter or a separate school supporter;
- (f) a statement of the amount of tax levied for any taxing authorities other than the municipality;

and there shall be calculated and set down in the roll opposite to or under appropriate headings the sum for which that person is chargeable by way of taxes on account of any rate that may be imposed under this or any other Act and arrears and the total of the taxes and the arrears.

(3) **Repealed.** 1996, c.58, s.40.

1989-90, c.R-26.1, s.339; 1995, c.30, s.39; 1996, c.58, s.40; 2000, c.25, s.39.

Taxation in regional parks

339.1(1) In this section, “**park authority**” means the park authority of a regional park that would, except for subsection 4(3), be wholly or partially located within the boundaries of a municipality.

(2) On or before March 1 in any year, or any other date that may be agreed to by the park authority and the council, the park authority shall:

- (a) authorize the levy of a uniform rate applicable to the entire regional park; and
- (b) notify the municipality of the rate authorized pursuant to clause (a).

(3) On receipt of a notification pursuant to clause (2)(b), the council of the municipality shall levy the rate specified in the notice, together with any rates that the municipality levies on behalf of other taxing authorities.

(4) The municipality is responsible for assessment and the collection of taxes within the portion of the regional park that would, except for subsection 4(3), be located within the boundaries of the municipality, in accordance with Part VI.

(4.1) Notwithstanding subsection (4), the council of the rural municipality may, by bylaw, enter into an agreement with the council of an urban municipality or another rural municipality to determine which municipality shall be responsible for the assessment and collection of taxes mentioned in subsection (4), and subsection (5) applies, with any necessary modification, to the municipality that is determined by the agreement to be the responsible municipality.

(5) On or before the tenth day of the month following the month in which the taxes are received by the municipality, the municipality shall forward to the park authority not less than:

- (a) 80% of the amount of the taxes levied pursuant to clause (2)(a) and actually collected by the municipality; or
- (b) any other fixed amount agreed to by the park authority and the council.

(6) The park authority shall use funds forwarded to it pursuant to sub-section (5) in accordance with *The Regional Parks Act, 1979*.

1996, c.58, s.41; 1997, c.48, s.29; 1998, c.32, s.32; 2003, c.36, s.19.

Minimum tax

339.2(1) Subject to sections 331 and 332, a council may, by bylaw, provide for minimum amounts of taxes that are to be levied with respect to any land or improvement that is separately recorded on the assessment roll for the purposes of taxes levied on behalf of the municipality.

(2) A bylaw made pursuant to subsection (1) may provide either a minimum amount of tax, or a method of calculating the minimum amount of tax.

(3) The Lieutenant Governor in Council may, by regulation, establish classes of land or improvements for the purposes of this section.

(4) A bylaw made pursuant to subsection (1) may provide different amounts of minimum tax or different methods of calculating minimum tax for different classes of land or improvements.

(5) A bylaw made pursuant to subsection (1) may provide that no minimum tax is payable with respect to a class.

(6) At the request of or with the consent of the board of an organized hamlet, the council may, by bylaw pursuant to subsection (1), provide that a minimum tax be applied to land, improvements or both within the organized hamlet that may be different from the minimum tax applied elsewhere in the municipality.

1996, c.58, s.41; 2000, c.25, s.40; 2001, c.38,
s.35.

Base tax

339.3(1) Subject to sections 331 and 332, a council may, by bylaw, provide for uniform base amounts of taxes that are to be levied with respect to any land or improvement that is separately recorded on the assessment roll for the purposes of clause 330(1)(a).

(2) The Lieutenant Governor in Council may, by regulation, establish classes of land or improvements for the purposes of this section.

(3) A bylaw made pursuant to subsection (1) may provide that different amounts of a base tax be applied for different classes of land or improvements.

(4) A bylaw made pursuant to subsection (1) may provide that no base tax is payable with respect to a class of land or improvements.

(5) At the request of or with the consent of the board of an organized hamlet, the council may, by bylaw pursuant to subsection (1), provide that a base tax be applied to land, improvements or both within the organized hamlet that may be different from the base tax applied elsewhere in the municipality.

(6) The council may authorize a levy pursuant to clause 330(1)(a) in addition to any amount collected as a base tax.

2000, c.25, s.41.

340 Repealed. 2000, c.25, s.42.

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Payment of taxes on certain buildings

341(1) Notwithstanding anything in this Act or in any other Act, the council, by bylaw, may provide that, effective January 1 in the next following year, the tax determined in respect of the assessment of any building situated on land belonging to another person or not attached to the land on which it is situated is payable as follows:

- (a) an initial instalment in an amount or instalments totalling an amount equal to the amount of tax levied on the building in the immediately preceding year or, if taxes were not so levied on the building, in an amount equal to the amount of tax levied on a similar building in the immediately preceding year; and
 - (b) a final instalment in an amount equal to the difference between the amount of tax determined for the current year and the amount paid in accordance with clause (a), less the amount of any applicable discounts.
- (2) On adoption of a bylaw pursuant to subsection (1), the council, by registered mail, shall send to the owner of each building affected by the bylaw:
- (a) a notice by January 31 in each year of the amount of the initial instalment or instalments due and the date by which those instalments are to be paid; and
 - (b) another notice of the total amount payable, the amount paid under clause (a) and the amount remaining to be paid and the date by which that amount is to be paid.
- (3) Amounts paid pursuant to this section are to be receipted on approved tax receipts and entered on the tax roll.

1989-90, c.R-26.1, s.341; 1992, c.63, s.82.

Tax notices, statement of mailing of

342(1) The administrator, when he or she has prepared the tax roll, forthwith shall send by ordinary mail to each person whose name appears on the tax roll, at the address shown in the roll, notice of the amount of taxes that are owed by the person.

- (2) Every notice shall show:
- (a) the land and improvements assessed;
 - (b) the several rates of taxation for the current year;
 - (c) the total taxes levied for the current year;
 - (d) the arrears of taxes;
 - (e) the total taxes owing;
 - (f) the discounts allowed pursuant to subsection 362(1);
 - (g) the discounts allowed pursuant to any bylaw passed pursuant to subsection 362(2); and
 - (h) the division in which the person assessed pursuant to subsection 339(2) is entitled to vote.

- (3) If a municipality is required to levy rates under *The Municipal Hail Insurance Act* and those rates have not been assessed when the tax notices are mailed, notification of the rates shall be given by supplementary notice sent by mail on or before September 15.
- (4) If a tax lien has been filed under any *Tax Enforcement Act* against the land with respect to which a portion of the taxes shown in the notice is due, the notice shall contain a statement to that effect.
- (5) Upon completion of the mailing of all notices, the administrator shall prepare a statement setting forth the notices that have been sent by mail by him or her and the date of the mailing.
- (6) The administrator shall sign the statement mentioned in subsection (5) and keep it with the records of the municipality.
- (7) The statement is *prima facie* evidence of the mailing of the notices on the date stated without proof of the appointment or signature of the administrator.

1989-90, c.R-26.1, s.342; 1992, c.63, s.83; 1995, c.30, s.40; 1997, c.48, s.30; 2000, c.25, s.43.

Tax notices to owner of certain land

343 Where a person has been assessed pursuant to paragraph 294(d)(ii)(B) with respect to an improvement situated on land that is owned by another person, the administrator, at the time he or she sends a notice pursuant to section 342 to the person assessed with respect to the improvement, shall send by mail to the owner of the land a copy of the tax notice sent to the person.

1989-90, c.R-26.1, s.343; 1992, c.63, s.84.

Taxes are lien on property

344(1) The taxes levied on or with respect to any land in the municipality are a special lien on the land having priority over any claim, lien, privilege or encumbrance on the land except a claim of the Crown.

(2) The taxes levied on any improvement are a special lien on the improvement, and that lien has priority over any claim, lien, privilege or encumbrance on the improvement except a claim of the Crown.

(3) When a patent issues for any land within the municipality, the taxes that have accrued on or with respect to the occupancy of the land by the patentee or a holder of an entry to whom a certificate of recommendation for a patent has been issued or any assignee or transferee of the holder's interest, before the issue of patent, form a lien on the land having priority over any claim, lien, privilege or encumbrance on the land except a claim of the Crown.

(4) Where title issues to a purchaser of land exempt from taxation, the taxes levied against the purchaser prior to the issue, and remaining unpaid, form a lien on the land.

(5) The taxes levied on or with respect to the plant and equipment of a mine, petroleum oil well or gas well are a special lien on the plant and equipment and have priority over any claim, lien, privilege and encumbrance on them, except a claim of the Crown, or of an unpaid vendor of the plant and equipment who has a valid and subsisting lien on them for the price or part of the price of them.

1989-90, c.R-26.1, s.344.

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Taxes are lien on certain buildings

345(1) Where the owner of an improvement situated on land that is exempt from taxation or on land that is not owned by the owner of the improvement is assessed, the improvement:

- (a) is liable to taxation and is subject to a special lien for the taxes, and that lien has priority over any claim, lien, privilege or encumbrance on the improvement except a claim of the Crown;
 - (b) in the case of removal, may be distrained on for taxes within three months from the date of removal notwithstanding that it has been attached to the soil in its new location; and
 - (c) may be sold and disposed of for the taxes in the same manner as chattels distrained for taxes may be sold and disposed of.
- (2) The purchaser of an improvement sold and disposed of pursuant to subsection (1) has a right to enter on the land on which the improvement is situated for the purpose of severing it from the soil, if necessary, and of removing it.

1989-90, c.R-26.1, s.345; 1994, c.29, s.24.

346 to 359 Repealed. 2001, c.38, s.36.

Penalty charge

360(1) Where all or any portion of any taxes remain unpaid after December 31 of any year, a council may, by bylaw:

- (a) provide for the imposition of an additional percentage charge as a penalty for default in payment; and
 - (b) provide for a minimum penalty charge.
- (2) For the purposes of clause (1)(a), the penalty charge may be based on a sliding scale corresponding with the period for which the default continues.
- (3) The penalty charge mentioned in subsection (1) is to be added to, and form part of, the taxes.

1998, c.32, s.33.

Penalties form part of arrears, etc.

361(1) The amount added as a penalty pursuant to section 360 forms part of the arrears of taxes.

- (2) Nothing in section 360 is to be construed to extend the time for payment of taxes or in any way impair the right of distress or any other remedy provided by this Act for the collection of taxes.

1989-90, c.R-26.1, s.361.

Arrears of certain costs and expenses

361.1 The costs and expenses mentioned in subsection 19(1.2) of *The Tax Enforcement Act* that remain unpaid after December 31 in the year in which they are imposed are to be considered as part of the arrears of taxes and are subject to the penalties mentioned in section 360 of this Act.

1998, c.32, s.34.

Discount for prompt payment

362(1) A council, by bylaw, may:

(a) allow a percentage discount for the prompt payment of the current year's taxes, or if the bylaw expressly provides, of local improvement special assessments, at a rate not exceeding the rate prescribed by the minister for any:

- (i) taxes or class or classes of taxes;
- (ii) instalment of taxes or class or classes of instalments of taxes; or
- (iii) period or periods;

(b) subject to clause (a), provide that the discount may be varied to apply at different rates to different classes of taxes or instalments of taxes or to different periods.

(2) Notwithstanding any other provision of this Act, the administrator shall charge back to the respective organization for which the taxes were levied any discounts allowed pursuant to this section.

2001, c.38, s.37.

Prepayment

363 Notwithstanding that the taxes for a year have not been levied, the council may authorize the administrator:

- (a) to receive, in any year, payments on accounts of taxes for that year in advance of the day on which the taxes are levied;
- (b) to allow a discount on payments made in accordance with clause (a) at a rate not exceeding the rate established by a bylaw passed pursuant to subsection 362(1).

1989-90, c.R-26.1, s.363; 2001, c.38, s.38.

Official receipt for taxes

364 The administrator shall issue an official receipt for every amount paid to him or her on account of taxes, and shall enter on the tax roll, opposite the respective items on account of which payments are made, the amount of each payment with the number of the receipt.

1989-90, c.R-26.1, s.364; 1995, c.30, s.41.

Insurance proceeds

365(1) If improvements are damaged or destroyed and taxes in respect of the improvements of the land on which they are or were situated are unpaid, the amount payable to any person under a policy of insurance on the improvements is to be paid on demand, to the extent of the unpaid taxes, by the insurer to the municipality, and, in default, the municipality may sue for and recover from the insurer the amount of the unpaid taxes.

(2) Subsection (1) applies only to the extent of the amount payable under the policy of insurance and only to the portion of that amount not used or to be used in or toward rebuilding, reinstating or repairing the improvements damaged or destroyed or in or toward acquiring, setting up and repairing another building to take the place of a building totally or substantially destroyed.

1989-90, c.R-26.1, s.365.

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Partial payment of taxes

366(1) If a person pays only a portion of the taxes owing by him or her with respect to any land or improvements, the treasurer shall:

- (a) first apply the amount in payment of any arrears of taxes due from the person with respect to the land or improvements; and
- (b) apportion the amount paid between the municipality and any other taxing authorities on whose behalf the municipality levies taxes in shares corresponding to their respective tax rates for current taxes and to the amount of taxes in arrears owed by the person.

(2) Subsection (1) applies whether the taxes were levied pursuant to section 330, 339.2 or 339.3.

1995, c.30, s.42; 2000, c.25, s.45.

Collection from tenant

367(1) Where taxes are owing with respect to land occupied by a tenant or any improvements situated on land occupied by a tenant, the administrator may give the tenant notice in writing requiring him or her to pay to the administrator the rent for the property as it becomes due from time to time to the amount of the claim set out in the notice together with costs.

(2) Where a notice is sent to the tenant pursuant to subsection (1), the administrator, at the same time, shall send a copy of the notice by mail to the owner of the land.

(3) The administrator shall have the same right that the landlord of the land would have had to collect the rent by distress, or otherwise, to the amount to be recovered together with costs.

(4) Nothing in this section prevents or impairs any other remedy for the recovery of the claim or any portion of it from the tenant or from any other person liable for it.

(5) Where the administrator has served a notice on a tenant pursuant to subsection (1), the landlord of the person or any other person receiving the rent shall become personally liable to the municipality for any rent collected or received by him or her after service of the notice on the tenant to the amount of the claim of the municipality then due and unpaid.

1989-90, c.R-26.1, s.367; 1996, c.58, s.42.

Deduction by tenant

368 A tenant may deduct from his or her rent any amount paid by him or her to the administrator pursuant to section 367 other than an amount paid with respect to taxes that he or she is required to pay under the terms of his or her tenancy and any amount so deducted shall be deemed to be a payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

1989-90, c.R-26.1, s.368.

Collection from oil or gas well

369(1) Where taxes levied in any year with respect to the resource production equipment of a petroleum oil well or gas well remain unpaid after that year, the administrator may give notice to any person who purchases oil or gas originating in a well with respect to which the resource production equipment is used, that the owner or operator of the well has failed to pay the taxes levied on the resource production equipment.

(2) The administrator shall serve the notice mentioned in subsection (1) by registered mail and the notice shall be deemed to have been served on the purchaser on the day of the date of the receipt of the postmaster for the envelope containing the notice.

(3) The notice shall:

(a) identify the wells with respect to which the resource production equipment subject to tax are used; and

(b) state:

(i) the amount of the arrears of taxes claimed; and

(ii) the name and address of the owner or operator of the well.

(4) On service of the notice the purchaser of oil or gas from any well identified in the notice shall, as any moneys become owing from the purchaser to the owner or operator of the well with respect to the purchases, remit the moneys to the municipality to the amount claimed in the notice.

(5) On service of the notice, a purchaser of oil or gas from a well identified in the notice is personally liable to the municipality to the amount of the purchase price of all oil or gas subsequently purchased by him or her from the owner or operator of the well to the amount of the arrears of taxes claimed in the notice.

(6) The purchaser may deduct from the amount owing from him or her to the owner or operator of the well any sums paid by him or her to the municipality pursuant to the notice, and those sums shall be deemed to be a payment on account of the oil or gas purchased by him or her.

1989-90, c.R-26.1, s.369; 1996, c.58, s.43.

Procedure for recovery of taxes

370(1) Without prejudicing or affecting the special lien or charge created by section 344 or 345, if a person fails to pay his or her taxes for 30 days after the mailing to him or her or his or her agent of the notice required by section 342, the administrator or other person authorized to act for the administrator may, subject to the other provisions of this section on being issued a warrant, by any person duly authorized by resolution of the council to issue warrants, collect the taxes or any portion of them, together with costs, by distress and sale of:

(a) any goods and chattels, including growing crops, owned or in the possession of the person in default wherever they are found;

(b) any goods and chattels found on the premises with respect to which the taxes have been levied and that are the property of or in the possession of any occupant of the premises other than a tenant.

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(2) No distress or sale shall be made of goods or chattels that are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price of them but the interest only of the defaulter, or of any other occupant of the premises other than the vendor, in the goods and chattels is liable to distress and sale.

(3) A vendor's or lessor's share of the crop grown on the land sold or demised is not liable to distress or sale for taxes due with respect to other land owned or occupied by the purchaser or lessee.

(4) An animal not belonging to the defaulter or to any occupant of the premises with respect to which the taxes are due is not liable to distress or sale for taxes owing by the defaulter except any interest in the animal of the defaulter or occupant or of the spouse, daughter, son, daughter-in-law or son-in-law of the defaulter or occupant, or of any other relative of the defaulter or occupant who lives with him or her as a member of his or her family.

(5) Where there is a chattel mortgage on goods or chattels that would be liable to distress and sale under this section if they had not been mortgaged, the chattel mortgage shall not, for the purpose of this section, be deemed to transfer the goods or chattels to the mortgagee, and for that purpose the ownership of the goods or chattels shall be deemed to have remained in the mortgagor.

(6) The costs chargeable on a distress and sale under this section shall be the same as those allowed in the First Schedule to *The Distress Act*.

(7) The administrator or other person authorized to act for the administrator for the purpose of attempting to effect seizure of goods has the same right as a landlord under *The Landlord and Tenant Act* to break open and enter a building, yard or place to which goods and chattels liable to seizure have been fraudulently or clandestinely conveyed, and to take and seize the goods and chattels as he or she might otherwise have done.

(8) The person effecting seizure of goods and chattels shall give notice of the seizure to the tax defaulter by personal service or by leaving a copy of the notice with any adult member of the defaulter's family at his or her home.

(9) Where the defaulter or an adult member of his or her family cannot be found, the notice of the seizure may be given by posting a copy of it on some conspicuous part of the land or improvements.

1989-90, c.R-26.1, s.370; 2001, c.38, s.39.

Acknowledgment of seizure and distress

371 A taxpayer, whose taxes remain unpaid for 30 days after the mailing of the notice required by section 342 may sign an acknowledgment, in a form prescribed by the minister, that the goods and chattels mentioned in the acknowledgment are under seizure for non-payment of those taxes, and the acknowledgment has the same force and effect as an actual seizure and distress of the goods and chattels.

1989-90, c.R-26.1, s.371.

Release of goods and chattels

372 The administrator may release goods and chattels held under seizure whether or not any part of the claim with respect to which seizure was made has been satisfied, without prejudice to the municipality's right to recover by distress or otherwise, for the claim or the balance of the claim, as the case may be.

1989-90, c.R-26.1, s.372.

Municipality not responsible for goods, etc., under seizure

373 A municipality is not responsible for the loss or destruction of goods and chattels or growing crops while they are under seizure unless the loss or destruction is due to the negligence of the municipality or its agents or employees.

1989-90, c.R-26.1, s.373.

Municipality may harvest, etc., crops

374 If growing crops are seized, the municipality may cut, gather, cure, thresh, carry and store them, when ripe, in a proper place.

1989-90, c.R-26.1, s.374.

Sale of seized goods and chattels

375(1) The administrator shall by advertisement:

- (a) posted in the office of the administrator; and
- (b) published in a newspaper distributed in the municipality;

give at least 10 days' notice of the time and place of sale, naming the person, if known, for payment of whose taxes the property is to be sold.

(2) At the time stated in the notice, the administrator, or his or her agent, shall sell at public auction or by tender the goods and chattels distrained, or so many of them as may be necessary to pay the taxes due with all lawful costs, including the costs of posting and publishing the notices.

(3) Notwithstanding subsection (2), the person effecting seizure may:

- (a) have any grain seized by him or her hauled to the nearest elevator and any livestock seized by him or her hauled to the nearest marketing point, or to any other convenient and suitable place of storage or accommodation; and
- (b) after giving the notice in the manner required in subsection (1), dispose of the grain or livestock at the current market price.

(4) Notwithstanding anything in *The Auctioneers Act*, no administrator or agent of the administrator selling goods under subsection (2) or (3) requires an auctioneer's licence for the purpose of the sale.

(5) If any goods or chattels distrained have been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or her or that he or she was entitled by lien or other right to the surplus, the surplus shall be paid to the person in whose possession the property was when the distress was made.

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(6) If any claim to surplus money is contested, the administrator shall pay the money to the local registrar, who shall retain it until the respective rights of the parties have been determined by action at law or otherwise.

1989-90, c.R-26.1, s.375; 1996, c.58, s.44.

Distress for licence fee

376 If a licence fee remains unpaid for 14 days after it becomes payable, the administrator may levy the fee, with costs, by distress on the goods and chattels, or the interest in them of the licensee, in the manner mentioned in subsection 370(1) for the collection of taxes, and that section and sections 371 to 375 apply with respect to goods and chattels seized, their sale and the disposition of the proceeds of the sale.

1989-90, c.R-26.1, s.376; 1992, c.63, s.86.

Priority of distress

377 A distress for taxes that are not a lien on the land or for a licence fee has priority over a distress for rent by the landlord of the land or improvement occupied by the person taxed or licensed, notwithstanding that the landlord's seizure may be prior in point of time.

1989-90, c.R-26.1, s.377.

Recovery of debt of deceased person

378(1) Where a person who is indebted to the municipality dies, the municipality, subject to subsection (2), may recover the amount of the indebtedness by distraint of any goods that belonged to the deceased and section 370, with any necessary modification, applies.

(2) The administrator shall forward by registered mail to the Official Administrator for the judicial centre nearest to which the deceased resided a:

- (a) notice of intention to proceed pursuant to subsection (1); and
- (b) fee of \$10.

1989-90, c.R-26.1, s.378.

Procedure for recovery of debt

379(1) The municipality, subject to subsection (2), may proceed pursuant to subsection 378(1) on the expiration of 14 days from the date on which the notice is mailed unless within that period the Official Administrator notifies the municipality of its intention to proceed to administer the estate of the deceased in which case the Official Administrator shall refund to the municipality the fee which accompanied the notice.

(2) Where the municipality has notice that letters of administration or letters probate have been granted in Saskatchewan with respect to the estate of the deceased, the municipality shall not take or continue any proceedings pursuant to subsection 378(1).

1989-90, c.R-26.1, s.379.

Preferential lien

380 Where the municipality proceeds pursuant to subsection 378(1) it shall, notwithstanding *The Queen's Bench Act* or the rules of the court, have a first and preferential lien on the proceeds of the sale for:

- (a) the fee paid to the Official Administrator pursuant to subsection 378(2); and
- (b) the indebtedness for which the distraint was made.

1989-90, c.R-26.1, s.380; 1992, c.62, s.30.

Suit for taxes

381(1) The taxes on any land or improvements may be recovered by suit as a debt due to the municipality, in which case the tax roll is *prima facie* evidence of the debt.

(2) For the purpose of this section, all taxes are deemed to be due on the day on which the tax notices provided for by section 342 were mailed as shown by the tax roll.

1989-90, c.R-26.1, s.381; 2000, c.25, s.46.

Apportionment of legal costs

381.1(1) A municipality that has incurred reasonable costs to enforce the payment of taxes, other than under *The Tax Enforcement Act*, that are not recoverable from the person who owed the taxes, may apportion the costs between the municipality and the other taxing authorities on whose behalf the municipality levied the taxes in shares corresponding to the respective amounts of taxes collected on behalf of the municipality and the taxing authorities.

(2) Subsection (1) does not apply to any remuneration paid to an employee of the municipality.

1992, c.63, s.87; 1997, c.48, s.31.

Payment from property under seizure

382(1) Where personal property that is liable to seizure for taxes as provided in this Act:

- (a) is under seizure or attachment or has been seized by the sheriff or a bailiff; or
- (b) is claimed by or in possession of any assignee for the benefit of creditors or a liquidator or any trustee or authorized trustee in bankruptcy; or
- (c) has been converted into cash by any person mentioned in clause (a) or (b) and the cash is undistributed;

the administrator may give to the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy notice of the amount owing for taxes.

(2) Where the administrator gives a notice pursuant to subsection (1), the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy to whom the notice was given shall pay the amount of the taxes to the administrator in preference and priority to all other fees, charges, liens or claims whatsoever subject, where there has been a seizure, to payment of the fees of the sheriff or bailiff making the seizure.

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(3) The goods in the hands of an executor, administrator, receiver, trustee or liquidator pursuant to a winding-up order are liable only for the taxes that were assessed against the deceased owner, bankrupt or the company that is being wound up prior to the date of the death of the owner or of the date of the authorized assignment, receiving order or winding-up order and thereafter, while the executor, administrator, receiver, trustee or liquidator occupies the land or improvements, while the goods remain on the land or in or on the improvements.

(4) All taxes mentioned in subsection (1) are a preferential lien and charge on the goods, and on the proceeds of their sale, in priority to every claim, privilege, lien or encumbrance of any person, except that of the Crown.

1989-90, c.R-26.1, s.382.

Demolition or removal of certain improvements prohibited

383(1) In this section, “**improvement**” includes any part of an improvement.

(2) No owner shall demolish or remove, or cause to be demolished or removed, any improvement with respect to which there are taxes outstanding or that is situated on land with respect to which there are taxes outstanding, without the prior written consent of the municipality.

(3) If a person is convicted of a contravention of subsection (2), the convicting judge may assess and order damages against that person to an amount not exceeding the outstanding taxes.

(4) If any improvement is demolished or removed contrary to subsection (2), within 12 months after the date of demolition or removal, the municipality may, by its authorized bailiff:

(a) seize the improvement in its new situation, and for that purpose enter on the land to which the improvement has been removed for the purpose of severing it from the land, if necessary, and removing it, in which case the improvement is to be restored to its former position; or

(b) distraint on the improvement for the unpaid taxes and costs and sell the improvement in the same manner that chattels distrained for taxes may be sold.

(5) The expenses necessarily incurred in seizing and restoring the improvement may be added to the tax roll and collected in the same manner as taxes.

1998, c.32, s.35.

Acquisition of property in settlement

384 The municipality may acquire, hold and dispose of real or personal property offered or transferred to it in partial or complete settlement or payment of, or as security for, any lien or charge or any taxes, licence fee or other indebtedness owing to the municipality.

1989-90, c.R-26.1, s.384.

Property deemed acquired under *Tax Enforcement Act*

385 Where real property is acquired in the settlement of taxes, the real property shall be deemed to have been acquired in accordance with *The Tax Enforcement Act*, and all the provisions of that Act relating to the sale and distribution of proceeds of the sale of the real property apply.

1989-90, c.R-26.1, s.385.

Compromise, etc., of taxes

386(1) Subject to subsection (2), a council may compromise or abate the whole or a part of a claim of the municipality for taxes or other indebtedness by any person to the municipality.

(1.1) Subject to subsection (1.2), where a council compromises or abates a claim of the municipality pursuant to subsection (1), the council may compromise or abate the same proportion of a claim of any other taxing authority, on whose behalf the municipality levies taxes pursuant to clause 330(1)(b), for taxes or other indebtedness by any person to that taxing authority.

(1.2) A council may only compromise or abate a claim of another taxing authority pursuant to subsection (1.1) where:

- (a) there has been a change in the land or improvements to the extent that the council considers it inappropriate to collect the whole or a part of the taxes;
- (b) a lease, licence, permit or contract has expired or been terminated with respect to land or improvements that are exempt from taxation;
- (c) in the council's opinion, the taxes owing are uncollectable;
- (d) in the council's opinion, the taxes owing have become uncollectable due to unforeseen hardship to the ratepayer; or
- (e) the council and other taxing authority agree that the compromise or abatement is in the best interests of the community.

(1.3) A council that compromises or abates a claim pursuant to subsection (1.1) shall provide the other taxing authority on whose behalf the municipality levies taxes pursuant to clause 330(1)(b) with full particulars of the compromise or abatement.

(1.4) Where a council compromises or abates a claim pursuant to subsection (1) or (1.1), the council may:

- (a) enter into an agreement for payment of any balance owing on any terms that may be agreed on;
- (b) refund any amount already paid; or
- (c) make any other arrangements that are satisfactory to the council.

(2) The council shall not compromise or abate any amount of the claim of the municipality for any taxes collected or to be collected by the municipality on behalf of the Saskatchewan Municipal Hail Insurance Association without the written approval of the board of directors of the Saskatchewan Municipal Hail Insurance Association to the proposed compromise or abatement.

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(2.1) The council shall not compromise or abate any amount of the claim of the municipality for any rate, charge or rent collected or to be collected on behalf of a public utility board established pursuant to section 228.1 without the written consent of the public utility board.

(3) Where the council compromises or abates a claim for any taxes levied on behalf of any other taxing authority, the liability of the municipality to pay to the other taxing authority the amount levied on its behalf is discharged to the extent of the amount abated or compromised.

(4) Where the council refunds any taxes paid to the municipality, the municipality shall charge back to any other taxing authority on whose behalf the municipality levies taxes, the proportionate share of the other taxing authority of the taxes refunded.

1989-90, c.R-26.1, s.386; 1992, c.63, s.88; 1994, c.29, s.25; 1996, c.58, s.45; 2000, c.25, s.47.

Compromises and rebates, etc., of taxes

387(1) In accordance with section 386, a council, at the request of any other taxing authority, shall compromise or abate the claim of the municipality for taxes levied or to be levied by it on behalf of the other taxing authority to the amount set out in the request.

(2) A council and any other taxing authority may enter into an agreement respecting the determination of the amount of any taxes levied by the municipality on behalf of the other taxing authority that are to be removed from the tax roll by the municipality.

1989-90, c.R-26.1, s.387; 2000, c.25, s.48.

Recovery of taxes removed from tax roll

388(1) Where the amount of any taxes which has been removed by the council from the tax roll because the amount was uncollectable becomes collectable, the council, by resolution, may cause the amount of the taxes to be reinserted into the tax roll.

(2) Where the amount of any taxes has been reinserted into the tax roll pursuant to subsection (1), the amount is subject to the same penalties and methods of enforcement of collection as if the amount had not been removed from the tax roll.

1989-90, c.R-26.1, s.388.

Collection of taxes on land brought into municipality

389 Where land with respect to which any taxes levied pursuant to any Act or former Act are owing is included within the municipality, the amount of the taxes shall be entered in the tax roll and shall be subject to the same penalties and methods of enforcement as other taxes levied on land in the municipality.

1989-90, c.R-26.1, s.389.

Taxes to authorities

390 On or before the tenth day of each month, the administrator shall forward the amount of any taxes collected in the preceding month on behalf of other taxing authorities, including the amounts mentioned in section 389 collected on behalf of those authorities, to them.

1989-90, c.R-26.1, s.390.

391 Repealed. 2001, c.23, s.7.

Statement of account re school taxes

392 On or before January 15 in each year, the administrator shall transmit to the board of education of each school division situated wholly or partly within the municipality or to the board of education of any school division in which the municipality is wholly or partly situated a statement, in the form prescribed by the minister, of the account of the municipality with the school division as at December 31 in the preceding year, showing in detail any amounts to be recovered or reduced from the liability owing to the school division.

1989-90, c.R-26.1, s.392.

Portion of licence fee for school purposes

393(1) Where a bylaw passed pursuant to clause 213(1)(d) is in force, that portion of the revenue consisting of licence fees paid by the occupants of trailers, mobile homes or portable shacks that bears the same relation to the total of the revenue as the tax rate levied for school taxes bears to the total of the tax rates levied by the municipality for school and municipal purposes shall be paid by the council to the school division, in which the trailers, mobile homes or portable shacks are located.

(2) Where a separate school division is established in a school division in which trailers, mobile homes or portable shacks are located, the proportionate share of the revenue for school purposes shall be determined in the manner prescribed by section 300 of *The Education Act, 1995*, which section applies, with any necessary modification.

(3) The appropriate amounts determined pursuant to subsection (2) shall be paid by the council to each school division entitled to receive school taxes, and section 291 of *The Education Act, 1995* applies, with any necessary modification, to those payments.

1989-90, c.R-26.1, s.393; 1999, c.9, s.18.

PART VII
General Provisions
 GRANTS

Apportionment of grants for services

394(1) Where grants are received:

- (a) from a corporation whose property is exempt from taxation; or

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(b) from the Government of Canada or the Government of Saskatchewan or any agency of those governments;

with respect to services to property exempt from taxation and the grants are calculated on the basis of taxes that would be payable if the property were not exempt, the grants shall be apportioned between the municipality and the local governing bodies on whose behalf the municipality levies taxes in shares corresponding to their respective tax rates.

(2) Where a separate school division is established in a school division in which the property is situated, the portion for elementary school purposes for both school divisions shall be determined in the manner prescribed by section 300 of *The Education Act, 1995*, which section applies, with any necessary modification.

(3) The appropriate amounts determined pursuant to subsection (2) shall be paid by the council to each school division entitled to receive school taxes, and section 291 of *The Education Act, 1995* applies, with any necessary modification, to those payments.

(4) Subsections (1) to (3) do not apply to a grant received with respect to services to property where an agreement has been entered into between the municipality or one of the local governing bodies and the Government of Canada or the Government of Saskatchewan, or any agency of either, under which certain local governing bodies are relieved of their responsibility to supply their respective services to the property designated in the agreement.

1989-90, c.R-26.1, s.394; 1999, c.9, s.19.

CERTIFICATE OF TAXES OWING

Certificate, etc., in respect of taxes

395(1) The administrator shall on demand issue a certificate in a form prescribed by the minister under the hand of the administrator and the seal of the municipality showing the amount:

- (a) of taxes owing with respect to any lot or parcel of land; and
- (b) required to redeem the lot or parcel from any tax lien.

(2) The administrator shall not issue a certificate pursuant to subsection (1) that relates to more than four lots or parcels of land.

(3) The fee for a certificate issued pursuant to subsection (1) is the fee set by the council, by bylaw, payable to the municipality.

(3.1) Any fee set by the council pursuant to subsection (3) is subject to any maximum fee prescribed by the minister for the purposes of that subsection.

(4) The administrator may issue a statement to any person setting out the amount of taxes owing with respect to any lot or parcel of land.

(5) The fee for a statement issued pursuant to subsection (4) is the fee set by council, by bylaw, payable to the municipality.

(6) Any fee set by the council pursuant to subsection (5) is subject to any maximum fee prescribed by the minister for the purposes of that subsection.

1989-90, c.R-26.1, s.395; 2000, c.25, s.49;
2001, c.38, s.40.

Certificate binding

396 A certificate issued in accordance with subsection 395(1) is deemed to have been properly executed and is binding on the municipality.

1989-90, c.R-26.1, s.396.

ACTIONS BY AND AGAINST MUNICIPALITIES

Rights of action by municipality

397 Without limiting any other remedy provided by this Act, where duties, obligations or liabilities are imposed by law on a person in favour of the municipality or all or some of the inhabitants of the municipality, or where contracts or agreements are or have been entered into imposing those duties, obligations or liabilities, the municipality has the right by action to enforce them and to obtain as complete and full relief and remedy as could be obtained by the Minister of Justice as plaintiff, or as plaintiff on the relation of any person interested, or in an action by one or more of those inhabitants on their own behalf or on behalf of themselves and of those inhabitants.

1989-90, c.R-26.1, s.397; 1998, c.32, s.36.

Action re illegal bylaw

398 No action is to be brought for anything done pursuant to a bylaw or resolution that is illegal in whole or in part until one month after the bylaw or resolution or the illegal part of the bylaw or resolution is quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the municipality, and every such action is to be brought against the municipality alone and not against a person acting pursuant to the bylaw or resolution.

1989-90, c.R-26.1, s.398.

Costs

399(1) Subject to subsection (2), where a judge or court dismisses the claim brought against the municipality in whole or in part, costs shall be taxable against the plaintiff on any scale that the judge or court may direct.

(2) If:

- (a) the municipality tenders amends to the plaintiff or his or her solicitor;
- (b) the tender is pleaded; and
- (c) no more than the amount tendered is recovered;

the plaintiff shall not be awarded costs.

1989-90, c.R-26.1, s.399.

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Costs

400(1) Where a claim brought against a municipality is dismissed in part, any costs taxed against the plaintiff may be set off against any amount recovered by the plaintiff against the municipality.

(2) Costs owing to any party may be recovered in any manner in which costs in other actions are recoverable.

1989-90, c.R-26.1, s.400.

Actions barred in certain cases

401 No actions shall be brought against a municipality for the recovery of damages caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree, brush, shrub or other material or object in, along or on any part of a municipal road not within the travelled portion.

1989-90, c.R-26.1, s.401; 1992, c.63, s.89.

Limitation of actions

402(1) Notwithstanding *The Limitations Act*, no action is to be brought against a municipality for the recovery of damages:

- (a) after the expiration of one year from the time when the damages were sustained, and no action for that purpose is to be continued unless service of the statement of claim is made within that one-year period; and
 - (b) occasioned by default in its duty of repair as mentioned in section 192 unless notice in writing of the claim and of the injury complained of is served on the reeve or administrator within 30 days after the happening of the injury.
- (2) An action is not barred:
- (a) by the failure to give or the insufficiency of a notice given pursuant to clause (1)(b), if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the municipality is not prejudiced by that want or insufficiency in its defence; or
 - (b) by the failure to give a notice pursuant to clause (1)(b) in case of the death of the person injured.
- (3) No action is to be brought for the recovery of damages occasioned by the municipality's default in its duty of repair referred to in subsection (1) against any:
- (a) member of the council;
 - (b) member or employee of any board, association, commission or other organization established pursuant to this Act by a council; or
 - (c) municipal employee.
- (4) Except in the case of gross negligence, a municipality is not liable for personal injury caused by snow or ice on a sidewalk or an extension of a sidewalk used as a street crossing.

1989-90, c.R-26.1, s.402; 2004, c.L-16.1, s.73.

Limitation periods of other actions not affected

403 Nothing in section 402 affects the liability of a contractor with the municipality, nor of any official or employee of the contractor, by reason of whose act or neglect the damage was caused.

1989-90, c.R-26.1, s.403.

Limitation of action

404 Notwithstanding *The Limitations Act*, no action shall be brought against the municipality for the recovery of damages occasioned by flooding unless notice in writing of the claim and of the injury complained of has been served on or sent by registered mail to the administrator within 60 days after the happening of the injury and unless the action is brought or commenced before the expiration of one year from the date of the alleged injury.

1989-90, c.R-26.1, s.404; 2004, c.L-16.1, s.73.

No limitation against certain municipal actions

405 Notwithstanding anything in *The Limitations Act*, there is no limitation to the time within which a municipality may commence action or take proceedings for the recovery of taxes or any other debt owing to the municipality pursuant to this Act.

1989-90, c.R-26.1, s.405; 2004, c.L-16.1, s.73.

Disqualification of member not to invalidate proceedings

406 No proceedings of the council or of any committee of the council or of any person acting as chairperson or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or by reason of the disqualification of any such person.

1989-90, c.R-26.1, s.406.

Interpretation

407 In sections 408 and 409:

- (a) **“land”** includes a right or interest in land and easement over land;
- (b) **“owner”** includes:
 - (i) a mortgagee, lessee, tenant, occupant or a person entitled to a limited estate or interest in land;
 - (ii) a trustee in whom land is vested;
 - (iii) a committee of the estate of a mentally incompetent person who is an owner of land;
 - (iv) an executor or administrator of the estate of a person who was the owner of land;
 - (v) a guardian of the estate of a person who is the owner of land.

1989-90, c.R-26.1, s.407.

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Liability for damage to land

408(1) A municipality is civilly liable for damage if any land is injuriously affected by the exercise of any of the powers conferred on it by this or any other Act with respect to the carrying out of any municipal public work or by the removal of any brush, trees, shrubs, stones, earth, gravel piles, portable structures, machinery or other objects pursuant to a bylaw passed pursuant to clause 206(2)(o) if the brush, trees or shrubs, stones, earth or gravel piles, portable structures, machinery or other objects were not planted or placed on the land contrary to a bylaw passed pursuant to clause 206(2)(n).

(2) The damage for which a municipality is civilly liable pursuant to subsection (1) is the amount of the injury done less any increased value to other lands of the claimant resulting from the exercise of the powers.

(3) Where the amount of compensation for damages is not agreed on, the amount, subject to subsection (4), shall be determined by a judge, on application by either party, in which case subsections 7(2) and (3) of *The Municipal Expropriation Act* apply.

(4) Where all parties concerned agree, the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection 8(1) of *The Municipal Expropriation Act*, in which case subsections (2), (3) and (4) of that section apply.

1989-90, c.R-26.1, s.408.

Procedure for claims

409(1) Subject to subsections (2) and (3), a claim by any person with respect to damages mentioned in section 408 shall be made in writing, with particulars of the claim, within one year after the injury was sustained or after it became known to that person.

(2) In the case of an infant or a person of unsound mind, the claim shall be made within one year, or within one year after he or she ceased to be under the disability, whichever is the longer, or in the case of his or her death while under disability, within one year after his or her death.

(3) Where a claim is not made in accordance with subsection (1) or (2), as the case requires, the claim is barred.

1989-90, c.R-26.1, s.409.

Non-liability in certain cases

410 No municipality is liable in action based on nuisance for loss or damage suffered by any person by reason of the overflow of water in sewers, road drains or ditches or in sewers, drains, ditches or watercourses into which they flow, if the overflow is caused by an extraordinary natural event.

1989-90, c.R-26.1, s.410.

EXECUTIONS AGAINST MUNICIPALITIES

Procedure

411(1) A writ of execution against a municipality may be endorsed with a direction to the sheriff at the judicial centre at which, or nearest to which, the municipality is situated, to levy the amount of the writ in accordance with the other provisions of this section.

(2) The sheriff shall deliver a copy of the writ and endorsement to the administrator with a statement in writing of the amount required to satisfy the execution, including sheriff's fees and interest, calculated to a date as near as is convenient to the date of service.

(3) If the amount required to satisfy the execution, with interest from the date mentioned in the statement, is not paid to the sheriff within 30 days after delivery of the writ to the administrator, the sheriff shall:

- (a) examine the assessment roll of the municipality; and
- (b) in a manner similar to that by which rates are struck for general municipal purposes, strike a rate sufficient to cover the amount claimed together with the amount that the sheriff considers sufficient to cover:
 - (i) the interest;
 - (ii) his or her own fees; and
 - (iii) the collector's percentage up to the time when the rate will probably be available.

(4) The sheriff shall issue a precept under his or her hand and seal of office directed to the administrator and shall annex to the precept the roll of the rate struck pursuant to subsection (3), and shall by the precept, after:

- (a) reciting the writ and that the municipality has neglected to satisfy it; and
- (b) referring to the roll annexed to the precept;

command the administrator to levy the rate at the time and in the manner by law required with respect to the general annual rates.

(5) At the first time for levying the general annual rates after the receipt of the precept, the administrator shall:

- (a) add a column to the tax roll;
- (b) insert in the column mentioned in clause (a) the amount by the precept to be levied on each person respectively;
- (c) levy the amount of the execution rate; and
- (d) within the time that he or she is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied on the precept after deducting his or her percentage.

(6) The sheriff shall after satisfying the execution and all fees on the execution, return any surplus within 10 days after receiving it to the administrator for the general purposes of the municipality.

c. R-26.1

RURAL MUNICIPALITY, 1989

(7) For the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to an execution, the administrator and the assessor are deemed to be officers of the court from which the writ issued, and, as officers of the court, may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties imposed on them by this section.

(8) Where the administrator of a municipality against which any execution is issued is not paid by way of a percentage of any amount collected, the administrator shall be paid for his or her services pursuant to this section at the rate of 2.5% of the amount collected.

1989-90, c.R-26.1, s.411.

DONATION OF PROPERTY

Voluntary transfer

412(1) A person who is the registered owner of title to a parcel of land in the municipality on which no improvement or fixture is situated may present, without consideration for the land, to the municipality a registrable transfer of title naming the municipality as the transferee.

(2) The municipality may apply to the Registrar of Titles to register the transfer of title mentioned in subsection (1) if:

- (a) there are no monetary interests registered against the title in the Land Titles Registry;
- (b) there are no monetary encumbrances otherwise against the land of which the municipality is aware; and
- (c) there are no taxes due and owing with respect to the land.

2000, c.L-5.1, s.471.

NOTICES

Service of documents

412.1(1) Any notice or other document required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

(2) A notice or document served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

(3) Where the address of the person to be served is unknown, the notice or document shall be served by publishing it in two issues of a newspaper circulating in the municipality, the second notice appearing at least three days before any action is taken with respect to the matter to which the notice or document relates.

1996, c.58, s.46.

Intermunicipal disputes

412.2(1) Unless otherwise provided for by this Act, a dispute between a rural municipality and another municipality with respect to an agreement or arrangement between them relating to municipal facilities, municipal services or public works may be referred to a mediator by either party to the dispute, by serving written notice on the other party.

(2) The notice required pursuant to subsection (1) must be served personally or by registered mail on the clerk or administrator of the other municipality.

(3) The parties to the dispute shall agree on the appointment of a mediator within 15 days after service of the notice mentioned in subsection (1).

(4) If the parties to the dispute are unable to agree on a mediator within the period mentioned in subsection (3), either party may apply to the manager of mediation services appointed pursuant to section 14.1 of *The Department of Justice Act* to appoint a mediator.

(5) A mediator appointed pursuant to this section shall endeavour to assist the parties to settle the issues that are the subject of the mediation.

(6) For the purposes of subsection (5), the mediation period is not to exceed:

- (a) 60 days after the appointment of the mediator; or
- (b) any period agreed to by the parties.

(7) The costs of a mediation pursuant to this section are to be shared equally between the parties.

(8) Evidence arising from anything said, evidence of anything said, or evidence of an admission or communication made in the course of mediation pursuant to this section is not admissible in any cause, matter or proceeding before an arbitrator or a court, except with the written consent of the mediator and the parties to the matter in which the mediator acted.

(9) Where the mediator determines that he or she cannot resolve the dispute between the parties, or where either party refuses to participate in the mediation process or to abide by the resolution of the dispute achieved through mediation, or on expiration of the mediation period mentioned in subsection (6), either party may refer the dispute to the Saskatchewan Municipal Board for determination.

(10) The Saskatchewan Municipal Board shall render its determination, decision or order within 120 days after conducting a hearing with respect to the dispute.

(11) Any determination, decision or order of the Saskatchewan Municipal Board rendered with respect to the dispute is binding on all parties to the dispute.

2001, c.38, s.41.

PENALTIES**Fines, etc.**

413(1) Subject to subsections (2) to (8), every person who is guilty of an offence against this Act is liable on summary conviction to a fine not exceeding \$500.

c. R-26.1

RURAL MUNICIPALITY, 1989

- (2) Every person who is guilty of an offence against this Act for a contravention of section 51 is liable on summary conviction to a fine not exceeding \$500 and a further fine of \$50 for each day or part of a day during which the offence continues.
- (3) Every person who is guilty of an offence against this Act for a contravention of section 155, 156 or 157 is liable on summary conviction to:
- (a) a fine not exceeding \$500;
 - (b) a term of imprisonment not exceeding six months; or
 - (c) both the fine mentioned in clause (a) and the imprisonment mentioned in clause (b).
- (4) Every person who is guilty of an offence against this Act for a contravention of section 177 is liable on summary conviction to:
- (a) a fine not exceeding \$250 for each day during which the offence continues; or
 - (b) imprisonment for not less than 30 days; or
 - (c) both the fine mentioned in clause (a) and the imprisonment mentioned in clause (b).
- (5) Every person who is guilty of an offence against this Act for a contravention of section 190 is liable on summary conviction to a fine not exceeding \$100 for each vehicle for each day the offence continues.
- (6) Every person who is guilty of an offence against this Act for a contravention of section 219 is liable on summary conviction to:
- (a) a fine not exceeding \$10,000;
 - (b) imprisonment for a term not exceeding six months; and
 - (c) an order that his dog be destroyed or disposed of in accordance with the terms and conditions of the order of destruction or disposal.
- (7) Every person who is guilty of an offence against this Act for a contravention of section 297 or 298 is liable on summary conviction to:
- (a) a fine not exceeding \$500; and
 - (b) imprisonment for not less than 30 days.
- (8) Every person who is guilty of an offence against this Act for a contravention of section 308 is liable on summary conviction to a fine not exceeding \$250.

1989-90, c.R-26.1, s.413.

PART VIII
Regulations, Repeal and Coming into Force

Regulations

414(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

- (b) enabling the minister to make payments of grants to municipalities;
 - (c) prescribing provisions in this Act in which:
 - (i) a reference to land or improvements includes a reference to both land and improvements; and
 - (ii) a reference to both land and improvements includes a reference to land or improvements;
 - (d) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The minister may make regulations respecting any matter or thing that is required or authorized by this Act to be prescribed by the minister.
- (3) Regulations prescribing buildings and amounts of land for the purposes of clause 331(1)(c) may be made retroactive to a day not earlier than January 1, 1989.

1989-90, c.R-26.1, s.414; 1996, c.58, s.47; 2000, c.25, s.50; 2002, c.38, s.28.

Regulations re assessment and taxation

414.1(1) The Lieutenant Governor in Council may make regulations respecting assessment and taxation, including any matter that is the subject of Part VI.

(2) A regulation made pursuant to subsection (1) may be made retroactive to a day not earlier than the day on which this section came into force.

1996, c.58, s.48.

R.S.S. 1978, c.R-26 repealed

415(1) *The Rural Municipality Act* or any provision of *The Rural Municipality Act* specified in a proclamation issued by the Lieutenant Governor pursuant to section 417 is repealed.

(2) Notwithstanding the repeal of *The Rural Municipality Act*, anything commenced pursuant to that Act is to be continued to its conclusion in accordance with that Act as if that Act had not been repealed.

1989-90, c.R-26.1, s.415.

References

416 A reference in any Act or regulation to:

- (a) the court of revision of a rural municipality is deemed to be a reference to the board of revision;
- (b) the secretary or treasurer of a rural municipality is deemed to be a reference to the administrator of the rural municipality.

1989-90, c.R-26.1, s.416.

**Editorial Appendix
(Amendments)**

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please consult Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

<u>Amending Year</u>	<u>Chapter</u>	<u>Section</u>	<u>Effective</u>
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