

BILL

No. 28 of 2006-07

An Act to amend *The Cities Act*

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Cities Amendment Act, 2006 (No. 2)*.

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

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

Section 2 amended

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

(a) **by adding the following clause after clause (m):**

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

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

(b) **by adding the following clause after clause (x):**

“(x.1) ‘**pipeline**’ means a line of pipe, situated in, on or under a continuing strip of land or a pipeline right of way and used for the transportation of petroleum, petroleum products, gas or any other products that may be designated by the minister, but does not include a flowline”.

Section 8 amended

4 **Clause 8(1)(l) is repealed and the following substituted:**

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

Section 13 amended

5 **Subsection 13(4) is amended by striking out “A person” and substituting “Subject to subsection 309(2.1), a person”.**

New section 33

6 Section 33 is repealed and the following substituted:

“Providing services outside city

33(1) A city may provide any service or thing that it provides in all or part of the city:

(a) in another municipality with the agreement of that other municipality; or

(b) on behalf of an Indian band with the agreement of that Indian band.

(2) A council may, by bylaw, provide and charge for any fire-fighting, fire prevention or emergency service outside the city, or for the use of equipment or facilities outside the city, in the absence of an agreement with the other municipality, if a request for the service or for the use of the equipment or facilities is made by:

(a) any other municipality or municipal government within or outside Saskatchewan;

(b) a department, organization or agency of the Government of Saskatchewan or of the Government of Canada;

(c) an Indian band;

(d) any person; or

(e) any other authority, organization or agency.

(3) On the request of the city that provided a service mentioned in subsection (2) to a person, the council of the other municipality in which the service was received may provide for assessing and levying the cost of the service, and any amount so levied that remains unpaid at the end of the year in which the service was provided may be added to the taxes on any property owned by the person and collected in the same manner as taxes”.

New section 38.2

7 The following section is added after section 38.1:

“Sale or lease of land policy

38.2(1) Notwithstanding clause 101(1)(k), a council may establish a policy setting out the conditions and threshold amount under which clause 101(1)(k) does not apply.

(2) The city may only sell or lease land for less than fair market value without a public offering in accordance with its sale or lease of land policy, unless a council authorizes a departure from that policy.

(3) The Lieutenant Governor in Council may make regulations respecting the required contents of any city sale or lease of land policy to be established pursuant to this section”.

Section 101 amended

8 Clause 101(1)(k) is amending by adding “subject to section 38.2,” before “the sale”.

Section 107 amended

9 Subsection 107(4) is repealed and the following substituted:

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

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

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

Section 108 amended

10 Clause 108(3)(f) is repealed and the following substituted:

“(f) who signed the petition before the date mentioned in clause 107(4)(c)”.

New section 124

11 Section 124 is repealed and the following substituted:

“Reimbursement

124(1) The council may reimburse the person with respect to whom an application pursuant to this Part was made for any costs and expenses that the council considers reasonable, other than costs that have already been awarded to the person by the judge, if:

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

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

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

Section 177 amended

12 The following subsection is added after subsection 177(2):

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

Section 180 amended

13 Subsection 180(3) is repealed and the following substituted:

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

Section 217 amended

14 The following subsection is added after subsection 217(5):

“(5.1) If, in the opinion of the secretary of the appeal board, the notice of appeal does not comply with this section, the secretary shall:

- (a) notify the appellant of the deficiencies in the notice of appeal; and
- (b) grant the appellant one 14-day extension to perfect the notice of appeal”.

Section 262 amended

15 Clause 262(1)(k) is amended by striking out “any other city or municipality” and substituting “any other city, municipality or controlled corporation”.

New sections 281.1 and 281.2

16 The following sections are added after section 281:

“Establishing tax increment financing programs

281.1(1) A council may, by bylaw, establish tax increment financing programs in designated areas of the city for the purpose of encouraging investment or development in those areas.

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

“Provisions of tax increment financing programs

281.2 A tax increment financing program may provide:

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

New section 301.1

17 The following section is added before section 302:

“Interpretation of Division

301.1 For the purposes of this Division, ‘city’ includes a controlled corporation”.

Section 303 amended

18 Subsection 303(1) is repealed and the following substituted:

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

Section 306 amended

19 The following subsection is added after subsection 306(1):

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

Section 307 amended

20 Subsections 307(2) and (3) are repealed.

Section 308 amended

21 Clause 308(a) is amended by adding “, curb, pavement markings, traffic control device” after “railing”.

Section 309 amended

22 The following subsection is added after subsection 309(2):

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

Section 316 amended

23 Section 316 is amended:

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

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

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

New section 317

24 Section 317 is repealed and the following substituted:

“Immunity re acts of members of council and council committees

317(1) No action or proceeding lies or shall be instituted against a member of council, a person appointed as a youth member pursuant to section 56.1, or a member of a committee or other body established pursuant to clause 55(a) or any city officer, volunteer worker or agent of the city for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

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

Section 318 amended

25 Subsection 318(1) is repealed and the following substituted:

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

Section 319 amended

26 Subsection 319(1) is repealed and the following substituted:

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

Section 324 amended

27 Subsection 324(5) is repealed.

Section 328 amended

28(1) Subsection 328(2.1) is amended by striking out “The order must” and substituting “Unless a bylaw enacted pursuant to subsection 330(3.1) provides that an appeal is not available, the order must”.

(2) Clause 328(3)(d) is amended by adding “or at the city’s expense, as the case may be” after “expense of the person”.

Section 329 amended

29 Subsection 329(1) is amended by striking out “A person” and substituting “Unless a bylaw enacted pursuant to subsection 330(3.1) provides that an appeal is not available, a person”.

Section 330 amended

30(1) Subsection 330(3) is amended by striking out “The expenses” and substituting “Subject to subsection (3.1), the expenses”.

(2) The following subsection is added after subsection 330(3):

“(3.1) A city may, by bylaw, provide that it may remedy a contravention or prevent the reoccurrence of a contravention without the right of appeal, if the matters mentioned in clauses (1)(a) to (c) have occurred and all costs and expenses of the city’s action or measure are borne by the city”.

Section 333 amended

31 Clause 333(1)(c) is amended by adding “subject to subsection 330(3.1),” before “unpaid”.

Section 347 amended

32 The following subsection is added after subsection 347(4):

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

Section 362 amended

33 Subsection 362(2) is amended by striking out “shall” and substituting “may”.

Coming into force

34(1) Subject to subsections (2) and (3), this Act comes into force on assent.

(2) If this Act is assented to before the coming into force of section 24 of *The Cities Amendment Act, 2006*, section 13 of this Act comes into force on January 2, 2007.

(3) Sections 5 and 17 to 26 of this Act come into force on proclamation.

THIRD SESSION
Twenty-fifth Legislature
SASKATCHEWAN

B I L L

No. 28 of 2006-07

An Act to amend *The Cities Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Harry Van Mulligen
