
Mandatory and Optional Municipal Services/Functions in Legislation

Introduction

The Cities Act, The Municipalities Act and The Northern Municipalities Act, 2010 provide municipalities with powers in broad areas. Each of these statutes is intended as enabling legislation. The responsibilities that are mandatory for municipalities in these acts are quite limited except for property assessment and taxation and maintenance of streets, roads and/or other public places. Most municipal responsibilities are structured as “enabling”.

However, a significant number of other Acts that are the responsibility of other provincial ministries require certain basic services or responsibilities of municipalities or provide more specific authority over certain matters. The requirements and authorities in these other Acts have evolved incrementally over time and in many instances pre-date the broad authority and areas of jurisdiction granted under the three municipal Acts.

Context

Saskatchewan municipal governments were once required to play larger roles in the funding and delivery of health care and social welfare functions. However, in 1997, the province decided that municipalities would no longer collect taxes for health care and social services. While these responsibilities have largely shifted back to the province and other authorities, municipalities continue to play a role in the functions. This includes having to contribute to provincial-federal affordable housing projects and the capital and equipment costs of health facilities.

The actual functions performed by municipal governments in Saskatchewan are extensive and vary greatly from municipality to municipality, depending on the needs and priorities of the communities and their financial ability. Rural and small urban municipalities provide a limited range of services such as roads, water and sewer and solid waste management. Medium and larger municipalities also provide policing and fire, recreational and cultural, land use planning and economic development services. Cities provide the most diverse range of services.

The following is a summary of the main function categories and specific services that municipalities are required or enabled to provide under provincial legislation. Administrative services are not included. This is a summary only and should not be taken as legal advice. If there are questions about a municipality's responsibilities it is best to review the complete Act which is available from the Queen's Printer.

General Government

Business Licensing

- The municipal acts authorize the general power to classify, control, regulate and license all business activity. For example, municipalities are enabled to regulate and control aspects of businesses such as store hours and signage, and specific types of businesses such as: home-based businesses; direct sellers; transient traders and contractors; public markets; billboards; amusement places and arcades; electronic and vending machines; sale of fireworks, etc.
- *The Alcohol & Gaming Regulation Act, 1997* enables local licensing of liquor related establishments and the local licensing of small lotteries and raffles.
- *The Public Health Act, 1994* enables municipalities to regulate public health matters related to the operation of certain types of businesses such as public accommodation, retail food, food processing and eating establishments.

Protective Services

Animal Control

- *The Stray Animals Act* requires municipalities to appoint officers responsible for enforcing the act and enables municipalities to pass bylaws related to stray animal control.
- The municipal acts enable broad animal control.
- *The Public Health Act, 1994* enables municipalities to pass bylaws for animal control relating to health hazards. Bylaws must receive provincial approval.
- *The Veterinary Services Act* enables rural municipalities to establish veterinary service districts to support veterinary services.

Building Standards and Inspection

- *The Uniform Building and Accessibility Standards Act* requires municipalities to enforce provincial building and accessibility standards based on the National Building Code of Canada.
- The municipal acts enable municipalities to establish their own building and maintenance bylaws and issue building permits, subject to provincial standards.

Emergency Planning/Emergency 911 Services

- *The Emergency Planning Act* requires every municipality to establish an emergency measures organization, appoint a coordinator, prepare an emergency measures plan and provide the first level of response for dealing with a local emergency or if an emergency exceeds a single municipality's capacity, share resources from neighbouring municipalities.
- *The Emergency 911 System Act* requires that municipalities participate in the development, implementation and operation of the Sask 911 system for their area in cooperation with the province, health districts and other emergency service providers and SaskTel.

Fire Protection

- *The Fire Prevention Act, 1992* requires municipalities to administer and enforce fire prevention standards and regulations and appoint fire chiefs and local assistants to investigate and report fires. With the exception of cities, municipalities can determine the type and level of fire prevention and protection services to be provided (i.e. volunteer or professional) based on local needs, preferences and expertise.
- The legislation and regulations that apply to group home, child care and personal/long term care facilities requires the inspection and sometimes a letter of approval from a local fire inspector. This includes *The Child Care Regulations, 2001 (The Child Care Act)*; *The Mental Health Services Regulations (The Mental Health Services Act)*; *The Personal Care Homes Regulations, 1996 (The Personal Care Homes Act)*; *The Private-service Homes Regulations* and *The Residential-service Facilities Regulations (The Residential Services Act)*.
- *The Prairie and Forest Fire Act, 1982* requires rural municipalities to extinguish fires originating or burning in the RM and enables RMs, RVs and northern municipalities to appoint fire rangers to carry out responsibilities under the Act.

Policing

- *The Police Act, 1990* requires municipalities to ensure policing is provided. All municipalities with a population of more than 500 are required to provide policing either through a municipal police service or through a contract with the province or Canada and the RCMP. All municipalities with fewer than 500 residents and all RMs receive policing from the RCMP. The province pays directly for this service but recovers a portion of the cost via a per capita policing assessment.
- *The Correctional Services Act* enables the province to enter into agreements with municipalities to provide correctional services and facilities.

Transportation Services

Municipal Street and Road Maintenance

- The municipal acts require municipalities repair and maintain municipal streets and roads. The municipal acts also give municipalities broad authority over the management and control of

streets and roads, subject to other legislation and regulations governing highways, traffic, and crown corporations such as *The Highways and Transportation Act, 1997*.

Vehicle and Traffic Control

- The municipal acts and various other legislation enable municipal bylaws for vehicle and traffic control in addition to provincial controls on vehicles, traffic and transportation.
- Municipal bylaws regarding these matters must be consistent with *The Traffic Safety Act*, *The Highways and Transportation Act, 1997* and *The Dangerous Goods Transportation Act* or require approval of the Highway Traffic Board where inconsistent or where the bylaws affect portions of provincial highways.

Environmental and Public Health Services

Solid Waste Management

- *The Environmental Management and Protection Act, 2002* and *The Municipal Waste Refuse Management Regulations* require municipalities to provide solid waste management and disposal systems that meet regulated standards. Under the act if made aware, municipal employees are also required to report discharges of substances which may pose an adverse impact on the environment to the province.
- *The Environmental Management and Protection Act, 2010* and *The Saskatchewan Environmental Code* establish a new regulatory system and revise the role for municipalities in environmental management for landfills and litter. The Act is not yet in force and the *Code* was adopted by the province in November 2014. Other Acts relating to these topics will be repealed; municipalities should check with the Ministry of Environment and the Queen's Printer for updates.

Cemeteries

- *The Cemeteries Act, 1999* requires municipalities to provide free internment rights for unclaimed bodies or deceased indigent persons. The Act enables municipalities to take over or maintain abandoned or neglected cemeteries.

Drainage

- The municipal acts enable municipalities to undertake works to secure proper drainage within their municipality subject to *The Saskatchewan Watershed Authority Act* and *The Environmental Management and Protection Act, 2002* which vests ultimate authority and jurisdiction over water resources and related land including the regulation and control of drainage and other water works with the province.

Health Care

- *The Department of Health Act* enables the province to enter into agreements with municipalities regarding health care facilities etc.
- *The Health Districts Act* enables municipalities to enter agreements with district health boards to convey property or provide funding for operations through a general property tax levy or a special levy.

Nuisances

- The municipal acts enable municipalities to control and abate various nuisances related to animals, pests, plants, litter, noise, businesses and derelict, unsafe or unsightly land and buildings. This authority includes power to regulate, inspect, enforce, remedy, recover costs for remedying, etc.
- Provincial involvement in municipal nuisance matters is generally limited except to the extent that nuisance matters become public health, safety and environmental protection matters under *The Public Health Act, 1994* and/or *The Environmental Management and Protection Act, 2002*. Both acts provide for potential provincial or other authority approval (e.g. health district) of municipal actions in public health, safety and environmental protection matters.
- *The Clean Air Act* enables municipalities to pass bylaws regarding air pollution and open burning.
- *The Environmental Management and Protection Act, 2010* and *The Saskatchewan Environmental Code* establish a new regulatory system and revise the role for municipalities regarding sites within their jurisdiction that are listed on the environmentally impacted sites registry or that store

hazardous substances. The Act is not yet in force and the *Code* was adopted by the province in November 2014.

- Note: Other acts relating to some of the above mentioned nuisance matters will be repealed when *The Environmental Management and Protection Act, 2010* comes into force. This includes *The Clean Air Act*, for which the above noted authority relating to municipalities has not been transferred since the municipal Acts provide sufficiently broad authority to pass bylaws for these matters. Municipalities should check with the Ministry of Environment and the Queen's Printer for updates.

Pest and Weed Control

- *The Weed Control Act* and *The Pest Control Act* enable municipalities to pass bylaws related to pest and weed control and appoint officers responsible for enforcing the respective acts.
- *The Pest Control Products (Saskatchewan) Act* enables municipalities to appoint inspectors regarding pest control products.

Public Health

- *The Public Health Act, 1994* provides the authority and responsibility to undertake various activities in relation to public health to three governing entities: the province, municipal councils and appointed local public health authorities (i.e. district health boards).
- The three municipal acts give municipalities the general power to make bylaws regarding promoting the health of a municipality's residents. Specific provisions enable municipalities to make bylaws regulating some of the same matters as *The Public Health Act, 1994* as well as other health and safety matters such as smoking in public places. While *The Tobacco Control Act* regulates smoking and the sale of tobacco products municipalities are enabled to pass bylaws that are more restrictive than this Act.
- Provincial approval is required for bylaws of both local authorities and municipal councils regarding public health matters.

Public Transportation

- Public transportation is an optional responsibility under the three municipal acts and includes mass transit and special needs transportation.

Social Services

- The municipal acts give municipalities the general power to make bylaws regarding the welfare of a municipality's residents. Municipalities may make grants to community-based organizations.
- *The Rehabilitation Act* enables the province to enter into agreements with municipalities to provide rehabilitation of disabled persons and/or designated groups.
- *The Saskatchewan Assistance Act* enables the province to enter into agreements with municipalities to provide assistance such as money, goods or services or health and burial coverage.

Social/Public Housing

- *The Saskatchewan Housing Corporation Act* and *The Regional Health Services Act* enable municipalities to provide, operate and financially participate in public, social and special care housing subject to Municipal Board approval in some cases.

Planning and Development Services

Community Planning, Land Use and Development Control

- *The Planning and Development Act, 2007* enables municipal and district planning commissions to undertake a wide range of activities related to the physical, social and economic planning and development of the municipality and to incorporate these into its planning documents.
- The municipal acts enable municipalities to regulate and control specific development and land use matters.
- *The Conservation Easements Act* enables municipalities to grant conservation easements.
- *The Forest Resources Management Act* enables municipalities to designate an inspector for the purposes of the Act (largely forest protection).

- *The Saskatchewan Watershed Authority Act and Reservoir Development Area Regulations* prescribe land use districts for reservoir development areas and enable affected municipalities to pass bylaws subject to approval.
- *The Watershed Associations Act* enables municipalities to facilitate the planning and development of works to conserve and develop land and water resources on a watershed basis.

Economic Development

- The municipal acts enable municipalities to perform economic development activities such as commercial undertakings, the abatement of taxes, acquiring shares in corporations, entering agreements, providing grants to organizations and acquiring and disposing of land and buildings.
- *The Employment Agencies Act* enables municipalities to establish an employment office.
- *The Rural Development Act* enables municipalities to enter into agreements to form corporations for the purpose of economic and social development.

Housing

- The *Saskatchewan Housing Corporation Act* gives municipalities broad powers in the area of housing provision including land acquisition and development; construction and operation of public housing; residential rehabilitation and subject to provincial approval, neighbourhood improvement and urban renewal initiatives. The Act also provides broad financial powers subject to Saskatchewan Municipal Board approval, to participate in, acquire shares and borrow money related to housing developments and corporations.

Recreation and Culture Services

Arts and Culture

- In addition to the general power to make bylaws concerning “well being”, the three municipal acts enable municipalities to undertake and/or provide financial and other assistance for a range of cultural purposes, events, facilities and organizations.

Heritage Preservation

- *The Heritage Property Act* enables both the province and municipalities to designate heritage properties and heritage conservation districts; establish heritage advisory committees; prevent the demolition, alteration and disrepair of designated properties; order the repair of designated properties; and undertake heritage conservation activities.

Public Libraries

- *The Public Libraries Act, 1996* requires every municipality located within prescribed district boundaries to participate in a regional library agreement, appoint members to a regional library board and make annual grants. The Act also enables municipalities to establish local libraries as part of the regional system either on their own initiative or mandatory upon receipt of a petition of 15 per cent of electors and a public vote in favour of a local library.

Recreation

- The three municipal acts enable municipalities to undertake and/or provide financial and other assistance to recreation activities and facilities.

Regional/Urban Parks

- *The Regional Parks Act* enables municipalities to establish regional park authorities, outlining their boundaries and municipal funding commitment(s) to the authority. Once established the authorities have a wide range of powers within the regional park area. The municipal acts limit the jurisdiction and authority of municipalities in regional park areas unless specific agreements between the authorities and the municipalities have been made.
- Separate acts and an agreement establish urban park authorities in Regina, Saskatoon, Moose Jaw and Swift Current. Some of these authorities have a wide range of bylaw powers which can supersede the bylaws of their respective municipal governments. Some authorities are also required by legislation to prepare and periodically review development plans.
- The province approves regional park authorities while it appoints a portion of the members of urban park authorities. Regional park authorities are a partnership among municipalities with optional

provincial funding while urban park authorities include the province as a primary partner with specified funding levels and responsibilities.

Utility Services

Water and Sewer Supply

- *The Public Health Act 1994* requires municipalities ensure potable water and sewage disposal.
- The municipal acts enable municipalities to regulate matters regarding water/sewer supply in accordance with *The Municipal Refuse Management Regulations* and *The Water Regulations, 2002 (The Environmental Management and Protection Act, 2002)*.
- As noted earlier municipalities should confirm current requirements which are available from Ministry of Environment and the Queen's Printer.

Municipal Utilities

- While the municipal acts enable all municipalities to establish public utilities there is some variation among municipalities in the services for which they can establish utilities.