



# Government — of — Saskatchewan

Advisory Services and Municipal Relations  
Ministry of Government Relations

# MUNICIPAL BYLAWS LEGISLATION

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Advisory Services and Municipal Relations  
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of  
Saskatchewan

# Why Can Municipalities Pass Bylaws?

- In Saskatchewan, municipalities are created and empowered by three statutes
  - *The Cities Act*
  - *The Municipalities Act*
    - ✓ Towns, villages resort villages and rural municipalities
  - *The Northern Municipalities Act, 2010*



# Municipalities may enact bylaws respecting:

- Peace, order and good government
- Safety, health, welfare of people & property;
- People, activities, etc in public areas;
- Nuisances;
- Transportation & transportation systems;
- Use of vehicles & regulation of pedestrians;
- Businesses & business activities;
- Municipal services & fees;
- Public utilities;
- Animals; and
- Reclaiming land & buildings;



## Power of a municipality to pass a bylaw:

- Under *The Municipalities Act*, is to be interpreted broadly for the purpose of providing a broad authority to its council and respecting council's right to govern the municipality in whatever manner the council considers appropriate, within the jurisdiction provided to council by law; and
- Enhancing the council's ability to respond to present and future issues in the municipality.

## Bylaws reliant upon other legislation require specific authority:

- Municipalities may enact bylaws respecting building standards and permits under authority of *The Uniform Building and Accessibility Standards Act*.
- Zoning bylaws are enacted under authority of *The Planning and Development Act, 2007*.



## Bylaws may address enforcement issues such as:

- Offences, including continuing offences;
- Penalties, including incentives to pay;
- Voluntary payments to avoid prosecution;
- Inspections to confirm compliance;
- Remedies including moving, seizing, impounding, destroying, or disposing of property.



- Municipalities have general authority to regulate or prohibit.
- Municipalities may deal with developments, activities, industries, businesses or things differently.
  - It is critical to ensure that differential treatment does not fall into the area of discrimination.
- Bylaws may provide for inspections, permits, approvals and licensing systems.
- Municipalities may limit or prohibit business operations.
- Municipalities may provide for appeal bodies.



# Considerations Prior to Regulating or Prohibiting by bylaw:

- What are you trying to fix?
- Will it solve the problem?
- Are there other options available?
- Does Council have the authority?
- Is there an existing bylaw on the subject ?
  - Is there a conflict?
  - Should the existing bylaw be amended or new one created?
- Consult a solicitor if the bylaw is complex
- Does Council have the means and political will to enforce?





# Procedure to pass a bylaw

- Bylaws must be “read” three times.
  - “Reading” the bylaw may involve only the title or the identifying number of the proposed bylaw.
  - Each member has the right to review the full text of a bylaw prior to first reading, and prior to third reading if there are any amendments after the first reading.
  - Proposed bylaws cannot be read more than twice at a single meeting, unless council unanimously agrees to consider third reading.



- Third reading to a bylaw cannot occur more than two years after the first reading.
- Certain bylaws require Provincial approval.
- Bylaws become effective immediately, unless the bylaw includes a “transitional clause”.
- A “repeal clause” cancels previous related bylaws, including any amendments.



# What makes a bylaw good or bad?

- How do we measure a bylaw as “good” or “bad”?
  - High levels of compliance / public acceptance
  - Capable of withstanding challenges



## How can we “Bullet-proof” the Bylaw?

- Common attacks include:
  - *ultra vires*;
  - discrimination;
  - bad faith;
  - vagueness;
  - infringement of Charter rights;
  - fairness.



# Pitfalls

- The well being of a municipality and its reputation can be harmed by:
  - Not regulating when it is needed
  - Regulating when it is not needed
  - Overly restrictive regulations
  - Not enforcing regulations that are in place



# Enforcement of Municipal Law

- Enforcement is an area which perplexes many councils.
- Municipalities have not only the right, but the duty to enforce bylaws.
- Council may decide which offenders to prosecute.
- Are you ready to enforce?
- *If you can't enforce it, don't adopt it!!!*

