

## Mandatory and Optional Municipal Services/Functions in Legislation Related to Public Safety

---

### 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 the 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.

The following is a summary of the specific public safety services that municipalities are required or enabled to provide under provincial legislation. 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.

### 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, 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.

### **Vehicle and Traffic Control**

- The municipal acts and various other legislation enables municipal bylaws for vehicle and traffic control in addition to provincial controls governing 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.

### **Solid Waste Management**

- *The Environmental Management and Protection Act, 2002* and *The Municipal Waste Refuse Management Regulations* require municipalities to provide a solid waste management and disposal that meets regulated standards. Under the act, if made aware, municipal employees are also required to report discharges of substances which may pose an adverse effect 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.

### **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*. Those Acts vest ultimate authority and jurisdiction over water resources and related land, including the regulation and control of drainage and other water works with the province.

### **Nuisances**

- 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 enable potential provincial or other authority approval (e.g. health district) of municipal actions in public health, safety and environmental protection matters.

- *The Environmental Management and Protection Act, 2010* and *The Saskatchewan Environmental Code* establish a new regulatory system and revise the role of 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.