

VILLAGE OF DRAKE BYLAW 2024-2

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

THE COUNCIL FOR THE VILLAGE OF DRAKE IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as The Nuisance Abatement Bylaw.

Purpose

2. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect:
 - a) the safety, health or welfare of people in the neighbourhood;
 - b) people's use and enjoyment of their property; or
 - c) the amenity of a neighbourhood.

Definitions

3. In this Bylaw:
 - a) "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
 - b) "building" means a building within the meaning of *The Municipalities Act*;
 - c) "Municipality" means the Village of Drake;
 - d) "Council" means the Council of the Village of Drake;
 - e) "Committee" means the Council, Administrator or Designated officer.
 - f) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that
 - i) either:
 - (1) has no valid license plates attached to it; or
 - (2) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - ii) is located on private land, but that:
 - (1) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;
 - g) "nuisance" means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
 - i) the safety, health or welfare of people in the neighbourhood;
 - ii) people's use and enjoyment of their property; or
 - iii) the amenity of a neighbourhood and includes:
 - i) a building in a ruinous or dilapidated state of repair;
 - ii) an unoccupied building that is damaged and is an imminent danger to public safety;
 - iii) land that is overgrown with grass and weeds;
 - iv) untidy and unsightly property;
 - v) junked vehicles; and
 - vi) open excavations on property;
 - g) "occupant" means an occupant as defined in *The Municipalities Act*;
 - h) "owner" means an owner as defined in *The Municipalities Act*;
 - i) "property" means land or buildings or both;
 - j) "structure" means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

Responsibility

4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

Nuisances Prohibited Generally

5. No person shall cause or permit a nuisance to occur on any property owned by that person.

Dilapidated Buildings

6. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
 - a) is dangerous to the public health or safety.
 - b) substantially depreciates the value of other land or improvements in the neighbourhood; or
 - c) is substantially detrimental to the amenities of the neighbourhood.

Unoccupied Buildings

7. Notwithstanding the generality of Section 5, no person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.

Overgrown Grass and Weeds

8. Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.

9. For the purposes of this section, “overgrown” means in excess of 0.20 metres in height.
10. This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

Untidy and Unsightly Property

11. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

Junked Vehicles

12. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

13. Accumulation of Materials

- i. No owner or occupier of a Premises shall allow on the Premises, the accumulation of:
 - any material that creates unpleasant odors;
 - any material likely to attract pests; or
 - animal remains, parts of animal remains, or animal feces.
- ii. No owner or occupier of a Premises shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- iii. No owner or occupier of a Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the property:
 - loose garbage;
 - bottles, cans, boxes or packaging materials;
 - household furniture or other household goods;
 - Automobile Parts;
 - parts of or disassembled machinery, equipment or appliances; and
 - yard waste, including grass, tree and hedge cuttings but excluding the contents of a Composting Pile as defined in this Bylaw.
- iv. No owner or occupier of real property shall allow on the Premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being actively carried out on the Premises and that the project has begun or the beginning of work is imminent.
 - a. Materials shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metre from the property line.

- v. An owner or occupier of a Premises shall ensure that all building materials stored on a Premises, that are not in contravention of subsection (5), are stacked or stored in an orderly manner.
- vi. Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic property maintenance.

Open Excavations

- 14. Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure to exist in or on any private land or in or about any building or structure which is dangerous to the public safety or health.

Maintenance of Yards

- 15. Notwithstanding the generality of section 5, no person shall cause or permit on any property owned by that person:
 - a) an infestation of rodents, vermin or insects;
 - b) any dead or hazardous trees; or
 - c) any sharp or dangerous objects.

Burning Materials

- 16. No person shall permit the burning of materials on or in any property that produces an odour so as to cause a nuisance. Fireplaces, including outdoor fireplaces, used or intended to be used for burning fuels in open fires shall only have clean, dry wood burnt in these appliances.

Refrigerators and Freezers

- 17. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed. Must be removed within 20 days,

Fences

- 18. Fences shall be maintained in a safe and reasonable state of repair.

Enforcement of Bylaw

- 19. The administration enforcement of this Bylaw is hereby delegated to the Administrator, (or committee) for the Village of Drake.

To enforce a nuisance abatement bylaw, the municipality will through the process in Appendix A may:

- i. investigate alleged reports of a nuisance.
- ii. Issue a notice of violation Appendix B
- iii. Issue an order to the owner or occupant to remedy the contravention and to prevent reoccurrences; or
- iv. Register an interest against the title to the land.

Investigating nuisances

- i. The municipality may investigate nuisances on its own initiative or as the result of an allegation presented by a citizen. A municipality may authorize a designated officer to enter private land or buildings for the purpose of carrying out an investigation.
- ii. In some circumstances, the municipality may need to apply to a justice of the peace or a provincial court for a warrant to enter private land or buildings. As prescribed in sections 362 and 362 the investigation, and the powers and responsibilities of the designated officer.

Appointing Designated Officers

- 20. That the Designated Officers to whom responsibility is assigned to administrate and enforce the Nuisance Abatement Bylaw for the Village of Drake for the time period in which Bylaw 2024-2 is in force shall be:
 - i) The Administrator for the Village of Drake
 - ii) The Public Works Supervisor for the Village of Drake; or
 - iii) The Council for the for the Village of Drake

Inspections

21. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
23. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

Order to Remedy Contraventions

24. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention. See Appendix B
25. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

27. If an order is issued pursuant to Section 24, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Appeal of Order to Remedy

28. A person may appeal an order made pursuant to Section 21 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

29. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
30. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

31. Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this Bylaw may be recovered either:
 - a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

Registration of Notice of Order

32. If an order is issued pursuant to Section 22, the Municipality may, in accordance with Section 364 of the *Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Offences and Penalties

33. No person shall:
 - c) fail to comply with an order made pursuant to this Bylaw;
 - d) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - e) fail to comply with any other provision of this Bylaw.
34. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of \$200.00 to be paid to the Municipality within 30 days.

35. Where the Municipality receives voluntary payment of the amount prescribed under Section 31 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
36. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 22 of this Bylaw.
37. Every person who contravenes any provision of Section 32 is guilty of an offence and liable on summary conviction:
- a) in the case of an individual, to a fine of not more than \$10,000;
 - b) in the case of a corporation, to a fine of not more than \$25,000; and
 - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Repeal of Former Bylaws

38. Bylaw # 2005-2 – Nuisance Abatement Bylaw; and all amendments thereto are hereby repealed.

Coming Into Force

39. This Bylaw shall come into force on the day of its final passing.

Mayor

Administrator
Sections 8(1)(b) & 8(1)(d) *The Municipalities Act*

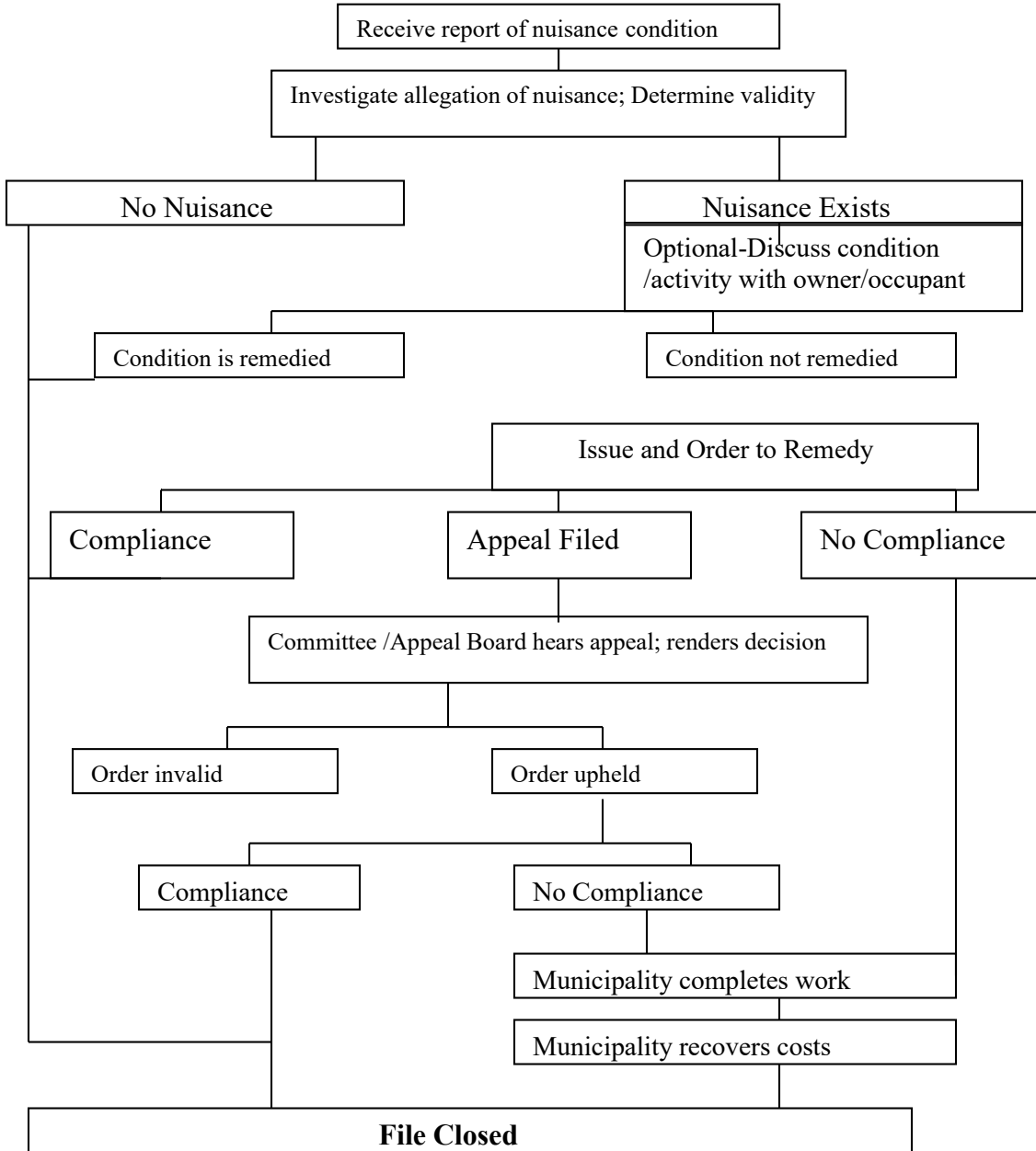
Read a third time and adopted,
this ___ day of _____, 2024

Administrator

VILLAGE OF DRAKE

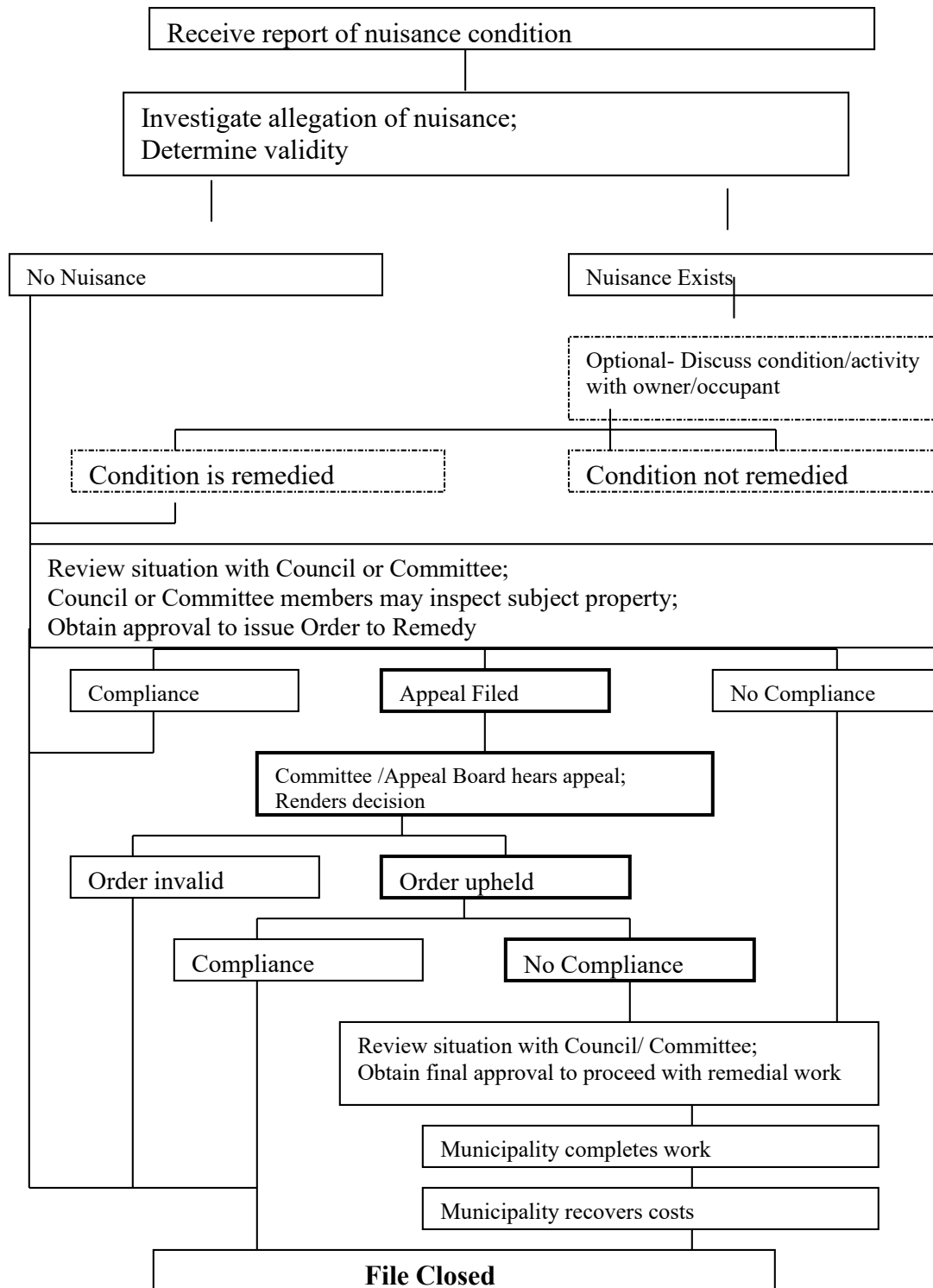
Appendix "A" – Administrative Process

Designated Officer with full authority



VILLAGE OF DRAKE

Council or Committee Input



VILLAGE OF DRAKE

Appendix “B”- Resolutions & Forms

Resolutions

Depending upon the administrative process implemented by the municipality, the Designated Officer may require specific authorization from a committee or from council to issue the order. As noted earlier, sole responsibility for determining nuisances and initiating enforcement action may not be desirable in small environments. Involving a number of individuals at this stage may avoid allegations of bias toward the Designated Officer.

The sample resolutions appearing within this section are those, which may be considered by the committee or council. For the purpose of these illustrations, the term “Committee” will be used and should be interchanged with the term” Council” in those instances where council retains this authority to itself.

Appeal rights are not addressed in the following resolutions: a person’s right to appeal an order to remedy a contravention is protected by statute. When determining the deadline by which a person must comply with an order to remedy, the committee shall take into consideration that the person has a period of 15 days during which the order may be appealed. Where an order has been appealed, the municipality may not proceed with carrying out the specific work until the appeal has been heard and decided by council or by local appeal board.

Forms

The sample bylaw does not reference specific forms for notice of violation, order to remedy a nuisance or request voluntary payment from a person to avoid prosecution for an offence. The Act provides municipalities with autonomy to design their own forms, provided they contain specific information referred to within the legislation. This section contains a number of sample forms for review and modification to meet local standards prior to authorization for use in your municipality.

Forms may be referenced and appended to bylaws; however, any changes to the forms subsequently require an amendment to the bylaw. Alternatively, the municipality may choose to retain the generic wording provided in the sample bylaw. Council should approve the forms by resolution; in this manner, subsequent amendments to administrative forms are accommodated more easily.

If desired, the bylaw may empower the Designated Officer to implement minor modifications that do not affect the substance of the form. Failure to include that authorization may jeopardize enforcement action if alterations are made.

VILLAGE OF DRAKE

B.1 Building/Structural Nuisance

That the Council for the Village of Drake or That the Committee hereby declares the

_____ located on _____,
(building / fence/ other type of structure) (legal description of property)

the civic address of the property being _____ to be a nuisance under
(civic address, if applicable)

Section 6 & 7 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, for the following reason(s)

*(The same reasons that will be stated within the order);

That the Designated Officer is hereby authorized to issue an order to _____
(owner(s)/ occupant(s) of the said property (along with any other person (s) who should be notified,in the opinion of the Council) requiring (them/him/her) to undertake the following work:

•[the same actions as will be specified in the order];

said work to be completed on or before the ___ day of ___, 20__;

And that if the work noted above is not completed by the date noted above, the municipality is authorized to take whatever steps are necessary to complete the work and recover the costs.

VILLAGE OF DRAKE

Order to Remedy

NAME: _____

ADDRESS: _____

RE: _____

(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 6 & 7 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, the property described above has been inspected by the

Village of Drake on _____;
(date)

THAT as a result of the above inspection, the building /structure described as

(describe the building or structure, location on the property, etc.)

on the land described above is hereby declared a nuisance because:

(State SPECIFIC reason(s) why the property is a nuisance)

AND THAT the records of the Village of Drake show that you are the owner/occupant

_____ of the property described above.
(specify which)

ORDER TO REMEDY

Under authority provided by Section 6 & 7 of Bylaw No. 2024-2 you are hereby ordered

To remedy the above violation on or before _____ by:
(specify date by when work should be completed)

*(State action required to remedy the contravention- be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed not later than _____
(specify date – must be after deadline to appeal).

VILLAGE OF DRAKE

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and
THAT the appeal may be filed with the Village of Drake, 117 Francis Street, Drake,

Saskatchewan, S0K 1H0 no later than _____
(time and date- must be at least 15 days after the date of the order)

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____
(If appeal hearings are pre-scheduled)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____

In the province of Saskatchewan,
this ___ day of _____, 20 ____

Designated Officer

VILLAGE OF DRAKE

B.2 Untidy/Unsightly Premises

That the Council/ Committee for the Village of Drake hereby declares the

_____ located on _____,
(land / buildings) (legal description of property)

the civic address of the property being _____ to be a nuisance under
(civic address, if applicable)

Section 11 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, for the following reason(s)

*(The same reasons that will be stated within the order);

That the Designated Officer is hereby authorized to issue an order to _____
(owner(s)/ occupant(s) of the said property (along with any other person (s) who should be notified, in the opinion of the Council) requiring (them/him/her) to undertake the following work:

*(The same actions as will be specified in the order)

said work to be completed on or before the ___ day of ___, 20 __;

And that if the work noted above is not completed by the date noted above, the municipality is authorized to take whatever steps are necessary to complete the work and recover the costs

VILLAGE OF DRAKE

Order to Remedy

NAME: _____

ADDRESS: _____

RE: _____
(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 11 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, the property described above has been inspected by the

Village of Drake on _____;
(date)

THAT as a result of the above inspection, the land is hereby declared a nuisance because:

(state SPECIFIC reason(s) why the property is a nuisance.)

AND THAT the records of the Village of Drake show that you are the owner/occupant

_____ of the property described above.
(specify which)

ORDER TO REMEDY

Under authority provided by Section 11 of Bylaw No. 2024-2 you are hereby ordered

To remedy the above violation on or before _____ by:
(specify date by when work should be completed)

*(State action required to remedy the contravention- be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed not later than _____
(specify date – must be after deadline to appeal).

VILLAGE OF DRAKE

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and THAT the appeal may be filed with the Village of Drake, 117 Francis Street, Drake,

Saskatchewan, S0K 1H0 no later than _____
(time and date- must be at least 15 days after the date of the order)

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____
(If appeal hearings are pre-scheduled)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____

In the province of Saskatchewan,
this ___ day of _____, 20___

Designated Officer

VILLAGE OF DRAKE

B.3 Excavation Nuisance

That the Council/Committee for the Village of Drake, hereby declares the

_____ located on _____,
(basement/excavation/ditch/swimming pool, other structure) (legal description of property)

the civic address of the property being _____ to be a nuisance under
(civic address, if applicable)

Section 14 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, for the following reason(s)

*(The same reasons that will be stated within the order).

That the Designated Officer is hereby authorized to issue an order to _____
(owner(s)/ occupant(s) of the said property (along with any other person (s) who should be notified,in the opinion of the Council) requiring (them/him/her) to undertake the following work:

*(The same reasons that will be stated within the order);

said work to be completed on or before the ___ day of ___, 20__;

And that if the work noted above is not completed by the date noted above, the municipality is authorized to take whatever steps are necessary to complete the work and recover the costs.

VILLAGE OF DRAKE

Order to Remedy

NAME: _____

ADDRESS: _____

RE: _____
(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 14 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, the property described above has been inspected by the

Village of Drake on _____;
(date)

THAT as a result of the above inspection, the building /structure described as

(describe the building or structure, location on the property, etc.)

on the land described above is hereby declared a nuisance because:

(State SPECIFIC reason(s) why the property is a nuisance)

AND THAT the records of the Village of Drake show that you are the owner/occupant

_____ of the property described above.
(specify which)

ORDER TO REMEDY

Under authority provided by Section 14 of Bylaw No. 2024-2 you are hereby ordered

To remedy the above violation on or before _____ by:
(specify date by when work should be completed)

*(State action required to remedy the contravention- be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed not later than _____
(specify date – must be after deadline to appeal).

VILLAGE OF DRAKE

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and
THAT the appeal may be filed with the Village of Drake, 117 Francis Street, Drake,

Saskatchewan, S0K 1H0 no later than _____
(time and date- must be at least 15 days after the date of the order)

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____
(If appeal hearings are pre-scheduled)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____

In the province of Saskatchewan,
this ___ day of _____, 20___

Designated Officer

VILLAGE OF DRAKE

B.4 Derelict/ Junked Vehicle Nuisance

That the Council/Committee for the Village of Drake hereby declares the

_____ described as follows;
(vehicle / trailer)

(describe the vehicle or trailer in the same manner as in the order)

located on _____,
(legal description of property)

the civic address of the property being _____ to be a nuisance under
(civic address, if applicable)

Section 12 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, for the following reason(s)

*(The same reasons that will be stated within the order).

That the Designated Officer is hereby authorized to issue an order to _____
(owner(s)/ occupant(s) of the said property (along with any other person (s) who should be notified,in the opinion of the Council) requiring (them/him/her) to undertake the following work:

*(the same actions as will be specified in the order).

Said work to be completed on or before the ___ day of ___, 20___;

And that if the remedial action(s) noted above is/are not undertaken by the date noted above, the municipality is authorized to take whatever steps are necessary to undertake the remedial action(s) and recover the cost

VILLAGE OF DRAKE

Order to Remedy

NAME: _____

ADDRESS: _____

RE: _____

(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 12 of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, the property described above has been inspected by the

Village of Drake on _____;
(date)

THAT as a result of the above inspection, the vehicle / trailer described as

(describe the vehicle or trailer- make, model, colour, serial # if possible, location on the property, etc.)

Is hereby declared a nuisance because:

(State SPECIFIC reason(s) why vehicle or trailer is a nuisance)

AND THAT the records of the Village of Drake show that you are the owner/occupant

_____ of the property described above.
(specify which)

ORDER TO REMEDY

Under authority provided by Section 12 of Bylaw No. 2024-2 you are hereby ordered

To remedy the above violation on or before _____ by:
(specify date by when work should be completed)

*(State action required to remedy the contravention- be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed not later than _____
(specify date – must be after deadline to appeal).

VILLAGE OF DRAKE

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and THAT the appeal may be filed with the Village of Drake, 117 Francis Street, Drake,

Saskatchewan, S0K 1H0 no later than _____
(time and date- must be at least 15 days after the date of the order)

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____
(If appeal hearings are pre-scheduled)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____

In the province of Saskatchewan,
this ___ day of _____, 20___

Designated Officer

VILLAGE OF DRAKE

B.5 Unspecified Nuisance

Order to Remedy

NAME: _____

ADDRESS: _____

RE: _____
(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section _____ of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, the property described above has been inspected by the

Village of Drake on _____;
(date)

THAT as a result of the above inspection, land is hereby declared a nuisance because:

(state SPECIFIC reason(s) why the property is a nuisance Is hereby declared a nuisance because:

AND THAT the records of the Village of Drake show that you are the owner/occupant

_____ of the property described above.
(specify which)

ORDER TO REMEDY

Under authority provided by Section of Bylaw No. 2024-2 you are hereby ordered to remedy the above violation by:

*(State action required to remedy the contravention- be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed no later than _____
[specify date – must be after deadline to appeal].

VILLAGE OF DRAKE

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and THAT the appeal may be filed with the Village of Drake, 117 Francis Street, Drake,

Saskatchewan, S0K 1H0 no later than _____
(time and date- must be at least 15 days after the date of the order)

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____
(If appeal hearings are pre-scheduled)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____

In the province of Saskatchewan,
this ___ day of _____, 20___

Designated Officer

VILLAGE OF DRAKE

B.6 Remedial Action by the Municipality

That the municipality shall proceed to complete the work specified in an “Order to Remedy” issued to _____ on _____
(person’s name) (date of order)

relative to a nuisance condition on _____
(legal and civic address of property).

NOTE:

* With the exception of emergency situations, the Municipality may not proceed to complete the remedial action unless the appeal period has expired, or unless there has been a determination as the result of an appeal being filed.

B.7 Recovering Costs

That the costs incurred by the Municipality to complete the work specified in an “Order to Remedy” issued to _____ on _____
(person’s name) (date of order)

relative to a nuisance condition on _____
(legal and civic address of property).

specifically _____ said amount remaining unpaid,
(amount, in words and figures),

be added to and thereby form part of the property taxes of the previously described property.

NOTE:

The above resolution presumes the Municipality will send an invoice to the person as a first attempt to recover costs. If this is not part of the municipality’s cost recovery process, it should delete the phrase “said amount remaining unpaid”.

VILLAGE OF DRAKE

B.8 Order to Take Emergency Action

SAMPLE ORDER

Order to Take Emergency Action

NAME: _____

ADDRESS: _____

RE: _____

(Legal address of property/Civic address of property)

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in with accordance with Section _____ of Bylaw No. 2024-2
the Nuisance Abatement Bylaw, on _____ the Village of Drake has declared the
(date)

building _____
(or other structure or thing) (identify if there is more than one building on the property)

located on the property _____

described above to (choose one of the following)

- * be an imminent danger to public safety
 - * pose a risk of causing serious harm to other property
- because of :

(list conditions constituting a public hazard - be SPECIFIC)

VILLAGE OF DRAKE

ORDER TO TAKE EMERGENCY ACTION

TAKE NOTICE THAT the records of the Village of Drake show that you are the owner/occupant (choose one) of the property described above;

AND THAT under authority provided by Section _____ of Bylaw No. 2024-2 you are hereby ordered to remedy the above condition by:

_____ * (state action required to remedy the condition – be SPECIFIC and MEASURABLE)

The emergency action noted above is to be completed no later than _____.
(specify when).

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to comply with this order, the Municipality will proceed to undertake the work;

AND THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Village of Drake to be held on (state date, time and location of meeting) to make representations with respect to the need for these actions or the intents of charging the cost of the emergency action against the said property.

Dated at _____,
in the Province of Saskatchewan,
This _____ day of _____, 20_____

Designated Officer

VILLAGE OF DRAKE

B.9 Emergency Action Taken

That the Council/Committee for the Village of Drake hereby declares the

_____ located on _____ the civic address of
(building/other structure) (legal description of property),

the property being _____ to (select one of the following)
(civic address, if applicable)

- * be an imminent danger to public safety
- * pose a risk of causing serious harm to other property
for the following reason(s):

* (the same conditions which constitute a public hazard as are described in the order);
and

THAT the following actions be taken immediately to eliminate the danger:

_____ and
*(the same actions as will be specified in the order);

THAT the Administrator notify the owner of the said property by registered mail of the action taken by the municipality respecting the said property; and

THAT the owner be notified the Municipality intends to recover from the owner all costs associated with eliminating the danger on the said property; and

THAT the owner be invited to appear before Council at a meeting to be held on (time, date and location of meeting) to make representations if he or she disputes the need for the action(s) or the intent to recover costs.

VILLAGE OF DRAKE

Notice of Emergency Action Taken

NAME: _____

ADDRESS: _____

RE: _____

(Legal address of property/Civic address of property)

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in accordance with Section _____ of Bylaw No. 2024-2 the Nuisance Abatement Bylaw, on _____ the Village of Drake has declared the
(date)

(building or other structure or thing) (identify if there is more than one building on the property)

located on the property described above to (choose one of the following)

- * be an imminent danger to public safety
- * pose a risk of causing serious harm to other property because of:
- * (list conditions constituting a public hazard – be SPECIFIC)

ACTION TAKEN

TAKE NOTICE THAT the Municipality has taken the following action(s) (choose one of the following)

- * to abate the danger to public safety
- * to prevent serious harm to other property:

*(State the action or actions that were taken to abate the emergency)

VILLAGE OF DRAKE

COSTS

TAKE NOTICE THAT the records of the Municipality show that you are the owner of the property described above;

AND THAT the Municipality intends to recover from you the cost of the above action(s), specifically (amount, in figures and words).

APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the

Village of Drake to be held on _____,
(state date, time and location of meeting)

to make representations with respect to the need for this action or the intent of charging the cost of the emergency action against the said property.

Dated at _____
in the province of Saskatchewan,
this ___ day of _____, 20 ____

Designated Officer

VILLAGE OF DRAKE

B.10 Notice of Violation

THAT the Village of Drake has reason to believe that (name of owner or occupant) has violated Section of Bylaw No. 2024-2; and

THAT the Municipality intends to prosecute _____
(name of owner or occupant)

with respect to this violation and hereby instructs the Administrator to serve a notice of violation on _____; and
(name of owner or occupant)

THAT on or after _____
(the day after deadline for making voluntary payment),

the Administrator shall take steps to issue a summons to _____
(name of owner or occupant)

exceptand unless if the voluntary payment is paid to the Municipality.

VILLAGE OF DRAKE

NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

RE: _____
(Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT the records of the Village of Drake show that you are the owner/
occupant _____ of the property described above;
(specify which)

AND THAT the Municipality has reason to believe that on or about the _____ day of
____, 20____(date of offence) you did or you did allow the following

(choose appropriate word-action/condition/etc.):

* (Describe the offence)

In contravention of Section _____ of Bylaw No. 2024-2 the Nuisance Abatement Bylaw.

PENALTY

TAKE NOTICE THAT Section 37 of Bylaw No. 2024-2 states that every person who contravenes a provision of this Bylaw is guilty of an offence and is liable on summary conviction to the following penalty:

- a) in the case of an individual, to a fine of not more than \$10,000;
- b) in the case of a corporation, to a fine of not more than \$25,000; and
- c) in the case of a continuing offence, to a maximum daily fine of not more than \$2500/ day.

VOLUNTARY PAYMENT

TAKE NOTICE THAT the Municipality will accept a voluntary payment in the amount of five hundred (\$500.00) dollars;

AND THAT upon receipt of the above voluntary payment within fifteen (15) days of the date of this Notice of Violation, a person shall not be liable to prosecution for the alleged contravention.

SUMMONS

TAKE NOTICE THAT failure to remit the voluntary payment to the Village of Drake within fifteen (15) days will result in the issuance of a Summons.

Dated at _____ in Province of

Saskatchewan, this _____ day of, 20 _____

Designated Officer