

Minutes from the April 8, 2024 Regular Meeting of the Village of Elbow Council, held at Council Chambers, 201 Saskatchewan St, Elbow, SK.

PRESENT:

Deputy Mayor: Joanne Brochu
Councillors: Rhett Bokitch
 Brian Ford
 Russ Stevenson (zoom)
Village Staff: CAO, Brandy Losie

REGRETS:

none

QUORUM

Having a quorum present, Deputy Mayor Brochu called the regular meeting to order at 1:05 pm.

AGENDA

102/2024 FORD: THAT the amended agenda be approved. Carried

CONFLICT OF INTEREST

none

MINUTES

103/2024 BOKITCH: THAT the minutes of March 11, 25 & 27, 2024 are approved as presented. Carried

DELEGATIONS

none

FINANCIAL STATEMENTS

104/2024 BROCHU: THAT the Financial Statement for the month ending March 31, 2024 is accepted as presented. Carried

ACCOUNTS PAYABLE

105/2024 STEVENSON: THAT the payables to April 8, 2024 be approved as presented. Carried (attached)

REPORTS

The following reports were previously sent to council and any questions were answered by the appropriate department at the meeting:

- CAO
- Public Works*
- Recreation Director*
- WaterWolf Planning Inc.*
- CATPC
- SUMAssure AGM
- Fire Dept March 27 & April 1*
- SaskWater*
- Community Park*
- Tufts Bay Campground*

HARBOR GOLF COMMUNITY CENTRE HVAC

106/2024 BROCHU: THAT we pay Project Plumbing for 1.5-2 hours of inspection time to learn the HGCC HVAC system. Carried

FITNESS PILOT PROJECT

107/2024 BROCHU: THAT we approve the fitness centre pilot project with changes. Carried

TARGETED SECTOR SUPPORT

108/2024 FORD: THAT we will partner with the Town of Outlook on their application to the Targeted Sector Support funding for governance training. Carried

TUFTS BAY CAMPGROUND

109/2024 FORD: THAT we have Project Plumbing purchase and install a new hot water heater for the Tufts Bay washroom building. Carried

110/2024 BOKITCH: THAT we accept the quote and order the proposed entrance sign for Tufts Bay Campground. Carried

BUSINESS ARISING FROM A PREVIOUS MEETING

HIGHWAY SIGN CORRIDOR

111/2024 BROCHU: THAT the highway sign corridor begin at the respective Elbow 1 km highway signs and extend for 2 km to the north (on the west side of highway 19) and to the south (on the east side of highway 19). Carried

WATER METER PLAN

112/2024 BOKITCH: THAT we order the Neptune 360 program, the relevant Munisoft software & 40 of the cellular water meters from Floror. Carried

HARBOR GOLF COMMUNITY CENTER SUPPLIES

113/2024 BROCHU: THAT we order the balance of the round tables and chairs needed to seat 400 from Canada Chair including a second chair mover. Carried

114/2024 BROCHU: THAT we order 4 cocktail tables and 4 black table covers from ULINE and invoice Line 19 Multiplex. Carried

WATER TREATMENT PLANT – DISTRIBUTION

115/2024 BROCHU: THAT we accept the quote provided by CG Industries for the purchase and installation of a backup generator for the distribution pumps at the water treatment plant. Carried

ELBOW FIRE DEPARTMENT AGREEMENT

116/2024 BOKITCH: THAT we accept the proposed changes and replace the existing agreement with the Elbow Volunteer Fire Department effective immediately. Carried

HGCC MARKETING

117/2024 FORD: THAT we hire Grey Street Studios to prepare a marketing package for the Harbor Golf Community Center. Carried

BUDGET ADOPTION

118/2024 STEVENSON: THAT we adopt the operating and capital budgets for the Village of Elbow for 2024. Carried

CORRESPONDENCE

That the correspondence be answered as directed.

NEW BUSINESS**TAX ENFORCEMENT**

119/2024 BROCHU: THAT the Administrator is authorized to proceed to request title for Lot 5 Block 4 Plan 101990381. Carried

RODEO COMMITTEE REQUESTS

120/2024 FORD: THAT we purchase 2 sets of metal bleachers from ULINE and Invoice the Lakeshore Stampede Rodeo. Carried

121/2024 STEVENSON: THAT we approve the Lakeshore Stampede Rodeos request to host a beer gardens at the Elbow Sportsgrounds on July 19 & 20th, 2024. Carried

LAND RENT AGREEMENT

120/2024 FORD: THAT we offer the proposed agreement to the Elbow Marina for the rental of the boat storage area on Parcel B. Carried

SCHOOL RECORDS

121/2024 BOKITCH: THAT we send the Elbow School attendance records to the Saskatchewan Archives in Regina for preservation. Carried

EDUCATION PROPERTY TAX RATES

122/2024 BROCHU: THAT we acknowledge the following Education Property Tax Rates as set by the Government of Saskatchewan:

Agriculture	1.42 mills	
Residential	4.54 mills	
Commercial/Industrial	6.86 mills	
Resource Property	9.88 mills	Carried

DONOR TREE

123/2024 FORD: THAT we write a letter to the estate of the owner of Across the Board (donor tree creator) and detail the amounts of leaves we are owing. Carried

BYLAW/POLICY REVIEW**17-2023 AMEND 5-2022 WATER AND SEWER BYLAW**

124/2024 FORD: THAT Bylaw #17-2023 a bylaw to amend bylaw 5-2022 known as the Water & Sewer Bylaw is read a first time. Carried

125/2024 STEVENSON: THAT Bylaw #17-2023 is read a second time. Carried

126/2024 BOKITCH: THAT Bylaw #17-2024 is able to be read a third time at this meeting. Carried Unanimously

127/2024 BROCHU: THAT Bylaw #17-2023 having been read a third time, is hereby adopted. Carried

13-2023 NUISANCE BYLAW

- 128/2024** BROCHU: THAT Bylaw #13-2023 A Nuisance Bylaw was read a first time. Carried
- 129/2024** BOKITCH: THAT Bylaw #13-2023 is read a second time. Carried
- 130/2024** STEVENSON: THAT Bylaw #13-2023 is able to be read a third time at this meeting. Carried Unanimously
- 131/2024** FORD: THAT Bylaw #13-2023 having been read a third time, is hereby adopted. Carried

6-2024 TAX INCENTIVES/PENALTIES BYLAW

- 132/2024** FORD: THAT Bylaw #6-2024 A Tax Incentives and Penalties Bylaw is read a first time. Carried
- 133/2024** STEVENSON: THAT Bylaw #6-2024 is read a second time. Carried
- 134/2024** BOKITCH: THAT Bylaw #6-2024 is able to be read a third time at this meeting. Carried Unanimously
- 135/2024** BROCHU: THAT Bylaw #6-2024 having been read a third time, is hereby adopted. Carried

7-2024 MAIL IN BALLOT BYLAW

- 136/2024** STEVENSON: THAT Bylaw #7-2024 A Mail In Ballot Bylaw is read a first time. Carried
- 137/2024** BOKITCH: THAT Bylaw #7-2024 is read a second time. Carried
- 138/2024** BROCHU: THAT Bylaw #7-2024 is able to be read a third time at this meeting. Carried Unanimously
- 139/2024** FORD: THAT Bylaw #7-2024 having been read a third time, is hereby adopted. Carried

8-2024 URBAN HEN BYLAW

- 140/2024** BOKITCH: THAT Bylaw #8-2024 An Urban Hen Bylaw is read a first time. Carried
- 141/2024** BROCHU: THAT Bylaw #8-2024 is read a second time. Carried
- 142/2024** FORD: THAT Bylaw #8-2024 is able to be read a third time at this meeting. Carried Unanimously
- 143/2024** STEVENSON: THAT Bylaw #8-2024 having been read a third time, is hereby adopted. Carried

5-2024 FIRE PROTECTION BYLAW

- 144/2024** BROCHU: THAT Bylaw #5-2024 A Fire Protection Bylaw is read a first time. Carried
- 145/2024** FORD: THAT Bylaw #5-2024 is read a second time. Carried
- 146/2024** BOKITCH: THAT Bylaw #5-2024 is able to be read a third time at this meeting. Carried Unanimously
- 147/2024** STEVENSON: THAT Bylaw #5-2024 having been read a third time, is hereby adopted. Carried

ELBOW VOLUNTEER FIRE RESCUE

- 148/2024** BROCHU: THAT resolution #247/2023 is hereby rescinded. Carried
- 149/2024** BROCHU: THAT the Village of Elbow has decided to remove the Water Response Area of Lake Diefenbaker, that the Elbow Volunteer Fire Department currently responds to, due to inadequate equipment and training for water response. Carried

Meeting was recessed at 5:00 pm.
Meeting resumed at 5:05 pm.

IN-CAMERA

- 150/2024** BROCHU: THAT the Village of Elbow move in-camera at 5:05 pm. as per section 54 of Bylaw No. 2-2022 Council Procedures Bylaw, and Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* to discuss legal, human resources & strategic planning. Carried

OUT OF CAMERA

- 151/2024** BROCHU: THAT Council exits out of in-camera session at 5:56 pm. Carried.

SUMMER PUBLIC WORKS STUDENT

- 152/2024** BOKITCH: THAT we hire Michel Scrimbitt as our summer public works student for \$16/hour. Carried

ADJOURNMENT

- 153/2024** STEVENSON: THAT this meeting be adjourned at 5:58 pm. Carried.

Correspondence

- Adelin Beaujot
- Aleana Young, MLA
- Bill Boyle
- Centre Claims Management
- Dick Eddy
- STARS
- SUMA



Bylaw No. 17-2023

A BYLAW TO AMEND BYLAW 5-2022 OF THE VILLAGE OF ELBOW TO FIX THE RATES TO BE CHARGED FOR THE USE AND CONSUMPTION OF WATER AND TO FIX THE RATES TO BE CHARGED BY WAY OF A SERVICE CHARGE FOR THE USE OF SEWER

The Council of the Village of Elbow, in the Province of Saskatchewan, hereby enacts as follows:

THAT Section 2 be amended to say:

2. That the charges to be paid by the water consumer whose water service has been connected to the village water supply (curbstop and water meter installed), shall be those set out in Schedule 'A' attached; provided however, that the fixed rate shall be payable in every case whether or not any water is consumed.



Adopted by Council this 8th day of April, 2024

NUISANCE ABATEMENT BYLAW

**A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES
WITHIN THE VILLAGE OF ELBOW**

The Council for the Village of Elbow 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 neighborhood
 - 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 Elbow;
- d) "Council" means the Council of the Village of Elbow;
- e) "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;
- f) "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 neighbourhoodand 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 Unightly 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.

Open Excavations

13. 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

14. 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.

Outdoor Storage of Materials

15. Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harborage for rodents, vermin and insects.

16. Materials referred to in Section 15 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 1.0 metre from the property line.

Refrigerators and Freezers

17. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed.

Fences

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

Enforcement of Bylaw

19. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Village of Elbow.

20. The Administrator of Village of Elbow is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Village Foreman.

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.

- a) For mowing, please refer to Appendix A hereto forming a part of this bylaw.

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 24 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 remedying 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*.

Offences and Penalties

32. No person shall:

- a) fail to comply with an order made pursuant to this Bylaw;
- b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- c) fail to comply with any other provision of this Bylaw.

33. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.

34. 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

35. Bylaw #05-10 is hereby repealed.

Coming Into Force

38. This bylaw shall come into force on the 8th day of April, 2024.



Appendix "A" – Custom Work – Mowing – Bylaw 13-2023 - Section 9

Village of Elbow
Mowing – Custom Work

APPLICANT (OWNER OR AUTHORIZED AGENT):

Name _____
Address _____ Postal Code _____
Telephone #(s) _____

REGISTERED OWNER (if different from above):

Name _____
Address _____ Postal Code _____
Telephone #(s) _____

PROPERTY CIVIC ADDRESS

LEGAL DESCRIPTION / LAND LOCATION:

REASON MOWING IS REQUESTED:

DECLARATION BY APPLICANT

I agree to pay the applicable fee for the custom work requested as per above.

Signature _____ Date _____

*The mowing on this lot was completed, this ____ day of _____, 20____.

Signature of Foreman _____ Date _____

**A BYLAW TO ESTABLISH PROPERTY TAX INCENTIVES
AND PENALTIES**

The Council of the Village of Elbow, in the Province of Saskatchewan, enacts as follows:

1. Due Date

Property and other taxes imposed by the Village of Elbow are deemed to be imposed on the first day of January in each year and shall be due on December 31st.

2. Penalty on Arrears of Taxes

- a) Taxes which remain unpaid after the 31st day of December of the year in which they are levied shall be subject to a penalty.
- b) The method of calculating the penalty shall be a compound rate of 2.0833% per month, added on the first day of each month, applied to the total taxes and penalties that remain unpaid at the end of the month preceding the month in which the penalty is being applied.
- c) The penalty charges are to be added to and shall form part of the tax roll.

3. Incentive Program – Prompt Payment

- a) Discounts shall be allowed from the time the notice of the levy is sent until August 31st, to encourage prompt payment of the current year's taxes on property.
- b) Payment of current taxes received:
 - i) from the time the notice of the levy is sent until the end of June shall be eligible for a discount of 5% off the amount paid;
 - ii) during the month of July shall be eligible for a discount of 4% of the amount paid; and
 - iii) during the month of August shall be eligible for a discount of 3% of the amount paid.

4. Incentive Program – Prepayments

- a) Between the months of January and June, discounts shall be allowed with respect to the prepayment of the current year's taxes on property.
- b) The rate of discount relative to prepayment of taxes shall be a constant discount of 5%

5. Repeal Previous Incentive and Penalty Programs

Bylaw 1-2023 is hereby repealed.

6. Coming Into Force

This Bylaw shall be effective immediately.



Read a third time and adopted this 8th day of April, 2024.

VILLAGE OF ELBOW

BYLAW NO. 7-2024

A BYLAW TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM

The council of the Village of Elbow in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the “Mail-in Ballot Bylaw”.
2. In this bylaw:
 - a) Act means *The Local Government Election Act, 2015*;
 - b) Administrator means the administrator of the municipality;
 - c) Municipality means the Village of Elbow;
 - d) Regulations means *The Local Government Election Regulations, 2015*;
 - e) Returning Officer means
 - i. the administrator for the Village of Elbow;
 - ii. a person appointed by the council of the Village of Elbow pursuant to section 47 of *The Local Government Election Act, 2015*; or
 - iii. a person appointed by the Minister pursuant to section 62 of *The Municipalities Act*; and
 - f) Voter’s Registration Form means the Voter’s Registration Form and Poll Book, Form R of the Regulations modified as provided for within this bylaw.

Application Process

3. A voter who desires to vote by mail shall apply for a mail-in ballot kit, by filling out:
 - a) a Voter’s Registration Form, Form R, Schedule A appended hereto and forming a part of this bylaw; and
 - b) the Declaration of Person Requesting a Mail-in Ballot, Form C, Schedule B, appended hereto and forming a part of this bylaw.
4. Form R, Schedule A and Form C, Schedule B may be witnessed by either:
 - a) the returning officer;
 - b) the deputy returning officer;
 - c) the enumerator;
 - d) a Commissioner of Oaths; or
 - e) a Notary Public
5. A voter who desires to vote by mail shall apply in person, or by submitting via mail or e-mail, no later than 30 days before election day.
6. Upon receiving the voter’s application, Form R, Schedule A and Form C, Schedule B, for a mail-in ballot, the returning officer shall note the date of approval in the appropriate area of Form R, Schedule A.

Providing Ballot To Voters

7. Notwithstanding section 41 of the Regulations, the returning officer may authorize the use of special ballots if, in his/her opinion, the expected delivery date of printed ballots will adversely affect the ability of voters to vote by mail.
8. The special ballot form pursuant to section 7 of this bylaw is set out in Schedule E, appended hereto and forming a part of this bylaw.
9. All ballots issued to persons voting by mail shall be identical.

10. A ballot kit shall consist of:
 - a) a copy of this bylaw;
 - b) the ballots to which the voter is entitled;
 - c) a ballot security envelope, bearing the information described in Schedule C, appended hereto and forming a part of this bylaw;
 - d) a voter confirmation envelope, bearing the information described in Schedule D, appended hereto and forming a part of this bylaw;
 - e) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face; and
 - f) appropriate directions to voters
11. The returning officer shall:
 - a) ensure the outer envelope is addressed to the returning officer at the correct postal address;
 - b) on the voter confirmation envelope, Schedule D:
 - i. print the name of the voter; and
 - ii. identify the ballots provided to the voter;
 - c) place his/her initials in the box on the reverse side of the ballot or ballots provided to the voter.
12. The returning officer shall provide a ballot kit to a voter who has completed and submitted Form R, Schedule A and Form C, Schedule B in accordance with section 5 of this bylaw:
 - a) a ballot kit will be provided after the Notice of Poll is issued;
 - b) the returning officer shall make the following entries to the poll book upon providing a ballot kit to a voter:
 - i. those required pursuant to section 107 of the Act; and
 - ii. the date on which the ballot kit was provided to the voter; and
 - c) after the returning officer provides a ballot kit to the voter, the voter may vote with the mail in ballot by mail or in person at the poll.

Receiving Ballots From Voters

13. Voters are required to:
 - a) insert marked ballots into the ballot security envelope;
 - b) seal the ballot security envelope and insert it into the voter confirmation envelope;
 - c) date and sign the voter confirmation envelope;
 - d) seal the voter confirmation envelope and insert it into the outer envelope; and
 - e) return the ballot in its original form to the returning officer by regular mail, registered mail, courier, in person, or by any other means.
14. The returning officer shall ensure there is a ballot box which shall contain only mail-in ballots from the time ballots are received until the close of polls on election day.
15. Upon receipt of an outer envelope containing a voter's ballot on or before the close of poll on election day, the returning officer shall:
 - a) ensure the voter confirmation envelope is signed by the voter;
 - b) record in the poll book the date on which the envelope was received; and
 - c) deposit the voter confirmation envelope in a ballot box.
16. Ballots received after the close of polls on election day:
 - a) are deemed to be spoiled;
 - b) will remain unopened in the voter confirmation envelope; and
 - c) are given to the municipal administrator, consistent with sections 137 and 142 of the Act.

17. The returning officer shall designate at least one deputy returning officer who will receive mail-in ballots prior to the close of polls on election day.
18. Prior to the close of polls on election day, the returning officer shall deliver the following materials to the deputy returning officer designated pursuant to section 17 of this bylaw:
 - a) the ballot box containing all ballots received by mail;
 - b) the application kits from all voters who applied for a mail-in ballot; and
 - c) any ballots received by mail after the above materials have been delivered to the deputy returning officer.

Objections By Candidates/Agents

19. On election day, any candidate or candidate's agent may examine the application package filed by a person who applied for a mail-in ballot.
20. A candidate or a candidate's agent retains the right to object to a person's entitlement to vote if that person votes by mail.
21. On the objection of a candidate or an agent to the entitlement of a person voting by mail, the returning officer shall make necessary entries in the poll book consistent with sub-clause 112(1)(b)(c) and (d) of the Act.

Counting Ballots

22. Mail-in ballots will be counted after the close of polls on election day.
23. Where the returning officer is of the opinion that the number of voters who voted by mail is small and as a result it may be possible to determine for which candidate any of the voters voted, the returning officer may direct the deputy returning officer to include the mail-in ballots in the same ballot box used for polling on election day.
24. The deputy returning officer:
 - a) shall open the mail-in ballot box in the presence of persons authorized to be in the polling place pursuant to section 134 of the Act;
 - b) examine each voter confirmation envelope in the ballot box and shall allow each other person in attendance at the polling place to view the voter's certification on the voter confirmation envelope; and
 - c) may reject a voter confirmation envelope if the signature of the voter is missing.
25. If the voter confirmation envelope is accepted, the deputy returning officer shall extract the ballot security envelope and examine it for any tears or unauthorized markings.
26. If the ballot security envelope:
 - a) contains any tears or unauthorized markings, the deputy returning officer shall reject the ballot security envelope; or
 - b) is accepted by the deputy returning officer, he/she shall deposit the ballot security envelope into a container or another ballot box.
27. After all ballot security envelopes have been dealt with pursuant to section 26 of this bylaw, the deputy returning officer shall then extract the ballots from the ballot security envelopes and proceed to count the ballots in accordance with sections 129 to 132 of the Act.
28. The deputy returning officer shall deem spoiled those ballots which were sent to voters by the returning officer but were not returned to the returning officer prior to the close of polls on election day and shall, pursuant to

subsection 118(2) of the Act, reference this fact in the report of the count of the votes.

29. The mail-in ballots and any forms used in conjunction with voting by mail, including the voter confirmation envelopes opened by the deputy returning officer pursuant to section 26 of this bylaw are placed in packets in the same manner as other ballots pursuant to section 136 of the Act.
30. The deputy returning officer will place the packets described in section 29 of this bylaw along with the poll book and any other forms used in conjunction with voting by mail in the ballot box.
31. Ballots and other forms used in conjunction with voting by mail shall be retained with other election materials pursuant to section 142 of the Act.
32. Upon receipt of a ballot described in section 16 of this bylaw, the returning officer or the municipal administrator shall:
 - a) write "deemed spoiled" on the outer envelope;
 - b) record the date said ballot came into his or her possession;
 - c) initial the entry; and
 - d) retain it with, but not in, the ballot box described in section 142 of the Act, unless said ballot can be deposited in the ballot box without unsealing the ballot box.
33. Bylaw 8-2022 is hereby repealed.

Adopted the 8th day of April, 2024.



SCHEDULE A
Appendix C
FORM R
[Subsections 96(2) and 121(2) of the Act]

Voter's Registration Form and Poll Book – Mail-in Ballot

Name: _____

(Print)

Mailing Address: _____

(Print)

Election held in: Village of Elbow

Complete the following by placing an **X** in the box to the left of each statement that is correct:

- 1) I am a Canadian citizen.
- 2) I am the full age of 18 years or will attain the full age of 18 years on or before election day.
- 3) I have not already voted at this election.

Municipal Voters - Excluding Rural Municipalities and Resort Villages

- 4) On the day of the election:
- a) I: *(place an "X" in one of the following boxes for clause a)*
 - i) have resided for at least three consecutive months immediately preceding the day of the election in or on land now in the Village of Elbow; **or**
 - ii) have been the owner for at least three consecutive months immediately preceding the day of the election of assessable land situated in the municipality or land now in the municipality; **and**
 - b) I have resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election.

I declare that I am a voter entitled to vote in Ward/Division No. _____ of the _____ of _____.

I declare that the information given by me with respect to the above statements is true in all respects.

Dated this _____ day of _____, 20_____.

Witness:

(Deputy Returning Officer or Enumerator or Other Person Authorized by Bylaw for the Purposes of a Mail-in Ballot)

(Voter)

MAIL-IN BALLOT DATE INFORMATION		VOTED WITH RESPECT TO			
Date of acceptance	Date kit provided to voter	Date ballot received	Mayor / Reeve	Councillor	Objection

REMARKS _____ ENTRY NO. _____

Schedule B

Appendix A

FORM C

[Section 92 of the Act and clause 18(1)(a) of the Regulations]

Declaration of Person Requesting Mail-in Ballot

Declaration of Absentee Voter:

- I am qualified to vote in the Village of Elbow.
- I have completed a Voter's Registration Form; and
- I request that a mail-in ballot be issued to me.

I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath/affirmation and by virtue of the *Canada Evidence Act*.

Date: _____, 20_____.

(Signature of Person Requesting Mail-in Ballot)

I have witnessed the signature of the person named above and I am satisfied the person's identity has been established pursuant to *The Local Government Election Act, 2015* and the regulations.

Dated this _____ day of _____, 20_____.

(Signature of Returning Officer or Person Authorized by Bylaw to Witness the Signature of a Person Requesting a Mail-in Ballot)

SCHEDULE C

Ballot Security Envelope

The following text shall be printed on a ballot security envelope:

BALLOT(S) ONLY.

The ballot(s) contained within this envelope will be rejected if this envelope:

- is torn;
- bears any unauthorized markings; or
- contains materials other than ballots.

SCHEDULE D

Voter Confirmation Envelope

The following text shall be printed on a voter confirmation envelope:

Office use only:

Name of Voter _____

Ballot(s) included:

- Office of Mayor
- Office of Councillor
- Office of Member, _____ School Division
- Bylaw
- Question

To be completed by the voter:

Insert sealed ballot envelope in this envelope, seal and complete the following certificate.

I certify that I am entitled to vote in this election pursuant to *The Local Government Election Act, 2015* and that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.

Dated this _____ day of _____, 20____.

Signature of Voter

SCHEDULE E
Special Ballot [Template]

Face of Ballot, Office of Mayor

Special Ballot – for the Office of MAYOR
Village of Elbow

CANDIDATE "A"	
CANDIDATE "B"	
CANDIDATE "C"	

INSTRUCTIONS TO VOTE
Vote by marking an "X" in the square to the right of
the candidate of your choice
Maximum – 1 (ONE) candidate

Face of Ballot, Office of Councillor

Special Ballot – for the Office of COUNCILLOR
Village of Elbow

CANDIDATE "A"	
CANDIDATE "B"	
CANDIDATE "C"	

INSTRUCTIONS TO VOTE
Vote by marking an "X" in the square to the right
of the candidates of your choice
Maximum – 4 candidates

Back of Ballot

R.O. Initials	
------------------	--

Village of Elbow
Box 8, Elbow, SK
S0E 1J0

VILLAGE OF ELBOW

BYLAW NO.8-2024

A BYLAW OF THE VILLAGE OF ELBOW IN THE PROVINCE OF SASKATCHEWAN

TO REGULATE THE KEEPING OF CHICKENS IN AN URBAN AREA

WHEREAS pursuant to Section 8 of *The Municipalities Act*, the council of a municipality may pass bylaws for municipal purposes respecting; the safety, health and welfare of people and the protection of people and property; wild and domestic animals and activities in relation to them; and the enforcement of bylaws;

AND WHEREAS pursuant to Section 8 of *The Municipalities Act*, the council of a municipality may, in a bylaw, regulate or prohibit and to provide a system of licenses, permits and approvals.

NOW THEREFORE, the council of the Village of Elbow, in the Province of Saskatchewan, hereby enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the “Urban Hen Bylaw”

2. PURPOSE

2.1 The purpose of this bylaw is to regulate and control the keeping of hens as urban agriculture within the Village of Elbow

3. DEFINITIONS

3.1 In this Bylaw, unless the context otherwise requires:

- a) “Act” means *The Municipalities Act*
- b) “Adjoining Neighbour” means an owner or occupant of a property that is contiguous to a Subject Property along a common property line. If the Subject Property is located on a corner lot, an Adjoining Neighbour includes an owner or occupant of property that is adjacent to the Subject Property across a rear lane, but not across a street;
- c) Administrator means the person holding the office of Administrator of the Village of Elbow;
- d) “Coop” means a fully enclosed weather proof structure with an attached outdoor enclosure having a bare earth or vegetated floor for urban hens to roam not exceeding 10 meters square in a floor area and no more than 2 meters in height;
- e) “Coop Run” means a securely enclosed structure intended for the keeping of Hens;
- f) “Council” means the Council of the Village of Elbow;
- g) “Hen” means a domesticated female chicken that is at least four (4) months old;

- h) "Hen Keeper" means a person having any right of custody, control or possession of a Hen;
- i) "Hen License" means a license issued under this bylaw that authorizes the keeping of hens on a specific property within an Urban area within the Village;
- j) "Licensing Authority" means the Administrator or a person appointed by the Administrator to issue Hen Licenses;
- k) "Nest box" means a box within a Coop for the nesting of Hens;
- l) "Rooster" means a domesticated make chicken;
- m) "Sell" means to exchange or deliver for money or its equivalent;
- n) "Subject Property" means a lot or parcel of land in respect of which a Hen License is sought or has been issued;
- o) "Temporary Caregiver" means a person who has been authorized by the Hen Keeper to provide care to their Hens in the event the Hen Keeper is temporarily unable to do so;
- p) "Village" means the Village of Elbow, a municipal corporation in the Province of SK, and where the context so requires, means the area of land within the corporate boundaries thereof;
- q) "Urban Area" means lands located within the Village on which agricultural operations, including but not limited to the keeping of livestock are neither a permitted or discretionary use under the Bylaws of the Village;
- r) "Urban Hen" means a hen that is at least 16 weeks of age.

4. PROHIBITIONS

4.1 In an Urban Area, no person shall:

- a) Keep a Rooster; or
- b) Keep a Hen, other than an Urban Hen for which a valid Hen License has been issued

5. PILOT PROGRAM REGULATIONS

5.1 The length of the Urban Hen Pilot Program shall be two (2) years, effective January, 2024.

- a) Participants must acknowledge the Pilot Program as a trial.
- b) Should the Pilot Program not result in the implementation of a formal Municipal urban program, participants will have ninety (90) days from the end of the Pilot Program to re-home urban hens.

- c) Should the pilot program not result in implementation of a formal Municipal Urban Hen Program, the annual Hen Keeper license fee will not be prorated.

6. URBAN HEN LICENSE

- 6.1 A person may apply to keep a minimum of two (2) and a maximum of six (6) urban hens by:
 - a) Submitting a completed Hen License application, in the form prescribed by the Licensing Authority Officer, including;
 - b) Paying a Hen License fee prescribed in Schedule A to this bylaw which is due and payable at the time of the application, prior to approval and annually thereafter;
 - c) Any other information reasonably required by the Licensing Authority, including but not limited to:
 - i. The name, address and contact information of the person who will be the Hen Keeper and of any person who may act as a Temporary Caregiver;
 - ii. Written permission to keep hens on the Subject Property as shown on the Certificate of Title, if the Hen Keeper is not the registered owner.
 - d) A site plan including a drawing that shows the location of the Coop and Coop Run dimensions and associated setbacks from the Coop and Coop Run to the side and rear property lines.
- 6.2 At the time of application for a Hen License, the applicant must demonstrate to the satisfaction of the Licensing Authority that all Adjoining Neighbours have been notified of the intent to apply for a Hen License on the Subject Property. If an adjoining property of the Subject Property is undeveloped or developed but otherwise vacant, the applicant is not required to notify that adjoining property.
- 6.3 A Hen License does not take effect until:
 - a) The Licensing Authority is satisfied all provisions in Section 6.1 and 6.2 have been met; and
 - b) The appeal period referenced in Section 7.2 has expired, if no appeal was received during the appeal period; or
 - c) The Appeal Committee has made a decision on any appeal and that decision upholds the issuance of the Hen License, with or without conditions.
- 6.4 A Hen License is valid only for the period of January 1 to December 31 in the year for which the license is issued.
- 6.5 Hen License fees shall not be reduced or prorated no matter the month of purchase or total number of urban hens.
- 6.6 A Hen License is not transferable from one person to another or from one property to another.

- 6.7 A person to whom a Hen License has been issued shall produce the license at the demand of the Licensing Authority or a Peace Officer.
- 6.8 The Licensing Authority may refuse to grant or renew a Hen License for the following reasons:
- a) The applicant or license holder does not meet or has ceased to meet the requirements of this bylaw;
 - b) The applicant or license holder:
 - i. Provides false information or misrepresents any fact circumstances to the Licensing Authority or Peace Officer;
 - ii. Fails to pay any fee required by this Bylaw or any applicable Bylaw;
 - iii. Fails to pay a fine imposed by a court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Urban Hens;
 - iv. An applicant for or holder of a Hen License has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals;
 - v. An applicant has previously been the holder of a Hen License that was revoked for non-compliance with this bylaw;
 - vi. Has not complied with all other Provincial and Federal regulations for the keeping of livestock; or
 - c) In the opinion of the Licensing Authority based on reasonable grounds it is in the public interest to do so.

7. RESPONSIBILITIES OF A HEN KEEPER

- 7.1 Hen Keepers, owners of a Subject Property, and Temporary Caregivers must:
- a) Provide each urban hen with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities for essential behaviors such as scratching, dustbathing, roosting, pecking and socializing with their own kind;
 - b) Keep each hen in a secured area at all times;
 - c) Keep the Coop secured from sunset on any given day to sunrise the following day;
 - d) Provide warmth to the Hens through heat lamps, wall insulation, poly-sheeting, seedling heat mat, or other means;
 - e) Construct and maintain the Coop to prevent a rodent from harboring underneath or within it or within its walls, and to prevent access to the coop by any other animal;

- f) Ensure that Hens are kept in the Coop with all opening, such as doors and windows, secured in such a manner that will not allow predators to enter;
- g) Maintain the Coop in good repair and sanitary conditions, and free from vermin and noxious or offensive smells and substances;
- h) Store feed in a fully enclosed, non-penetrable container;
- i) Keep food and water containers in the Coop
- j) Remove leftover feed, trash and manure in a timely manner;
- k) Store manure within a fully enclosed container, and store no more than three (3) cubic feet of manure at any time;
- l) Remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws;
- m) Place all urban hen related waste in a secure location on site until disposal
- n) Ensure hens are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
- o) Dispose of the carcass of a Hen deceased by natural causes, by double bagging and bringing it to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Hens;
- p) Take Hens to a veterinarian, farm, abattoir, or other operation if Hens are no longer wanted;
- q) Keep Hens in a cage only when actively transporting the Hen; and
- r) Keep Hens for personal use only, and not sell eggs, manure, meat, or any other products derived from Hens

8. COOP REQUIREMENTS

- 8.1 A Hen Keeper must:
 - a) Provide each Hen with at least 0.37 square meters (4 ft²) of interior floor area, and at least 0.92 square meters (10 ft²) of meters of Coop Run outdoor area, within the Coop;
 - b) Provide a minimum of one (1) nest box for every three (3) Hens;
 - c) Ensure the Coop meets the requirements in the Land Use Bylaw regarding an accessory building; and
 - d) Keep Each Hen in an enclosed area at all times.
- 8.2 Coop must be located at least 3 m from rear and side lot lines.
- 8.3 Coops cannot be located in a Utility Right of Way or an Overland Drainage Right of Way.
- 8.4 Only one (1) Coop per property shall be permitted.

8.5 The Licensing Authority and Development Authority has the authority to impose additional site-specific conditions.

9. GENERAL REGULATIONS FOR HEN KEEPERS

- 9.1 Hen keeping is permitted under and in accordance with this bylaw.
- 9.2 This bylaw applies to the activity of Hen keeping for personal use only. The commercial sale of Hens or Hen products is not permitted.
- 9.3 This Bylaw enables the keeping of Hens within the confines of a fenced property and does not permit Hens to be sheltered within a residential dwelling unit.
- 9.4 Each Hen must be a minimum of 4 months (16 weeks) old when acquired for keeping under a Hen License.
- 9.5 This bylaw does not exempt a person from complying with any Federal or Provincial law or regulation, other Village bylaw, or any requirement of any lawful permit, order, or license.

10. ENFORCEMENT

- 10.1 The Licensing Authority or a Peace Officer has the right to access any Subject Property to inspect for compliance with this bylaw.
- 10.2 Where a Peace Officer has reasonable grounds to believe that a Hen Keeper has contravened any provision of this Bylaw the Peace Officer may serve the Hen Keeper a Municipal Ticket allowing payment of the specified penalty as set out in Schedule "B" of this Bylaw.
- 10.3 Should a hen keeping site, Coop or Hen Keeper be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including without limitation: issuing a Municipal Violation Tag or revocation of a Hen License.
- 10.4 Should Hens and/or a Coop be ordered to be removed, all costs and associated expenditures related to the removal shall be the responsibility of the property owner.
- 10.5 In the event of the revocation of a Hen Licensee, the Licensee will be given fourteen (14) days to rehome the Hens.
- 10.6 No person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servant, agents, or workers, in the exercise of the powers or duties as authorized or required in the Urban Hen Bylaw.

11. OFFENCES AND PENALTIES

- 11.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

- 11.2 A person who is guilty of an offence is liable to a fine in an amount not less than \$115.00 as set out in Schedule "B" of this Bylaw.
- 11.3 A person who is guilty of an offence under this Bylaw is liable to a specified penalty of \$230.00 as set out in Schedule "B" of this Bylaw.

12. CONTINUING OFFENCE

- 12.1 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

13. MUNICIPAL VIOLATION TAG

- 13.1 A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw as set out in Schedule "B".
- 13.2 Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid within ten (10) days from the service of the said violation tag and if paid in full and on time no prosecution will be initiated.
- 13.3 If the person fails to pay the specified violation tag within ten (10) days of issue date, the dollar amount doubles as set out in Schedule "B".

14. STRICT LIABILITY OFFENCE

- 14.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

15. SEVERABILITY

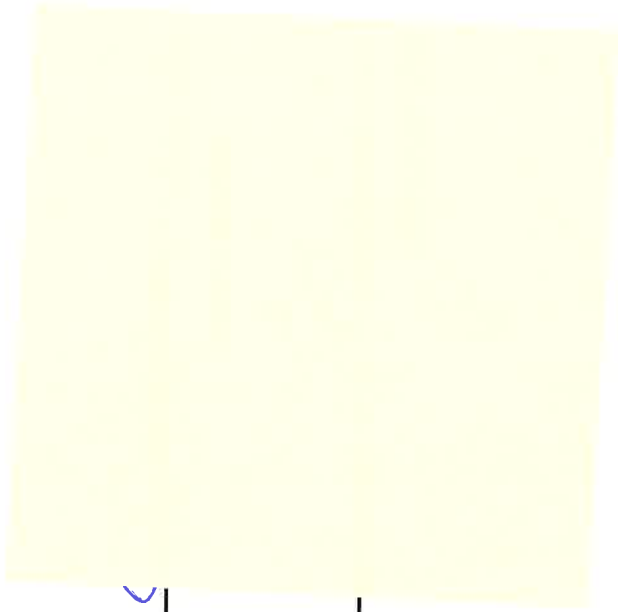
- 15.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

16. REVIEW OF BYLAW

- 16.1 This Bylaw will be reviewed prior to January 1, 2025.
- 16.2 Section 5 (Pilot Program Regulations) of this Bylaw will be repealed on June 1, 2026.

17. EFFECTIVE DATE

- 18.1 This Bylaw shall come into force and effect upon receiving third and final reading and being signed.



SEAL



Adopted this 8th day of April, 2024:

URBAN HEN APPLICATION

as per Bylaw No. 8-2024

Name: _____

Civic Address: _____

Phone Number: _____

Email Address: _____

- I would like to keep _____ (up to 6) hens in my backyard.
- I currently own a residential property in the Village of Elbow.
- There is enough space in my backyard to ensure a minimum of 4 ft² for each hen and a minimum of 10 ft² of roofed space to run.
- I own or have access to hens and the required equipment including (but not limited to) a weather and predator-proof coop.
- I understand that no products from the hens may be sold including (but not limited to) eggs, meat, and fertilizer.
- I understand that owners of hens shall adhere to good management and husbandry practices and maintain hens in such a condition so as to prevent distress, disease, and welfare issues.
- I understand that owners of hens shall make themselves and the site available for inspection of reasonable request of the Village of Elbow Bylaw Enforcement Officer.
- I understand that I have to follow the provisions as set out in Bylaw 8-2024, otherwise I may have to forfeit the hens and/or henhouse to the Village.
- I am not the registered owner of the property and have attached a written letter from the registered owner authorizing urban hens on the property.
- I have notified all adjoining neighbors of my intent to apply for a Hen License.

Attached is a site plan showing the location of the Coop and Coop Run dimensions and associated set backs to the side and rear property lines.

By checking this box, I declare that the information in this application form is correct and complete to the best of my knowledge. I have read and understood the information provided to me by the Village of Elbow Administration Office as laid out in Bylaw 8-2024. I understand that false information given will result in the denial of my application for Urban Hens.

Signature: _____ Date: _____

SCHEDULE "A"

ANNUAL FEES

FEE DESCRIPTION	FEE
HEN LICENSE	
HEN LICENSES ARE VALID FOR ONE (1) YEAR FOLLOWING THE DATE OF ISSUANCE	\$50.00

SCHEDULE "B"
PENALTIES FOR VIOLATIONS

Section	Offence	Time of Issuance	After Ten (10) Days
4 (a)	Rooster within Village Boundaries	\$115.00	\$230.00
5.1	Keeping more than 6 Hens	\$115.00	\$230.00
8.1 (a), (b)	Coop fails to meet size/enclosure requirements	\$115.00	\$230.00
8.1 (c)	Coop not located properly on subject property	\$115.00	\$230.00
7.2 (b)	Hens Running at Large	\$115.00	\$230.00
7.2 (g)	Fail to maintain coop in an enclosed sanitary condition/good repair	\$115.00	\$230.00
7.2 (k)	Waste not stored in an enclosed structure or container	\$115.00	\$230.00
7.2 (s)	Meat or eggs produced from the keeping of hens sold commercially	\$115.00	\$230.00
7.2 (o)	Slaughter of Hens on property	\$115.00	\$230.00
7 (p)	Unlawful disposal of deceased hens	\$115.00	\$230.00

**A BYLAW OF THE VILLAGE OF ELBOW TO PROVIDE FOR
ENTERING INTO AN AGREEMENT RESPECTING THE PROVISION
OF FIRE PROTECTION SERVICES**

The Council of the Village of Elbow, in the Province of Saskatchewan, enacts as follows:

1. The Village of Elbow is hereby authorized to enter into the agreements attached hereto and forming part of this bylaw, and identified as Schedule 1 with the Village of Loreburn for the purpose of providing and/or receiving fire protection services.
2. The Deputy Mayor and Administrator of the Village of Elbow are hereby authorized to sign and execute the attached agreement identified as Schedules 1.
3. This Bylaw shall come into force and take effect upon passing of the bylaw.



Passed this 8th day of April, 2024.

