

RURAL MUNICIPALITY OF BROKENHEAD

BY-LAW NO. 2194-17

Being a By-law of the Rural Municipality of Brokenhead to provide for the conservation and preservation of buildings, structures, and lands of a local architectural, historical, and cultural and natural interest within the municipality.

WHEREAS the council of the municipality may, pursuant to *The Heritage Resources Act of Manitoba*, designate as a heritage site a municipal site that represents an important historical development of the locality, of its natural history, or of its people and their culture;

AND WHEREAS the council of a municipality may through the enactment of a By-law, pursuant to the provisions of *The Act*, provide for:

- a) The protection of any municipal heritage site, designated or proposed to be designated under the act by prohibiting the alteration, repair, demolition, removal of any building, structure, or land upon or within such designated sites, or by such other means as the municipality deems advisable;
- b) The issue, suspension and cancellation of Municipal Heritage Permits granted by the municipality to ensure that work and improvements to designated or proposed municipal heritage sites are sympathetic to the nature of the site of the buildings; and
- c) The maintenance of any municipal heritage site by the owner with the financial or other assistance and advice of the municipality or otherwise, and may enter into an agreement with the owner or lessee of *the municipal heritage site for these purposes*;
- d) The establishment of a municipal heritage committee to advise the municipality on any matter relating to the act;

AND WHEREAS it is deemed desirable and in the best interest of the Rural Municipality of Brokenhead to provide for the protection of proposed and designated municipal heritage sites;

NOW THEREFORE the Council of the Rural Municipality of Brokenhead, in regular session assembled, enacts as follows:

SECTION 1: TITLE

- 1.1 This by-law shall be known as the Municipal Heritage By-Law.

SECTION 2: DEFINITIONS

- 2.1 For definition of words used in this by-law that are not included in this section reference should be made to *The Heritage Resources Act* or if not therein contained, to a standard dictionary.
- 2.2 The words and terms used in this by-law have the following meanings:
 - “*administrator*” – means the administrator of the Rural Municipality of Brokenhead.
 - “*council*” – means the council of the Rural Municipality of Brokenhead.
 - “*municipal heritage notice*” – means a notice to advise that a site has been designated as a municipal heritage site, and is a statutory form.
 - “*municipal heritage permit*” – means a permit issued by the municipality’s council authorizing the carrying out of any work, activity, development, or project, upon or within a site that is subject to a subsisting notice of intent or that is a municipal heritage site.

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“*municipal heritage site*” – means a municipal site within the Rural Municipality of Brokenhead that represents an important historical development of the locality, of its natural history, or its people and their culture and has been designated as such by a by-law of the Rural Municipality of Brokenhead.

“*municipal notice of intent*” – means a formal notice given by the municipality’s council of its intention to designate a municipal site within the Rural Municipality of Brokenhead, using the statutory form.

“*municipal site*” – means as the case may require, an area or a place, parcel or land, building or structure, exterior or interior portion or segment of a building or structure, within the Rural Municipality of Brokenhead, whether it is privately owned or owned by the Rural Municipality of Brokenhead.

SECTION 3: ESTABLISHMENT OF MUNICIPAL HERITAGE ADVISORY COMMITTEE

- 3.1 A committee to be known as the Brokenhead Municipal Heritage Advisory Committee (hereinafter referred to as “the committee”) is hereby established pursuant to Section 34(1) of *The Heritage Resources Act*.
- 3.1.1 The committee shall consist of not fewer than five members, to be appointed at any regular meeting of council.
- 3.1.2 Council may refer to the Committee for its consideration and advice, and the committee may on its own initiative consider and advise the council on any matter relating to the powers afforded to Council under the terms of *The Heritage Resources Act* and, in particular, the Committee may make recommendations to council respecting the designation of heritage buildings, structures, and lands as municipal heritage sites, the issuance of Municipal Heritage Permits and the demolition, preservation, alteration or renovation of those buildings, structures and lands.
- 3.1.3 Council shall appoint one of the members of Council as the appointed member and another as an alternate appointed member.
- 3.1.4 The committee may make rules governing its procedure.
- 3.1.5 A majority of the members of the committee shall constitute a quorum.
- 3.1.6 All questions before any meeting of the committee shall be decided by a majority of the members present including the presiding member and the presiding member shall have a deciding vote in the event of equality of vote.
- 3.1.7 The presiding member shall cause minutes of all meetings and proceedings of the committee to be recorded in a book kept for the purpose and shall forthwith after the adoption of the committee of such minutes sign and deliver the same to the Administrator of the Rural Municipality of Brokenhead.
- 3.1.8 Meetings of the Committee shall take place on the first or third Thursday of each month.

SECTION 4: DESIGNATION OF MUNICIPAL HERITAGE SITES

- 4.1 Council may refer the matter of designation of municipal heritage sites to the Municipal Heritage Advisory Committee for review and recommendation prior to the designation. In no event shall Council be required to act upon the recommendations received.

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- 4.2 Council may, by by-law, enact in accordance with *The Heritage Resources Act*, and subject to giving municipal notices, as prescribed in *The Heritage Resources Act*, designate as a municipal heritage site any municipal site within the borders of the municipality that in the opinion of council:
- a) represents an important development of the locality;
 - b) of its natural history
 - c) of its people and their culture
 - d) land adjacent to a municipal heritage site, although not containing heritage resources
- 4.3 Where it is deemed desirable to designate a municipal site or a heritage site, council shall cause to be prepared a by-law to this effect and proceed forthwith with its adoption pursuant to the provisions and procedures set out in the said act.
- 4.4 Rural municipality's council deems it necessary that the designated site's title be kept current, as per the current board or trustees involved, and a copy be provided to the municipal office at the time of change.
- 4.5 Council (or the planning board) may, by by-law, in accordance with *The Planning Act*, adopt a secondary plan to deal with objectives and issues within its scope of authority in a part of the planning district or municipality respecting enhancement or special protection of heritage resources or sensitive lands.
- 4.6 Council (or the planning board) may include provisions regulating the protection of scenic areas, heritage resources and sensitive land as part of a zoning by-law, in accordance with *The Planning Act*.

SECTION 5: PROTECTION OF PROPOSED AND DESIGNATED MUNICIPAL SITES

- 5.1 Notwithstanding the provisions of the municipality's building by-law, any person proposing to:
- a) Excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage
 - b) Erect, build or construct any erection, building or structure upon within
 - c) Carry out any development project including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within any municipal site that is subject to a subsisting Municipal Notice of Intent, or that is a municipal heritage site, shall before commencing the proposed work, activity, development or project described in Clause (a), (b), or (c) submit to council an application outlining proposed work and requesting a municipal heritage permit authorizing the proposed work, activity, development or project.
- 5.2 Any application for a Municipal Heritage Permit required under this section shall be in such form and shall contain such information as council may prescribe. The rural municipality's council may forward the application to the Municipal Heritage Advisory Committee for review and recommendation.
- 5.3 After considering the application and the recommendation submitted by the Municipal Heritage Advisory Committee, council may approve the work, activity, development or project in the form in which it is proposed or with such variations as Council deems necessary for the protection of the site.

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- 5.4 No person shall carry out any work, activity, development or project described in Subsection 4.1 upon or within a site that is subject to a subsisting Municipal Notice of Intent or that is a designated municipal heritage site, unless and until council has issued a Municipal Heritage Permit under Section 4.3 authorizing the work, activity, development or project and unless the work, activity, development or project is carried out in accordance with such terms and conditions as council may impose and as may be set out in or attached to the Municipal Heritage Permit.
- 5.5 A Municipal Heritage Permit shall be in such form and contain such information and particulars as council may describe.
- 5.6 Council may require the owner or lessee of a municipal heritage site to undertake such measures as council may prescribe for the basic maintenance of such site; and may provide financial or other assistance and advice of the municipality or otherwise, and may enter into agreement with the owner or lessee of the municipal heritage site for those purposes.
- 5.7 The building inspector, or his designate, is hereby appointed as an inspector for the purposes of this section and, in accordance with the provisions of *The Heritage Resources Act*, shall enforce the provisions of this by-law.

SECTION 6: REGISTER OF MUNICIPAL HERITAGE SITES

- 6.1 There shall be maintained a register of all municipal heritage sites within the Rural Municipality of Brokenhead showing:
- a) The location of each municipal heritage site and a description sufficient to identify the boundaries thereof;
 - b) Particulars sufficient to explain the heritage significance of each such site
 - c) The date of the designation of each site
 - d) The names and residence addresses of the owner and any lessee of each such site; and
 - e) Such other particulars and information with respect to each site as the rural municipality's council deems advisable
- 6.2 A register maintained under Subsection 6.1 shall be available for public inspection in the office of the Rural Municipality of Brokenhead administration during normal office hours.

SECTION 7: RECEIPT OF GIFTS, ETC.

- 7.1 Council may receive, from person or source, money by way of gift or bequest, and any real personal property by way of gift, device, bequest, loan, lease or otherwise, for the purpose of conservation and preservation of buildings, structures or lands or a local architectural and historical interest, and shall use any money or property so received in such manner, subject to any directions, terms and conditions imposed by the donor, loaner or lessor, as council deems best.

SECTION 8: ENACTMENT

- 8.1 This by-law shall take force and be effective on the date of final passage thereof by the council of the Rural Municipality of Brokenhead.

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8.2 This by-law shall be reviewed bi-annually.

DONE AND PASSED in Council duly assembled, in the Council Chambers of the Rural Municipality of Brokenhead at Beausejour, in the Province of Manitoba this 12th day of December, 2017 A.D.

Brad Saluk
Reeve

Sue Sutherland
Chief Administrative Officer

Read a first time this 14th day of November A.D. 2017
Read a second time this 12th day of December A.D. 2017
Read a third time this 12th day of December A.D. 2017