

RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 15-2023

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. CLEMENTS TO PROVIDE FOR THE CONSERVATION AND PRESERVATION OF BUILDINGS, STRUCTURES, HISTORY, CULTURE AND LANDS A LOCAL ARCHITECTURAL AND HISTORICAL INTEREST WITHIN THE MUNICIPALITY.

WHEREAS the Council of a municipality may, pursuant to The Heritage Resources Act of Manitoba, designate as a heritage site any 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 establishment of a Municipal Heritage Committee to advise the municipality of any matter relating to heritage resources;
- b) the protection of any Municipal Heritage Site, designated or proposed to be designated under the provisions of the Act, by prohibiting the alteration, repair, demolition, removal or occupancy of any building, structure, or land upon or within such designated sites, except pursuant to a Municipal Heritage Permit issued by the municipality or by such other means as the municipality deems advisable;
- c) the issue, suspension and cancellation of Municipal Heritage Permits granted by the municipality to ensure that work and improvement to designated or proposed Municipal Heritage Sites are sympathetic to the nature of the site or buildings; and
- d) the maintenance of any municipal Heritage Site by the owner, or 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 those purposes;

AND WHEREAS it is deemed desirable and in the best interest of the Rural Municipality of St. Clements to provide for the protection of proposed and designated Municipal Heritage Sites, and to establish an advisory committee to Rural Municipal Council on such matter;

NOW THEREFORE, the Council of the Rural Municipality of St. Clements in regular sessions assembled, enacts as follows:

**1.0 TITLE**

- 1.1 This By-law shall be known as "The Municipal Heritage By-law."

**2.0 DEFINITIONS**

2.1 For definition of words used in the 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 the By-law have the following meanings:

MUNICIPAL COUNCIL	means the Council of the Rural Municipality of St. Clements;
MUNICIPAL HERITAGE NOTICE	means a notice to advise that a site has been designated as a Municipal Heritage Site;
MUNICIPAL HERITAGE PERMIT	means a permit issued by Municipal Council authorizing the carrying out of any work, activity, development, or project, upon or within a site that is subject to a subsisting Municipal Notice of Intent or that is a Municipal Heritage Site;
MUNICIPAL HERITAGE SITE	means a municipal site within the Rural Municipality of St. Clements that represents an important historical development of the locality, of its natural history, or of its people and their culture and has been designated as such by a by-law of The Rural Municipality of St. Clements;
MUNICIPAL NOTICE OF INTENT	means a formal notice given by Municipal Council of its intention to designate a Municipal Site within the Rural Municipality of St. Clements as a Municipal Heritage Site;
MUNICIPAL SITE	means as the case may require, an area or place; or parcel of land or building or structure; or an exterior or interior portion or segment of a

building or structure, within the Rural Municipality of St. Clements, whether it is privately owned or owned by the Rural Municipality of St. Clements;

ACT

means The Heritage Resources Act Manitoba CCSM c. H39.1; and

ADMINISTRATION STAFF

means an employee of the Rural Municipality of St. Clements.

### **3.0 MUNICIPAL HERITAGE COMMITTEE**

3.1 There is hereby established a committee of the Municipal Council to be known as the “St. Clements Heritage Advisory Committee” (hereinafter referred to as “the Committee”), pursuant to Section 34(1) of The Heritage Resources Act.

3.2 Duties and Functions of the Committee:

- a) Municipal Council may refer to the Committee for its consideration and advice, and the Committee may on its own initiative consider and advise the Municipal Council on any matter relating to local and regional heritage resources, including:
  - 1) the designation of heritage buildings, structures and lands as Municipal Heritage Sites, and the demolition, preservation, alteration or renovation of those buildings, structures and lands;
  - 2) The preservation and protection of local heritage resources that represent an important feature of the historic development of the Rural Municipality of St. Clements, its natural history, or its people and their respective cultures; and
  - 3) The development of policies, programs and other initiatives that will encourage, support, educate and promote the management and the sustainability of the heritage resources available within the community and the region.
  - 4) Creating a recommended Annual Operating Budget, including additional requests for each fiscal operating year, and presenting to RM Administration to include within the RM of St. Clements Annual Operating Budget. This will include, but is not limited to, the East Beaches Heritage Wing and staffing costs.
- b) It shall be the responsibility and primary mandate of the Committee to prepare for the consideration of Municipal Council a heritage resource management plan, and for recommending to Council such amendments to the plan as shall from time to time be required.

- c) All decisions and recommendations of the Committee or, if applicable, any of its sub-committees that have financial or budgetary implications must first be approved by Municipal Council through Administration.

3.3 The Committee shall be composed of the following members, to be appointed annually by resolution of Municipal Council:

- a) One member representing Administration who will act in an advisory capacity only and shall not have any voting privileges in the discussions rendered by the Committee;
- b) No less than 5 and no more than 9 citizen members, one of whom shall be appointed Chair of the Committee by Municipal Council. Citizen members must be residents of the RM of St. Clements.
- c) Municipal Council shall attend meetings of the Committee on an as-need basis. Municipal Council shall not have voting privileges in the discussions rendered by the Committee.

3.4 All members appointed to the Board shall serve for the following terms of office:

- a) The Administration shall be appointed during the annual review of the Organizational By-law.
- b) The remaining members shall be appointed for staggered two-year terms as outlined in governing rules of the Committee.

3.5 Where a vacancy in the membership occurs, from any cause during the term of its members, Council shall appoint a person to fill such a vacancy on the Committee, and that person will serve for the unexpired term of office for which their predecessor was appointed.

3.6 Council may remove a member of the Committee or, if applicable, any of its sub-committees for cause, at any time, subject to a resolution by the Committee. Any facts which, in the discretion of Council, are deemed to adversely affect the public interest, including but not limited to gross misconduct, neglect of duty, conflict of interest, ineligibility or disqualification from office, or continuous unexcused absence from more than three regular meetings of the Committee within a one-year period, may constitute cause. The existence of cause shall be reviewed and discussed by Council at an in-camera executive session. Removal of a member for cause shall be by a majority vote of Council, in an open public session, and if majority of Council votes in support of removal of a member of the Committee, a vacancy for such position shall be declared, without there being a statement of the reasons for cause.

- 3.7 No member of the Committee, or any sub-committee, shall receive compensation for their services other than reimbursement of actual expenses necessarily incurred within the course of their official duties.
- 3.8 Municipal Council shall include in its annual budget estimates of such sums as are necessary to defray the actual expenses of the Committee and, if applicable, its various sub-committees.
- 3.9 Administration duties and responsibilities shall be:
- a) to keep a record of all meetings and proceedings of the Committee;
  - b) be the communication point between Municipal Council and the Committee;
  - c) to ensure proper custody and care of all records and documents of the committee are maintained in accordance with The Municipal Act;
  - d) to ensure all administrative duties and decisions of the Committee are carried out;
  - e) filter through requested expenditures and put forward to Council for resolution when necessary;
  - f) schedule required guests to attend meetings as required. Guests could include, but are not limited to, Municipal Council, Local Planning District, Province of Manitoba, Local Fire Department.
- 3.10 With respect to meetings of the Committee, the following shall apply:
- a) The Committee must meet quarterly, or as often as deemed necessary by the Chair of the Committee and Chairperson(s) of the respective sub-committee(s);
  - b) The Chair of the Committee, and the Chairperson of each sub-committee, shall preserve order at all meetings and decide all points of order which may arise;
  - c) The Committee may make rules governing its procedures to have approved by Municipal Council;
  - d) A majority of the members of the Committee shall constitute a quorum; and
  - e) All questions before any meeting of the Committee shall be decided by a majority of the members present, including the Chair, and the Chair shall, in addition, have a deciding vote in the event equality of votes.
- 3.11 The Committee may appoint persons to sit as members of sub-committees that the Committee may deem necessary.
- a) The Chairperson of any sub-committee established by the Committee must be an appointed member of the Committee, but other members who are selected to any sub-committee may be volunteers or citizens-at-large.

- b) Sub-committees could be created for but not limited to the following:
  - 1) To address the preservation and protection of local heritage sites and conservation districts;
  - 2) To increase the public's understanding, education and appreciation for the community's heritage resources and to promote the economic benefits that are available to the community through heritage tourism.
  - 3) Prepare background information for any projects that require expenses and use of the heritage budget.
  - 4) Any other special or standing sub-committees that the members of Council or the Committee may deem necessary.

#### **4.0 DESIGNATION OF MUNICIPAL HERITAGE SITES**

4.1 Municipal Council may, by a separate by-law enacted in accordance with The Historical Resources Act, and subject to giving Municipal Notice of Intent, designate as a Municipal Heritage Site, any municipal site within the borders of the Municipality that in the opinion of the Municipal Council:

- a) represents an important historical development of the locality; or
- b) of its natural history; or
- c) of its people and their culture.

4.2 Where it is deemed desirable to designate a municipal site or a heritage site, Municipal 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.

#### **5.0 PROTECTION OF PROPOSED AND DESIGNATED MUNICIPAL SITES**

5.1 Notwithstanding the provisions of the Municipal Building By-law, any person proposing to:

- a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage; or
- b) erect, build or construct any erection, building or structure upon or within; or
- c) carry out any development project including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within; and 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 Municipal Council an application for 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 Municipal Council may prescribe.
- 5.3 After considering the application and any recommendation submitted by the Committee, Municipal Council may approve the work, activity, development or project in the form in which it is proposed or with such variations as Municipal Council deems necessary for the protection of the site.
- 5.4 No person shall carry out any work, activity, development or project described in Subsection 5.1, 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 Rural Municipal Council has issued a Municipal Heritage Permit under subsection 5.3 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 Rural Municipal 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 Municipal Council may prescribe.
- 5.6 Rural Municipal Council may require the owner or lessee of a Municipal Heritage site to undertake such measures as the Council may prescribe for the 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 Manager of Development Services, 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.

## **6.0 REGISTER OF MUNICIPAL HERITAGE SITES**

- 6.1 There shall be maintained a register of all Municipal Heritage Sites within The Rural Municipality of St. Clements 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 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 Municipal Council deems advisable.

6.2 A register maintained under subsection 5.1 shall be available for public inspection in the Office of the Municipality during normal office hours.

**7.0 RECEIPT OR GIFTS, ETC.**

7.1 Municipal Council may receive, from any person or source, money by way of gift or bequest, and any real or personal property by way of gift, device, bequest, loan, lease or otherwise, for the purposes of the conservation and preservation of buildings, structures or lands of 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, lender or lessor, as Municipal Council deems best.

**8.0 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 St. Clements.

DONE AND PASSED by the Council of the Rural Municipality of St. Clements, in regular session assembled, this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a First time on this 23<sup>rd</sup> day of January A.D. 2024.

Read a Second time on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2024.

Read a Third time on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2024.