



**TOWN OF CARMAN
BY-LAW NO. 09/1935**

Being a by-law of the Town of Carman to provide for the conservation and preservation of buildings, structures and lands of a local architectural and historical interest within the municipality.

WHEREAS the Council of a municipality may, pursuant to *The Heritage Resource 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 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 improvements 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 Town of Carman to provide for the protection of proposed and designated Municipal Heritage Sites, and to establish an advisory committee to Council on such matters;

NOW THEREFORE the Council of the Town of Carman, in regular session assembled, enacts as follows:

SECTION 1

TITLE

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

SECTION 2

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.



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- 2.2 The words and terms used in this By-law have the following meanings:
- “Council” means the Council of the Town of Carman.
- “Chief Administrative Officer” means the Chief Administrative Officer of the Council of the Town of Carman.
- “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 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 Town of Carman 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 Town of Carman;
- “Municipal Notice of Intent” means a formal notice given by Council of its intention to designate a Municipal Site within the Town of Carman as a Municipal Heritage Site; and
- “Municipal Site” means, as the case may require, an area or a place; or a parcel of land; or a building or structure; or an exterior or interior portion or segment of a building or structure, within the Town of Carman, whether it is privately owned or owned by the Town of Carman.

SECTION 3

MUNICIPAL HERITAGE COMMITTEE

- 3.1 There is hereby established a committee of Council to be known as the “Carman/Dufferin Joint Municipal Heritage Advisory Committee” (hereinafter referred to as “the Committee”), pursuant to Section 34(1) of *The Heritage Resources Act*.
- 3.2 Council may refer to the Committee for its consideration and advice, and the Committee may on its own initiative consider and advise either Council on any matter relating to the powers afforded to municipal councils under the terms of *The Heritage Resources Act* and, in particular, the Committee may make recommendations Council respecting 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.
- 3.3 The Committee shall be composed of the following members:
- (a) one (1) member of the Council of the Town of Carman;
 - (b) one (1) member of the Council for the Rural Municipality of Dufferin;
 - (c) one (1) member of the Dufferin Historical Society;
 - (d) one (1) member of the Carman Chamber of Commerce;
 - (e) four (4) members being citizens-at-large from either the Town of Carman or the Rural Municipality of Dufferin.
- 3.4 With respect to meetings of the Committee, the following shall apply:
- (a) the Committee shall appoint a Chairperson from its members at the initial meeting of each term.



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- (b) the Committee may meet as often as deemed necessary by the Chairman;
 - (c) the Committee may make rules governing its procedure;
 - (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, and in the case of a tied-vote, the motion shall be defeated.
- 3.5 A term of office for committee members shall be four (4) years.

SECTION 4

DESIGNATION OF MUNICIPAL HERITAGE SITES

- 4.1 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 Town that in the opinion of 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, 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.

SECTION 5

PROTECTION OF PROPOSED AND DESIGNATED MUNICIPAL SITES

- 5.1 Notwithstanding the provisions of the Town's Building By-law, a 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;
- 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 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 Council may prescribe.
- 5.3 After consideration the application and any recommendation submitted by the 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 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 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 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 prescribe.
- 5.6 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 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 Town of Carman 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 Council deems advisable.
- 6.2 A register maintained under subsection 5.1 shall be available for public inspection in the Office of the Chief Administrative Officer during normal office hours.

SECTION 7

RECEIPT OF GIFTS, ETC.

- 7.1 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



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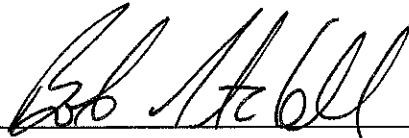
manner, subject to any directions, terms and conditions imposed by the donor, lender or lessor, as Council deems best.

SECTION 8

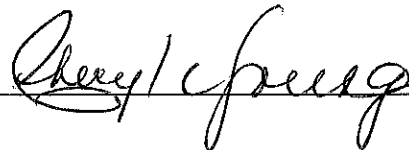
ENACTMENT

- 8.1 That this By-law shall take force and be effective on the date of final passage thereof by the Council of the Town of Carman.
- 8.2 That By-Law No. 88/1593 of the town of Carman be and is hereby repealed.

DONE AND PASSED by the Council of the Town of Carman, in regular session assembled, this 15th day of October, A.D. 2009.



Mayor



CAO

Read a first time this 17th day of September, A.D. 2009.
Read a second time this 15th day of October, A.D. 2009.
Read a third time this 15th day of October, A.D. 2009.