

**TOWN OF STONEWALL
BY-LAW NO. 09-21**

Being a By-Law of the Town of Stonewall to provide for the conservation and preservation of buildings, structures, lands, and other resources deemed to be of local or special architectural, historical, and cultural and natural interest within a municipality.

WHEREAS *The Heritage Resources Act* and other Acts of the Manitoba Legislature authorize municipalities to:

- (a) establish an advisory body to assist the municipal council on matters that relate to local heritage resources;
- (b) designate and protect local heritage resources which represent an important feature of the historical development of the municipality, of its pre-history, natural history, or its people and their respective cultures;
- (c) develop initiatives which will encourage, support, educate and promote the management and sustainability of historic resources which exist in the municipality and which are deemed to be of historic significance;

AND WHEREAS it is deemed desirable and in the best interests of the Town of Stonewall to provide for the preservation and protection of our buildings, structures, lands and other resources that are of special historic or architectural interest and significance to the community;

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

PART ONE: TITLE AND INTERPRETATION

1. INTERPRETATION

This By-law shall be known as the "Stonewall Heritage By-law".

2. DEFINITIONS

- (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in *The Heritage Resources Act* of Manitoba or, if not contained therein, to a standard dictionary.
- (b) In this By-law:
 - (i) "**Stonewall Heritage Committee**" means the municipal heritage committee established in accordance with Section 34(1) of *The Heritage Resources Act* of Manitoba
 - (ii) "**CAO**" means the Chief Administrative Officer of the Town of Stonewall and anyone acting or authorized to act on his behalf
 - (iii) "**Certificate of Ordinary Maintenance**" means a certificate issued in accordance with Section 21 of this By-law.
 - (iv) "**Council**" means the Council of the Town of Stonewall
 - (v) "**Heritage Resources**" means sites, buildings, structures, objects or works which may be of interest and/or significance because of the archeological, prehistoric, historic, cultural, natural or aesthetic value, and whether or not designated as such under the provisions of this By-law.
 - (vi) "**Inventory**" or "**Site Inventory**" means the inventory of buildings, erections, structures and lands which may be, or contain, a local heritage resource.
 - (vii) "**Minister**" means the member of the Executive Council of the Government of Manitoba who has been charged with the administration of *The Heritage Resources Act*.
 - (viii) "**Municipal Heritage Notice**" means a written notice advising that a Site has been designated as a municipal heritage site
 - (ix) "**Municipal Heritage Permit**" means a permit issued under the authority of the Town to authorize the carrying out of any development, work, activity, or project upon or within a Site that is subject to an existing Municipal Notice of Intent or that is designated as a Municipal Heritage Site.

- (x) **“Municipal Notice of Intent”** means a formal notice given by the Town of its intention to designate a Municipal Site that is located within the Town as a Municipal Heritage Site.
 - (xi) **“Municipal Site”** or **“Site”** means, as the case may require, an area 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, whether it is privately owned or owned by the Town.
 - (xii) **“Owner”** means the registered owner, under The Real Property Act of Manitoba, of land on which a building or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act of Manitoba, or a agent of such owner
 - (xiii) **“Town”** means the Town of Stonewall
- (c) Wherever the singular or masculine or used in this By-law the same shall be construed as meaning the plural or feminine or neutral where the context so requires.

PART TWO: STONEWALL HERITAGE COMMITTEE

3. ESTABLISHMENT

A Committee to be known as the “Stonewall Heritage Committee” (hereinafter referred to as the “Committee”) is hereby established pursuant to Section 34(1) of *The Heritage Resources Act*.

4. DUTIES & FUNCTIONS OF THE COMMITTEE

- (a) Council may refer to the Committee for its consideration and advice, and the Committee may on its own initiative consider and advise Council, on any matter relating to local heritage resources, including:
 - (i) the preservation and protection of local heritage resources that represent an important feature of the historic development of the Town, its natural and prehistory, or its people and their respective cultures; and
 - (ii) the development and implementation of policies, programs and other initiatives, including a heritage resource management plan, that will encourage, support, educate and promote the management and the sustainability of the heritage resources available within the community.
- (b) It shall be the responsibility and primary mandate of the Committee to prepare for the consideration of Council a heritage resource management plan, including any necessary funding to support and implement the management plan. The heritage resource management plan shall be reviewed annually and presented to Council on or before March 1st of each year.

5. MEMBERSHIP

- (a) Pursuant to The Town of Stonewall Organizational By-law as may be amended from time to time, pursuant to Policy 1.2, Boards and Committee Appointments, of the Town's Policy and Procedures Manual, the Committee shall consist of one (1) member of Council plus a minimum of seven (7) members to a maximum of twelve (12) members, with said members being appointed annually by resolution of Council;
- (b) The member of Council appointed to the Committee shall be the Chair of the Committee;
- (c) Each member of the Committee is eligible for re-appointment annually on the expiration of his term of office;
- (d) Where a vacancy in the membership occurs, from any cause during the term of its members, Council shall appoint a person to fill such vacancy on the Committee, and that person will serve for the un-expired term of office for which his predecessor was appointed;
- (e) Where a member fails to attend three (3) consecutive regular meetings of the Committee without being authorized to do so by resolution of the Committee, such member thereby forfeits his membership on the Committee;

- (f) No member of the Committee, or any sub-committee of the Committee, shall receive compensation for his services other than reimbursement of actual expenses necessarily incurred in the discharge of his official duties;
- (g) Council shall include in its annual budget estimates, an amount approved for the heritage resource management plan, including an amount sufficient and necessary to cover the actual expenses of the Committee and its various sub-committees;
- (h) Council may, by resolution, remove any member of the Committee and its various sub-committees at any time.

6. ADMINISTRATIVE & TECHNICAL SUPPORT SERVICES

- (a) Council shall designate the Quarry Park Manager to provide administrative services to the Committee and sub-committees with said duties and responsibilities being those identified in Section 8. (f) hereof;
- (b) Council shall designate the Administrator of the South Interlake Planning District, the Fire Prevention / Inspection Officer of the Stonewall-Rockwood Fire Department and the Town's Operations Manager to provide relative technical services to the Committee and sub-committees;
- (c) Such designated persons will act in an advisory / support capacity only and shall not have any voting privileges in the decisions that are rendered by the Committee.

7. ANNUAL ORGANIZATIONAL MEETING

- (a) The Committee shall hold an annual organizational meeting in January of each year.
- (b) The Committee shall at its organizational meeting approve the heritage resource management plan for that calendar year.

8. MEETINGS OF THE COMMITTEE

- (a) The Committee shall meet at least once a month unless there is no business to address, and shall also meet at the call of the Chair or at the request of one-third (1/3) of its members;
- (b) Any sub-committee of the Committee may meet as often as deemed necessary by the person appointed as the chair of the respective sub-committee;
- (c) The Committee may establish its own rules and procedures for the conduct of its meetings and meetings of its sub-committees;
- (d) The Chair of the Committee, and the chair of each of its sub-committees, shall preserve order at all meetings and decide all points of order which may arise;
- (e) All questions before any meeting of the Committee, or sub-committee, shall be decided by a majority of the members present including the Chair. If an equal number of members vote for and vote against a question, the question is lost;
- (f) The Quarry Park Manager shall act as the recording secretary to the Committee and whose duties and responsibilities shall be:
 - (i) to keep a record of all meetings and proceedings of the Committee
 - (ii) to ensure the proper custody and care of all records and documents of the Committee and that such records are maintained and preserved; and
 - (iii) to ensure all administrative duties and decisions of the Committee are carried out.

PART THREE: INVENTORY OF LOCAL SITES OF INTEREST

9. LIST OF POTENTIAL HERITAGE RESOURCES

- (a) The Committee shall compile and maintain for future study and research a Conservation List of all buildings, erections, structures and lands which may contain local heritage resources.
- (b) A Site, which in the opinion of the Committee, contains significant local heritage resources may be entered on to the Site Inventory from the Conservation List by resolution passed by its members at any meeting;

- (c) Prior to the listing of a Site onto the Site Inventory, the Committee shall notify the owner that the subject property is under review as a potential municipal heritage site and will be given the temporary protection against demolition or major renovation pending a final determination by the Committee. If requested, the Committee shall meet with the owner of the property to discuss these temporary measures;
- (d) The Site Inventory will be used on a continuing basis by the Committee in its evaluation of such sites for recommendation to Council those sites which are deemed to be of special architectural or historical interest or significance to the community and its residents;
- (e) The Committee shall be responsible for developing criteria for evaluating and determining those Sites within the Town which it feels should be designated as being of historical or architectural interest or significance pursuant to Part III of The Heritage Resources Act of Manitoba;
- (f) After further research is conducted on each of the potential sites listed on the Site Inventory, the Committee may recommend to Council for designation, commemorative recognition or zoning protection those Sites which are deemed to be of special architectural or historical interest or significance to the community and its residents;
- (g) Municipal Sites that are formally nominated for designation as Municipal Heritage Sites by other groups or individuals, and which have not been listed previously on the Site Inventory maintained by the Committee, must be added to the Site Inventory by a resolution upon receipt of the nomination application and before any research or evaluation of the Site is conducted;
- (h) The Municipal Heritage Site application form for nominating local buildings and structures and to which reference is made in subsection (f) shall be in a form as prescribed in *The Heritage Resources Act*;
- (i) Any Municipal Site that is listed on the Site Inventory of potential heritage resources may be deleted from such listings by the passing of a further resolution of the Committee if the Site has received designation as a Municipal Heritage Site, is designated as part of a heritage conservation district, or if it has been determined by further study and evaluation that the Site does not have any special architectural or historic interest or significance;
- (j) Where it is determined through further research and study that a Site listed on the Site Inventory may qualify for designation as a Provincial or national site, the Committee will advise the Town who shall immediately advise those authorities of the findings. The Committee shall further recommend to Council that the Site should be designated as a Municipal Heritage Site until such time in the future it may be designated as a Provincial or national Site;
- (k) Council may, by the passage of a by-law, designate all or any of the Sites entered on the Site Inventory of potential heritage resources as a Municipal Site in accordance with Part Four of this By-law.

10. TEMPORARY PROTECTION OF POTENTIAL HERITAGE SITE

- (a) A copy of the Site Inventory of potential sites that is maintained by the Committee shall be provided to the South Interlake Planning District for reference purposes and such Site Inventory will be updated by the Committee each time the Site Inventory is amended or changed;
- (b) The South Interlake Planning District shall temporarily deny for a period not exceeding sixty (60) days from the date of receipt of the application thereof any permit for demolition or major renovation of a Site that is listed on the Site Inventory of potential sites;
- (c) Within five (5) days from the receipt of an application for a permit as described in 10. (b) the South Interlake Planning District shall notify the Committee of such application;
- (d) Upon notice that an application has been made for a permit to demolish or renovate a building or structure included on the Site Inventory, the Committee shall forthwith proceed with the required research and evaluation of the site in question; and within sixty (60) days such action must result in:

- (i) A report being submitted to Council recommending the Site be given full consideration for designation as a Municipal Heritage Site in accordance with Part Four of this By-law; or
 - (ii) A resolution being passed by the Committee to delete the Site from the Site Inventory of potential heritage sites, with a copy of this decision being provided immediately to the South Interlake Planning District.
- (e) The application for demolition of a potential heritage property shall be in a form prescribed in *The Heritage Resources Act*.

PART FOUR: DESIGNATION OF MUNICIPAL HERITAGE SITES

11. LOCAL SITE OF HERITAGE SIGNIFICANCE

- (a) Any municipal site within the Town may be designated as a heritage site if Council is satisfied and of the opinion that the site:
- (i) represents an important feature of the historical development of the Town, its natural history, or its people and their culture; or
 - (ii) should be so designated by virtue of its proximity to and for the protection or enhancement of a municipal heritage site to which paragraph (i) above applies.
- (b) An owner of a heritage site, or a site that is subject to an existing notice of intent to designate such property, who proposes to transfer or sale the subject site:
- (i) shall, prior to the transfer or sale, advise the transferee or proposed purchaser of the property that the site is a heritage site or is subject to the notice of intent, as the case may be; and
 - (ii) shall, prior to the transfer or sale or, if that is not possible, as soon as possible after the transfer or sale, advise the Committee thereof and provide it with particulars of the transfer or sale as the Committee may require.
- (c) The Committee may cause a sign, plaque or other marker to be placed on a Municipal Heritage Site indicating the significance of the Site.
- (d) Where it is deemed desirable to designate a municipal site as a Municipal Heritage Site, Council shall cause to be prepared a by-law to this effect, in accordance with The Heritage Resources Act of Manitoba, and Council shall proceed to give the subject by-law first reading.

12. MUNICIPAL NOTICE OF INTENT

- (a) After giving a proposed designation by-law, as prescribed in subsection 11. (d) first reading and before giving the by-law second reading, the Council shall cause to be prepared a notice of its intention to designate the site as a municipal heritage site, and such notice:
- (i) shall state a day, time and place for a public hearing to be held by Council to receive objections and other representations with respect to the proposed designation by-law;
 - (ii) may contain other information and particulars as may be deemed necessary; and
 - (iii) will ensure that the date of the said hearing shall be no earlier than twenty-one (21) days after the latest of the services made under subsection (b)(ii) below.
- (b) Upon the designation by-law receiving first reading by Council, the CAO shall forthwith arrange for:
- (i) the owner and any lessee of the municipal site, and the Minister to be served with a copy of the municipal notice of intent and a certified true copy of the proposed designation by-law having received first reading;
 - (ii) publication of the municipal notice of intent in two (2) issues of the local newspaper; and
 - (iii) filing of the municipal notice of intent in the Winnipeg Land Titles Office in the event the municipal site is contained in a certificate of title under The Real Property Act of Manitoba.
- (c) The municipal notice of intent shall be in a form prescribed in *The Heritage Resources Act*.

13. PUBLIC HEARING ON DESIGNATION OF MUNICIPAL SITE

- (a) Council shall hold a hearing at the time and place stated in the notice referred to in Section 12 of this By-law, and at the hearing shall hear or receive:
 - (i) the recommendation of the Committee on the proposed designation
 - (ii) any representation received from the Minister, or other designated person or persons representing the Historic Resources Branch of Manitoba
 - (iii) all written and verbal communications from persons served with the notice of intent and who wish to make representation concerning the manner in which any provision of the proposed designation by-law may affect property he may own or represent; and
 - (iv) any person, group, society, organization or agency who may have an interest or concern regarding the proposed designation of the site.
- (b) Notice of objection to any proposed designation of a municipal property as a municipal heritage site shall be in a form prescribed in *The Heritage Resources Act*.

14. NO OBJECTIONS RAISED

- (a) Where there are no objections to a proposed designation by-law at the public hearing, Council may after the hearing is concluded:
 - (i) resolve by resolution not to proceed further with the proposed designation by-law; or
 - (ii) adopt the proposed designation by-law and proceed to issue a municipal heritage notice of the site designation.

15. OBJECTIONS RAISED

- (a) Where there are objections to a proposed designation by-law at the public hearing, Council may after the hearing is concluded:
 - (i) resolve by resolution not to proceed further with the proposed designation by-law; or
 - (ii) amend the designation by-law in accordance with the objections or otherwise, adopt the by-law as amended, and proceed to issue a municipal heritage notice of the site designation; or
 - (iii) submit the proposed by-law, along with the objections received by Council to the Municipal Board of Manitoba with a request that the Board proceed to hold a public hearing to receive objections and other representations with respect to the proposed designation of the municipal site, and thereafter report its recommendation, with reasons, to Council.
- (b) Upon receipt and consideration of the report from the Municipal Board, Council may:
 - (i) resolve by resolution not to proceed further with the proposed designation by-law; or
 - (ii) amend the proposed designation by-law, adopt the by-law as amended, and proceed to issue a municipal heritage notice of the site designation; or
 - (iii) adopt the proposed designation by-law without amendment and proceed to issue a municipal heritage notice of the site designation.

16. SERVICE, PUBLICATION & FILING REQUIREMENTS

- (a) Where it is resolved not to proceed with the proposed designation by-law, or when it is agreed to adopt the original or amended by-law, Council must comply with the following provisions:
 - (i) a copy of the resolution not to proceed, or the municipal heritage notice of site designation, whichever ever the case may be, shall be served upon any person who was previously served with a municipal notice of intent;
 - (ii) a copy of the said resolution not to proceed, or the municipal heritage notice of site designation, whichever ever the case may be, shall be published in one (1) issue of the Stonewall Argus / Teulon Times; and
 - (iii) a copy of the said resolution not to proceed, or the municipal heritage notice of site designation, whichever ever the case may be, shall be filed in the Winnipeg Land Titles Office in the event the municipal site is contained in a certificate of title under The Real Property Act of Manitoba.
- (b) The municipal heritage notice shall be in a form and shall contain such information as is prescribed in *The Heritage Resources Act*.

17. APPEAL OF SITE DESIGNATION

- (a) Any owner or lessee of a designated site, or any other person affected or likely to be affected by the site designation, or any person, group, society, organization or agency interested in the designation, may appeal such designation to Council at any time after the adoption of the designation by-law, but only if the by-law, as originally proposed, has been varied or amended or new facts or new circumstances have arisen or have been disclosed since the date the by-law was adopted;
- (b) An appeal in accordance with subsection (a) must be commenced by serving a notice of appeal to Council and the Minister, or their designates, in a form prescribed in *The Heritage Resources Act*;
- (c) Upon being served with a notice of appeal and after receiving advice from the Committee, Council may, upon the expiry of thirty (30) days from the date of service of the appeal:
 - (i) adopt a by-law to repeal the by-law designating the heritage site in question; or
 - (ii) refer the appeal to the Municipal Board of Manitoba requesting that the Board hold a public hearing and report back to Council its recommendations.
- (d) Upon receipt and consideration of a report from the said Municipal Board, Council may:
 - (i) adopt a by-law to repeal the by-law under appeal or amend the by-law in accordance with the recommendation of the Municipal Board; or
 - (ii) by resolution, confirm the designation by-law and dismiss the appeal.
- (e) Where it is resolved to confirm a designation by-law under appeal, or when it is agreed to amend or repeal the original designation by-law, Council must comply with the following requirements:
 - (i) a copy of the resolution or by-law shall be served on those persons previously served with the municipal heritage notice;
 - (ii) a copy of the resolution or by-law shall be published in one (1) issue of the *Stonewall Argus / Teulon Times*; and
 - (iii) a copy of the resolution or by-law shall be filed in the Winnipeg Land Titles Office in the event the said office was originally served with a notice of intent.

18. REVOCATION OF DESIGNATION – NOT UNDER APPEAL

- (a) Council may at any time, on its own motive, and without a hearing, pass a further by-law to revoke the designation of a municipal heritage site;
- (b) Prior to any consideration being given to revoking the designation of a municipal heritage site not under appeal, Council may request advice from the Committee;
- (c) When it is decided to revoke the designation of a municipal heritage site, Council must comply with the following requirements:
 - (i) a copy of the resolution or by-law shall be served on those persons previously served the municipal heritage notice;
 - (ii) a copy of the resolution or by-law shall be published in one (1) issue of the *Stonewall Argus / Teulon Times*; and
 - (iii) a copy of the resolution or by-law shall be filed in the Winnipeg Land Titles Office in the event said office was originally served with a notice of intent.

PART FIVE: PROTECTION OF DESIGNATED HERITAGE SITES

19. PROTECTION OF MUNICIPAL SITES

- (a) Notwithstanding the provisions of the Town of Stonewall Building By-law, any person proposing to:
 - (i) excavate, repair, alter, renovate, enlarge, construct and addition to, demolish, remove, destroy or damage;
 - (ii) erect, build or construct any erection, building or structure upon or within; or
 - (iii) carry out any development project including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within;

any site that is subject to an existing municipal notice of intent, or that is designated as a municipal heritage site, shall, before commencing the proposed work, activity, development or project described in subsections (i), (ii) or (iii) above, submit to the Committee, through the South Interlake Planning District and application for a municipal heritage permit authorizing the proposed work, activity, development or project.

- (b) The Committee may require the owner or lessee of a municipal heritage site, or such site under review, to undertake and complete such measures as the Committee may prescribe for the maintenance of the subject site, and may provide, if available, financial assistance or other assistance and advice.

20. APPLICATION FOR MUNICIPAL HERITAGE PERMIT

- (a) An application for a municipal heritage permit must be filed with the South Interlake Planning District;
- (b) The application must be made by the owner, or an agent on behalf of the owner of the property, for which the work, activity, development or project is proposed and it must be in a form prescribed in *The Heritage Resources Act*;
- (c) If required by the South Interlake Planning District or the Committee, the application must be accompanied by supporting material which may include site plans and specifications which describes in detail:
 - (i) any proposed demolition, removal or other alterations to such building or structure and appurtenances thereto, including additions, deletions, design changes, repairs and replacements;
 - (ii) any proposed changes to existing open spaces, landscaping and other site details. The applicant must provide a street scape context drawing if required by the South Interlake Planning District or the Committee;
- (d) Upon receipt of a completed application, the South Interlake Planning District must, within ten (10) working days, refer the application together with recommendations to the Committee for consideration at its next meeting and the South Interlake Planning District shall give notice to the applicant of the date, time and place of the meeting at which the application will be considered by the Committee in order for that person to make representation on the application.

21. CERTIFICATE OF ORDINARY MAINTENANCE

- (a) Notwithstanding the provisions of subsection 19(a), a municipal heritage permit is not required for ordinary maintenance or repair of a municipal heritage site, or a municipal site subject to an existing municipal notice of intent and if the Committee is of the opinion, and is satisfied after reviewing the heritage permit application, that such work will not involve a change in any element of design which affects its appearance or its special or significant architectural or historical interest, the Committee may:
 - (i) authorize the South Interlake Planning District to issue a Certificate of Ordinary Maintenance to the applicant and direct the South Interlake Planning District to submit a duplicate signed copy of the Certificate of Ordinary Maintenance together with the application to the Committee for its information and retention;
- (b) A Certificate of Ordinary Maintenance must be in a form prescribed in *The Heritage Resources Act*.

22. APPROVAL BY THE COMMITTEE

- (a) After considering the application and any recommendations, the Committee may approve the work, activity, development or project in the form in which it is proposed or with such variations or modifications as the Committee deems necessary for the protection of the municipal heritage site;
- (b) A municipal heritage permit issued by the Committee must be in a form prescribed in *The Heritage Resources Act*;
- (c) No person shall undertake any work, activity, development or project, upon or within a Site that is subject to an existing municipal notice of intent or that is a designated municipal heritage site, unless and until the Committee has issued a municipal heritage permit that authorizes 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 the Committee may impose and as may be set out in or attached to the municipal heritage permit.

PART SIX: INFORMATIONAL AND EDUCATION PROGRAMS

23. PUBLIC REGISTER OF HERITAGE SITES

- (a) The Committee shall maintain a register of all municipal heritage sites in the Town showing, in respect of each Site:
 - (i) the location of the Site and a description sufficient to identify the boundaries thereof;
 - (ii) particulars sufficient to explain the heritage significance of the Site
 - (iii) the date of the designation of the Site as a heritage site;
 - (iv) the names and addresses of the owners and any lessees of the Site; and
 - (v) such other particulars and information as the Minister or Council deems advisable
- (b) The public register of the municipal heritage sites shall be available for public inspection at the Administration Offices of the Town during regular office hours.

24. INFORMATIONAL AND EDUCATION PROGRAMS

- (a) The Committee may cause to be prepared and produced informational material respecting the heritage resources of the community and make such material available to the public by means of printed circulars or pamphlets or other material, electronic format or newspaper advertising or public lectures;
- (b) The Committee may undertake or, by means of grants, if available or other assistance, support and encourage the undertaking of educational programs or courses in the public and private schools, colleges and universities within the Province, or educational programs for the public-at-large, respecting the heritage resources of the community;
- (c) The Committee may undertake or, by means of grants if available or other assistance, support and encourage the undertaking of programs of research into the heritage resources of the community.
- (d) The Committee may provide assistance, in the form of grants if funding is available and approved or professional and technical services or otherwise, to any group, society, organization, agency or institution within the Town dedicated to the discovery, maintenance, restoration, preservation, protection and study of the heritage resources of the community, either for the purposes of their work in general or for the purposes of any specific project relating to the heritage resources available in Town.

25. RECEIPTS OF GIFTS, ETC.

- (a) The Town may receive, from any person or source, money by way of gift or bequest, and any real or personal property by way of gift, devise, bequest, loan, lease or otherwise, for the purpose of preserving and protecting buildings, structures or lands of a local architectural and historical interest and significance 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 the Council deems best;
- (b) Any gift or bequest of money received shall be paid into and held in a special reserve fund of the Town.

26. COLLECTION OF OBJECTS

- (a) Objects of local social history significance may be collected, displayed and stored pursuant to Policy No. 14.11 of the Town.

PART SEVEN: OFFENCE AND PENALTY

27. OFFENCE AND PENALTY

- (a) Any person who contravenes or fails to observe a provision of this By-law or a order, direction or requirement made or imposed thereunder is guilty of an offence and liable, on summary conviction, where the person is an individual, to a fine of not more than \$5,000 for each day the offence continues and, where the person is a corporation, to a fine of not more than \$50,000 for each day that the offence continues as set out in Section 69(1) of The Heritage Resources Act of Manitoba.
- (b) A judge or justice convicting a person of an offence under subsection (a) may, where the offence committed resulted in damage to or the demolition or destruction of a heritage resource, order the person to pay, in addition to any penalty that may be imposed, the cost of the repair, restoration or reconstruction of the heritage resource as set out in Section 69(2) of The Heritage Resources Act of Manitoba

PART EIGHT: REPEAL

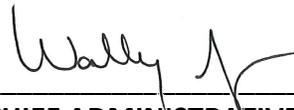
28. REPEAL

By-law No. 14/04 is hereby repealed in its entirety.

DONE AND PASSED as a by-law of the Town of Stonewall by Council, duly assembled in Stonewall, Manitoba this 6th day of October A.D. 2021.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 15th day of September, A.D., 2021.

Read a second time this 6th day of October, A.D., 2021.

Read a third time this 6th day of October, A.D., 2021.

**TOWN OF STONEWALL
POLICIES AND PROCEDURES MANUAL**

SECTION: RECREATION AND CULTURAL SERVICES POLICY NO. 14.11

SUBJECT: STONEWALL QUARRY PARK – INTERPRETIVE CENTRE

APPROVED BY RESOLUTION OF COUNCIL ON: MARCH 23, 2005

MOST RECENT AMENDMENT BY RESOLUTION OF COUNCIL ON: March 30, 2016

BACKGROUND/INTENT:

This policy recognizes the importance of preserving collections entrusted to the care of the Interpretive Centre and develops guidelines for the consistent operation from year to year.

POLICY/PROCEDURE:

1. The Interpretive Centre owned and operated by the Town of Stonewall has been established to tell the story of the limestone quarries in and around Stonewall including the formation of the limestone during the Ordovician era and the quarry industry from the early 1880's until the late 1960's. This will be accomplished by collecting and preserving relevant artifacts that become available to the museum, after which said artifacts and articles may be put on display.
2. Collections are organized into two collections:
 - i. Natural history – geological & fossil specimens primarily utilized for educational programs.
 - ii. Industrial history – items relating to the limestone quarries & their workers.
3. The Collections Management Committee shall be responsible for:
 - i. acceptability of artifacts
 - ii. documentation of same

4. Acquisition of objects will be made through donations to the Centre. Variations may be allowed as follows:
 - i. Artifacts may be purchased by the Museum where the Collections Management Committee deem the article necessary to the usefulness of the display
 - ii. Artifacts may be borrowed or leased for special specific purposes on approval of the Collections Management Committee.
5. All donations of objects are deemed unconditional gifts to be used at the discretion of the Interpretive Centre. All donors must complete a Certificate of Gift transferring ownership of the object to the Town of Stonewall.
6. The Collections Management Committee will act immediately on the acceptance or rejection of a donated object and advise the donor in writing of such decision. In the case of rejection, the object shall be returned immediately to the donor.
7. Where an offer is made of an object that is not immediately relevant to this policy, the Interpretive Centre will endeavour to redirect the would-be donor to an institution where the item may be more appropriately housed. The Interpretive Centre is not bound to negotiate with the institution regarding the object.
8. The Interpretive Centre will clearly state in writing to the would-be donor the reasons why the object is not suitable for permanent exhibition and/or collection, for example:

Relevance to the exhibition:

 - i. size
 - ii. condition
 - iii. whether the Interpretive Centre already has items of similar type or a duplicate
 - iv. the availability of associated information
 - v. legal ownership
 - vi. value of the artifact
9. Acquisitions of objects must be:
 - i. consistent with the mission and purpose of the Interpretive Centre
 - ii. useful in the Interpretive Centres' educational, exhibition, research or interpretation activities
 - iii. received in reasonably good condition so that they may be preserved with as little alteration as possible
 - iv. unencumbered by donor, trademark, copyright or other restrictions

10. Objects shall be documented immediately by the Heritage Arts Centre Manager. Such documentation to include where applicable:
 - i. Circumstances surrounding the objects discovery and acquisition i.e. by whom, when, where
 - ii. Name of original owner
 - iii. Identification of object
 - iv. Objects original or intended use
 - v. Any other pertinent facts

11. The Interpretive Centre's records shall contain the following files:
 - i. Accession book: The official records of accessions, in numerical order, with information of the type of transaction, the source of accession, and an indication of restrictions.
 - ii. Source-of accession file: An alphabetical reference to the names and addresses of donors, sellers, and transferring agencies, cross reference to accession numbers.
 - iii. Catalogue: A file of individual objects in the permanent collections, containing a number unique to each object, and where practical, a photograph of the object. The catalogue shall be cross referenced
 - iv. by classification and registration numbers.
 - v. Jacket file: A file of documents, inventories, photographs, research reports, conservation reports, and other documents pertaining to objects in the collections. The file is arranged serially by accession number. All materials relating to an object in a particular accession should be in the file for that accession.
 - vi. Loan files: Documentation relating to outgoing and incoming loans and object left temporarily in museum custody.

12. Copies of all gift agreements, purchase invoices, transfer agreements, and field collection forms shall be deposited in a secure place away from the Interpretive Centre to avoid loss of these documents in the event of a fire other disaster.

13. The Interpretive Centre will not collect duplicates unless the duplicates serve a useful purpose such as educational kits, extension program displays etc.

14. The Interpretive Centre may loan objects for temporary display off-site with specified time limits. such off-site locations must provide reasonable security and environmental conditions. the objects may, at the discretion of the Heritage Arts Centre Manager, be required to be under the supervision of a museum staff member.

15. Primary responsibility for the management of the collections has been delegated by the Interpretive Centre to the Heritage Arts Centre Manager and the Visitor Services staff.

16. The Interpretive Centre will store and exhibit collections in a manner, which protects them from damage from temperature, light, humidity, and pests. Collections should be handled as little as possible, using accepted museum procedures as approved by the Conservator's Committee, Manitoba Heritage Conservation Service, 11 March 1986.
17. Collection materials shall be retained as long as they continue to be relevant to the purposes and activities of the museum, they retain their physical integrity and can be properly stored and preserved. Accessioned objects may be used for exhibition, study, research, loan, examination and deaccession.
18. The deaccession process shall be judicious, deliberate, and scrupulous. Objects shall be permanently removed from the collection upon written recommendation of the Heritage Arts Centre Manager and approval by the Board.
19. Before an object can be deaccessioned, it must fit into one or more of the following categories:
 - i. Items that do not fall within the defined scope of the collections.
 - ii. Items improperly accessioned or acquired.
 - iii. Items that can be exchanged for better more pertinent examples of the same class of item.
 - iv. Unnecessary duplicates – more than required for exhibit sampling or study.
 - v. Objects that have deteriorated to the point that they are useless for exhibit or study and would not be cost effective to restore.
 - vi. Objects impossible to safely store or exhibit.
 - vii. Forgeries, fakes and objects acquired based on false information.
 - viii. Objects that pose a hazard to other objects or to human health.
20. Disposal of such artifacts will be accomplished in one of the following manners:
 - i. returned to donor
 - ii. offered to the family of donor where the donor has died
 - iii. offered to another museum, cultural or educational institute, or
 - iv. sold, or destroyed

APPENDIX A TO POLICY 14.11

For the purpose of this policy, the following definitions will apply:

1. The Centre shall mean the Stonewall Quarry Park Interpretive Centre.
2. The Board shall mean the members of the Town of Stonewall Council.
3. The Collections Management Committee shall mean a standing committee consisting of the Heritage Arts Centre Manager, the Town of Stonewall C.A.O. and at least one member of Stonewall Municipal Heritage Committee.
4. Acquire shall mean to obtain ownership by means of gift, transfer from another agency, exchange, bequest, purchase, or field collection.
5. Accession shall mean all the material conveyed to the Centre at one time from one source (i.e. donor, seller, estate, etc.) and placed in the permanent collections: also the associated procedures.
6. De-accession shall mean the deliberate and permanent removal of objects from the collections by means of gift, transfer, sale, exchange, re-deposition, or intentional destruction.
7. Loan shall mean the short term temporary physical transfer of objects from one institution or individual to another without change of ownership.
8. In the context of this document, the word “object” generally refers to any tangible item, including but not limited to archival materials, sound recordings, photography, works of art, traditional “object” collections (tools, containers, etc.), scientific specimens, and buildings or other structures.