

## **VILLAGE OF HEISLER**

### **BYLAW 474-12**

**A Bylaw of the Village of Heisler in the Province of Alberta for the purpose of protecting and preserving certain properties as Municipal Historic Resources.**

**WHEREAS** the *Historical Resources Act* of Alberta empowers municipalities to legally protect locally significant places through designations as Municipal Historic Resources, and

**WHEREAS** the Council of the Village of Heisler deems certain properties within its municipal boundaries to be a significant part of the Village culture and history, and

**WHEREAS** Council deems that certain properties meet the criteria established by Alberta Tourism, Parks, Recreation & Culture for evaluating potential historic resources,

**NOW THEREFORE** Council of Village of Heisler enacts as follows:

#### **Section 1 - Title**

**1.1** This bylaw shall be known as Bylaw 474-12, the Municipal Historic Resource Designation Bylaw.

#### **Section 2 - Definitions**

**2.1** "Act" means the *Historical Resources Act*.

**2.2** "Village" means the Village of Heisler in the Province of Alberta.

**2.3** "Council" means the duly elected Council of the Village of Heisler.

**2.4** "Hotel" means a building or facility which is in the business of providing accommodations to the public.

**2.5** "Mandatory documentation" means all documentation which must be completed for a historic place to be listed on registers, as set out by the Municipal Heritage Partnership Program.

**2.6** "Bylaw" means Bylaw 474-12 of the Village of Heisler.

#### **Section 3 - Designation as a Municipal Historic Resource**

**3.1** Council, after giving the owner 60 days' notice, may by bylaw designate any historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in, or on which it is located that may be specified in the bylaw, as a Municipal Historic Resource.

**3.2** Council shall

- (a) cause a copy of the bylaw to be served on the owner of the historic resource and on the owner of any land that will be subject to the bylaw, and
- (b) if the bylaw relates to or includes any land, cause a certified copy of the bylaw to be registered at the appropriate land titles office.

**3.3** On the registration of a certified copy of the bylaw at the appropriate land titles office, the Registrar of Land Titles shall endorse a memorandum on the certificate or certificates of title to any land affected by the bylaw.

**3.4** A bylaw under subsection 3.2 is effective when it is passed.

**3.5** Notwithstanding any other Act, no person shall

- (a) destroy, disturb, alter, restore or repair an historic resource that has been designated under this section, or
- (b) remove any historic object from an historic resource that has been designated under this section,

without the written approval of the council or a person appointed by the council for the purpose.

**3.6** The council or the person appointed by the council, in its or the appointee's absolute discretion, may refuse to grant an approval under subsection 3.5 or may make the approval subject to any conditions it or the appointee considers appropriate.

**3.7** On the service of a notice of intention under subsection 3.2, subsection 3.5 applies to the historic resource and land as if a bylaw under subsection 3.2 had been passed until the council passes the bylaw or revokes the notice of intention or until the expiry of 120 days from the receipt of the notice.

**3.8** Notwithstanding subsection 3.7, a person who has been served with a notice of intention under subsection 3.2 may apply by originating notice to the Court of Queen's Bench for an order shortening the period of 120 days mentioned in subsection 3.7.

- 3.9** If the council repeals a bylaw made under subsection 3.2, it shall
- (a) cause a copy of the repealing bylaw to be served on the owner, and
  - (b) if the bylaw under subsection 3.2 was registered against the certificate or certificates of title to any land, cause a certified copy of the repealing bylaw to be registered in the appropriate land titles office.
- 3.10** On the registration of a certified copy of the repealing bylaw in the appropriate land titles office, the Registrar of Land Titles shall endorse a memorandum on the certificate or certificates of title to the land concerned cancelling the registration of the bylaw under subsection 3.2.
- 3.11** A notice or bylaw under this section may be served on the owner by personal service or registered mail or in any other manner as the Court of Queen's Bench may direct.

#### **Section 4 - Designated Places**

Council hereby designates the following property as a Municipal Historic Resource under the Act:

##### **4.1 Heisler Hotel**

- (a) The Heisler Hotel located on the corner of Main Street and Lougheed Avenue (Highway 855), legal description Plan 1810BQ, Block 1, Lots 1-3.
- (b) The original building is hereby designated to be protected under the Act.
- (c) A Statement of Significance has been prepared for the Heisler Hotel by Village of Heisler administration which will be attached to and will form a part of this bylaw.

#### **Section 5 - Responsibilities**

The Village and / or its designate shall be responsible for the following:

- 5.1** Creation of an agreement with the owner, which will protect the municipality from future claims of compensation due to designation.
- 5.2** Preparation and maintenance of Mandatory Documentation, Statement of Significance, and Statement of Integrity.

**5.3** Submission of the documents in 5.1 to the provincial Registrar of Historic Places.

**Section 6 - Severability**

Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

**This bylaw shall come into force and effect as of the date of its passing.**

Read a First time this 12<sup>th</sup> day of December, 2012 A.D

Read a Second time 12<sup>th</sup> day of December, 2012 A.D

Read a Third and final time and passed by **unanimous consent** this 12<sup>th</sup> day of December , 2012 A.D

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Sean Maciborski  
Mayor

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Amanda Howell  
Interim CAO