

**BYLAW 08-042  
OF  
LAC LA BICHE COUNTY**

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A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE PROTECTION OF MUNICIPAL HISTORIC RESOURCES.

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WHEREAS s. 26 of the Historical Resources Act, R.S.A. 2000, c. H-9, provides that a municipal council may, by bylaw, designate any historical resource within the municipality whose preservation it considers to be in the public interest as a municipal historic site;

AND WHEREAS s. 27 of the Historical Resources Act, R.S.A. 2000, c. H-9, provides that a municipal council may, by bylaw, designate any part of the municipality a municipal historic area if it considers it to be in the public interest to preserve the historical character of that area;

AND WHEREAS Council of Lac La Biche County deems it important to provide for the protection, preservation, orderly development, study and interpretation of municipal historic sites and municipal historic areas within its corporate boundaries;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

**SHORT TITLE**

1. This bylaw may be cited as the "Heritage Bylaw".

**DEFINITIONS**

2. In this bylaw,
  - (a) "County" means Lac La Biche County.
  - (b) "Council" means the Council of Lac La Biche County.
  - (c) "Designated Officer" means an authorized representative of Lac La Biche County as designated in writing by the Chief Administrative Officer.
  - (d) "Heritage Character Statement" means a written description of the overall effect produced by traits or features which gives a Historic Resource or Historic Site a distinctive quality or appearance.
  - (e) "Heritage Registry" means a listing of the Municipal Heritage Sites and Municipal Heritage Areas within the boundaries of the County.

- (f) "Historic Resource" means any work of nature or of humans that is primarily of value for its palaeontological, archaeological, prehistoric, historic, cultural, natural, scientific or esthetic interest including, but not limited to, a palaeontological, archaeological, prehistoric, historic or natural site, structure or object;
- (g) "Historic Site" means any site that includes or consists of an Historical Resource of an immovable nature or that cannot be disassociated from its context without destroying some or all of its value as an historical resource and includes a prehistoric, historic or natural site or structure;
- (h) "Heritage Resource Permit" means a permit issued by the Designated Officer to authorize any proposed alteration to a Municipal Heritage Site.
- (i) "Municipal Heritage Area" means an area within the boundaries of the County designated by Council by bylaw as a Municipal Historic Area.
- (j) "Municipal Heritage Site" means an Historic Resource or Historic Site located within the boundaries of the County designated by Council by bylaw as a Municipal Heritage Site, and includes an Historic Resource or Historic Site in respect of which notice of intention to designate as a Municipal Historic Site has been given.

#### ADMINISTRATION OF THE HERITAGE BYLAW

- 3. The administration of this bylaw shall be under the management and control of the Designated Officer.

#### DESIGNATION OF MUNICIPAL HERITAGE SITES

- 4. Council may by bylaw designate any Historic Resource or Historic Site within the County whose preservation it considers to be in the public interest, together with any land in or on which it is located, as a Municipal Heritage Site.
- 5. Any person or group of persons may nominate any Historic Resource or Historic Site within the County as a Municipal Heritage Site. A nomination for designation of a Municipal Heritage Site shall be made to the Designated Officer and shall include a Heritage Character Statement.
- 6. In deciding whether to designate a Historic Resource or Historic Site as a Municipal Heritage Site, Council shall apply and consider the Heritage Evaluation Criteria identified in this bylaw.
- 7. Prior to designating any Historic Resource or Historic Site as a Municipal Heritage Site, Council shall give 60 days' notice in writing of Council's intention to designate the Municipal Heritage Site by bylaw to the owner(s) of the land upon which the Municipal Heritage Site is located.
- 8. If the Municipal Heritage Site proposed for designation is located on settlement land, Council may not designate the site without the written consent of the governing body of the First Nation which governs the settlement land.

9. If the Municipal Heritage Site proposed for designation is a residence, Council may not designate the site without the prior written consent of the owner.
10. Upon designating a Historic Resource or Historic Site as a Municipal Heritage Site, Council shall cause a copy of the bylaw to be served on the owner(s) of the land upon which the Municipal Heritage Site is located and cause a certified copy of the bylaw to be registered at the appropriate land titles office.
11. No person shall destroy, disturb, alter, restore or repair a Municipal Heritage Site or remove any Historic Resource from a Municipal Heritage Site without the prior written approval of Council or the Designated Officer.
12. Any person who proposes to:
  - (a) carry out an activity that may alter the historic character of a Municipal Heritage Site; or
  - (b) destroy, disturb, alter, restore or repair a Municipal Heritage Site

shall, prior to commencing the proposed activity, submit to the Designated Officer an application for a Heritage Resource Permit. The Designated Officer may refer any application for a Heritage Resource Permit to Council.

13. Upon receiving an application for a Heritage Resource Permit, Council or the Designated Officer may:
  - (a) refuse to issue a Heritage Resource Permit and shall provide reasons in writing to the applicant;
  - (b) issue a Heritage Resource Permit or issue a Heritage Resource Permit with conditions;
  - (c) require more information to be provided prior to making a decision on the application; or
  - (d) require the applicant to provide financial security to mitigate possible damage to the Municipal Heritage Site.

#### DESIGNATION OF MUNICIPAL HERITAGE AREAS

14. If Council is of the opinion that the preservation of the historical character of any part of the County is in the public interest, Council may by bylaw designate that part of the County as a Municipal Heritage Area and prohibit or regulate and control the use and development of land and the demolition, removal, construction or reconstruction of buildings within the Municipal Heritage Area.
15. Any person or group of persons may nominate any part of the County as a Municipal Heritage Area. A nomination for designation of a Municipal Heritage Area shall be made to the Designated Officer and shall include a Heritage Character Statement.
16. In deciding whether to designate a part of the County as a Municipal Heritage Area, Council shall apply and consider the Heritage Evaluation Criteria identified in this bylaw.

## HERITAGE EVALUATION CRITERIA

17. In deciding whether to designate a Municipal Heritage Site or a Municipal Heritage Area, Council shall apply and consider the following Heritage Evaluation Criteria:

(a) Architectural History

- (i) The building may embody characteristics of an architectural type valuable for the study of a style or a method of construction of its period. It may also be a notable example of a builder or architect's work.
- (ii) The building has the strong potential for illustrating the City's heritage to a degree such that it will be possible for the visitor to gain from the building an understanding of the architecture of history with which it is associated.
- (iii) The building is significant because of the original materials and workmanship remaining.

Architectural criteria may include such attributes as its picturesque quality or functional nature including massing, proportion, scale, layout, material, detailing, colour, texture, fenestration, ornamentation or artwork.

(b) Cultural History

- (i) A building and/or site that has an association with a person, group, or institution with historical significance to the County. This may include a well-known pioneer, an organization or business, or distinct group of people.
- (ii) A building and/or site that has an association with an event or activity or historical significance to the County. This may be a unique event or a recurring event.
- (iii) A building and/or sites association with broad patterns of local area or civic history including ecological, social, political, economic, or geographic change. (theme)

(c) Context

The historical context of a building or site refers to the historical relationship between the building's site and its immediate environment.

- (i) A notable and historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were a part of the building's original function. (landscape)
- (ii) A building's continuity and compatibility with adjacent and surrounding buildings and the building's visual contribution to a group of similar buildings. (urban design/streetscape)
- (iii) A building's and/or sites visual or symbolic importance as a local landmark.

(d) Integrity

The historical integrity of a building refers to the degree of alteration the building has sustained since its original construction.

- (i) The extent and the impact of the changes and alterations that have occurred to the building over time. The items to consider may include style, design and construction.
- (ii) The structural integrity of the building, the interior, exterior and the site.
- (iii) The location of the building in relation to its original state.

(e) Age

This category refers only to the age of the building.

**COMPENSATION**

- 18. If the designation of a Municipal Heritage Site or Municipal Heritage Area decreased the economic value of a building, structure or land that is within the area designated by the bylaw, the owner of that building, structure or land shall receive compensation from the County for the decrease in economic value.
- 19. If Council and the owner cannot agree on the compensation payable, the owner or Council may apply to the Land Compensation Board to determine the amount of compensation payable by the County to the owner for the decrease in economic value.
- 20. Council may, with the agreement of the owner, provide the compensation by grant, tax relief or any other means.

**EXEMPT FROM TIPPING FEES**

- 21. Upon application to the Designated Officer, the owner of land upon which a Municipal Heritage Site is located shall be exempt from landfill tipping fees, development permit fees, building permit fees and zoning amendment fees.

**COUNCIL POWERS**

- 22. Council may engage in activities or expend money for one or more of the following purposes:
  - (a) to acquire, conserve and develop Municipal Heritage Sites and Municipal Heritage Areas within the County;
  - (b) to gain knowledge about the County's history and heritage;
  - (c) to increase public awareness, understanding, and appreciation of the County's history and heritage;

(d) for any other activities that it considers necessary or desirable with respect to the preservation and protection of Historic Resources and Historic Sites within the County.

23. Council may, by bylaw, enter into agreements with the owner or occupier of lands designated as a Municipal Heritage Site or Municipal Heritage Area for the purposes of providing financial and/or technical assistance in order to protect and preserve Historic Resources.

#### HERITAGE FUND

24. The County may establish a Heritage Fund for which the County may receive by donation, public subscription, devise, bequest or otherwise, money or property (personal or real).
25. The objects of the Heritage Fund are to support, encourage and facilitate the preservation, protection, maintenance and restoration of Historic Resources in the County, subject to any directions or conditions imposed by the donor.

#### ENFORCEMENT

26. In order to determine if there has been a breach of this bylaw or a provision of the *Historical Resources Act* the Designated Officer may conduct an investigation and may,
- (a) with the consent of the owner or occupier, enter any place;
  - (b) at any reasonable time, enter any place to which the public is ordinarily admitted; and
  - (c) issue a Stop Order.

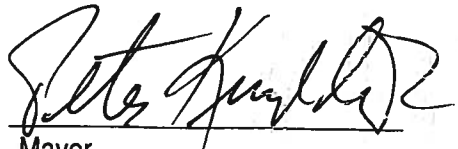
#### ORDER TO REMEDY BREACH

27. Where Council believes on reasonable grounds that a person is in breach of this bylaw or a provision of the *Historical Resources Act*, Council may by order in writing served upon the person,
- (a) require the person to remedy the breach within a period of time stated in the order, or
  - (b) where Council has reason to believe that irreparable or costly damage is likely to result if the breach continues, require the person to remedy the breach forthwith upon service of the order.
28. Where Council takes steps under this bylaw to remedy a breach committed by any person, the County may recover from the person,
- (a) the costs and expenses necessarily incurred by the County in taking those steps, and
  - (b) the amount of any grant made to the person by the County under this bylaw by way of assistance.

OFFENCE

29. Any person who contravenes the provisions of this bylaw is guilty of an offence.

**MOTION BY COUNCILLOR STROMQUIST THAT BYLAW 08-042 BE GIVEN FIRST READING THIS  
24<sup>TH</sup> DAY OF JUNE, 2008.**

  
\_\_\_\_\_  
Mayor

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

**MOTION BY COUNCILLOR STROMQUIST THAT BYLAW 08-042 BE GIVEN SECOND READING THIS  
26<sup>TH</sup> DAY OF AUGUST, 2008.**

**MOTION BY COUNCILLOR LANE THAT BYLAW 08-042 BE GIVEN THIRD READING THIS 26<sup>TH</sup> DAY  
OF AUGUST, 2008.**

  
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Mayor

  
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Chief Administrative Officer