

**MUNICIPALITY OF EMERSON-FRANKLIN
BY-LAW NO. 2024-05**

Being a By-Law of the Municipality to designate the property commonly known as Tolstoi Heritage Centre, situated in the Municipality of Emerson-Franklin, Manitoba as being a site of architectural or historic value.

WHEREAS Section 25 of The Heritage Resources Act authorizes the Council of a Municipality to enact by-laws to designate a municipal site as a municipal heritage site.

WHEREAS Sections 34(1) of The Heritage Resources Act provides in part as follows:
A Municipality may by-law, provide for:

- (a) The protections of any municipal heritage site designated or proposed to be designated under this Part, by prohibiting any or all the things set out in clauses 12(1)(a), (b) and (c), except pursuant to a municipal heritage permit issued by the municipality or by such other means as the municipality deems advisable.
- (b) The issue, suspension, and cancellation of municipal heritage permit for the
- (c) purposes of clause (a)

AND WHEREAS the Council of the Municipality of Emerson-Franklin is satisfied that the building located on this property is of sufficient architectural, heritage or natural value or interest.

AND WHEREAS the Council of the Municipality of Emerson-Franklin has caused to be served upon the Minister of Sport, Culture, Heritage and Tourism c/o Heritage Conservation Officer, Historic Resources Branch, Main Floor, 213 Notre Dame Avenue, Winnipeg, Manitoba, R3B 1N3, and upon the owners and lessees of the lands and premises commonly known as Tolstoi Heritage Centre, located at 9 Main Street, Tolstoi, Manitoba a Municipal Notice of Intent to so designate the aforesaid municipal site and has caused such Notice of Intent, stating the date, time and place for a hearing, not earlier than twenty-one (21) days after the last date of the service so prescribed the Act was made to be held by the municipality to receive objections and other representation with respect to the proposed by-law, and has caused such Notice of Intent to be published in at least two (2) issues of a newspaper having general circulation in the Municipality and having filed a copy of the Notice of Intent in the proper Land Titles or Registry Office.

AND WHEREAS no objection to the proposed designation has been served on the Clerk of the Municipality.

THEREFORE, The Council of the Municipality of Emerson-Franklin enacts as the following:

1. The Municipal site, commonly known as Tolstoi Heritage Centre (formerly known as the Tolstoi Holy Trinity Roman Catholic Church) and legally described in CT # 2898123 as Lot 3, Block 1, Plan 16289, in the name of Tolstoi Holy Trinity Roman Catholic Church, is hereby designated as a Municipal Heritage Site pursuant to The Heritage Resources Act of Manitoba.
2. The chief Administrative Officer is hereby authorized to cause a copy of the Manitoba Heritage Notice in respect hereto be served upon the Minister of Sport, Culture, Heritage and Tourism, c/o Heritage Conservation Officer, and upon the owners and lessees of the said Municipal Site, to cause a copy of the Municipal Heritage Notice in respect hereto be published in at least one (1) issue of a newspaper having general circulation in the Municipality.

3. The Municipal Site commonly known as Tolstoi Heritage Centre (formerly known as the Tolstoi Holy Trinity Roman Catholic Church), is hereby protected by prohibiting any or all the things set out in clauses 12(1)(1), (b) and (c) of The Heritage Resources Act except pursuant to a Municipal Heritage Permit issued by the Municipality.
4. The Chief Administrative Officer is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule A hereto in the proper land registry office.

DONE AND PASSED by the Council of the Municipality of Emerson-Franklin in open session assembled this XXX day of XXX, 2024.

David Carlson
Reeve

Tracey French, CMMA
Chief Administrative Officer

Given First Reading this 12th day of March, 2024.

Given Second Reading the XXX day of XXX, 2024.

Given Third Reading the XXX day of XXX, 2024.