

Town Council of the Town of Marystown (Heritage) Regulations

Pursuant to the authority conferred by the *Municipalities Act, 1999, SNL 1999, C. M-24*, the following regulations were approved by the Town Council of the Town of Marystown on the 23rd day of October A.D., 2012.

Mayor

Chief Administrative Officer

1. Title

These regulations may be cited as the Town of Marystown (Heritage) Regulations.

2. Definitions

In these Regulations, unless the context otherwise requires:

- (a) "Act" means the *Municipalities Act, 1999*
- (b) "Council" means the Town Council of the Town of Marystown
- (c) "Municipality" means the Town of Marystown as defined by Paragraph 2 of an Order-In-Council dated the 18th day of December A.D., 1951, and made under the provisions of the said Act
- (d) "Committee" means the Municipal Heritage Committee established pursuant to section 414(2)(dd) of the *Municipalities Act, 1999*
- (e) "Municipal Site" means as the case may require, an area or a place, parcel of land, building or structure, exterior or interior portion or segment of a building or structure, within the municipality, whether it is privately owned or owned by the Town of Marystown

- (f) “Municipal Heritage Site” means a municipal site within the municipality that represents an important historical development of the locality, of its natural history or its people and their culture and has been designated as such by the Town of Marystown

3. Establishment of Municipal Heritage Advisory Committee

- 3.1 A Municipal Heritage Advisory Committee (hereinafter referred to as the “Committee”) is hereby established pursuant to Section 414(2)(dd) of the *Municipalities Act, 1999*.
- 3.2 The Committee shall consist of not fewer than five members, to be appointed at any regular meeting of Council.
- 3.3 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 the powers afforded to Council under the terms of the *Municipalities Act, 1999*, and, in particular, the Committee may make recommendations to Council respecting the designation of buildings, structures and lands as Municipal Heritage Sites, the issuance of permits and the demolition, preservation, alteration or renovation of those buildings, structures and lands.
- 3.4 Council shall appoint one of the members of the Committee as the Chair and another as the Co-Chair.
- 3.5 The Committee may make rules governing its procedure.
- 3.6 A majority of the members of the Committee shall constitute a quorum.
- 3.7 All questions before any meeting of the Committee shall be decided by a majority of the members present, including the presiding member, and the presiding member shall have a deciding vote in the event of equality of vote.
- 3.8 The presiding member shall cause minutes of all meetings and proceedings of the Committee to be recorded in a book kept for the purpose and shall forthwith after the adoption of the Committee of such minutes sign and deliver the same to the Chief Administrative Officer of the Council.

4 Designation of Municipal Heritage Sites

- 4.1 Council may refer the matter of designation of municipal heritage sites to the Committee for review and recommendation prior to the designation. In no event shall Council be required to act upon the recommendations received.
- 4.2 Council may act in accordance with the *Municipalities Act, 1999*, and designate as a municipal heritage site any municipal site within the borders of the

municipality that in the opinion of Council represents an important development of:

- a) the locality;
- b) its natural history;
- c) its people and their culture;
- d) land adjacent to a municipal heritage site, although not containing heritage resources.

4.3 Unless the request for designation is made by the owner of such property, written notice of Council's intention to designate shall be given to the owner or owners of such property by one of the following:

- (a) by personally serving notice on the owner, or
- (b) by registered or certified mail

A copy of the notice will be posted on the property to be designated. It shall be deemed sufficient service if the notice is given or sent to the person or persons listed on Council's assessment roll as owner of the property.

4.4 Council shall give the owner of any such property a reasonable opportunity to make representation to Council with respect to the intended designation.

5 Protection of Proposed and Designated Municipal Sites

5.1 Notwithstanding the provisions of the Municipality's Development Regulations, any person proposing to:

- a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage a municipal heritage site
- b) erect, build or construct any erection, building or structure upon or within a municipal heritage site
- 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 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 outlining the proposed work and request a permit authorizing the proposed work, activity, development or project.

5.2 Except for minor repairs and interior work, Council shall refer all development applications, including fences and outbuildings for designated municipal heritage sites to the Committee before granting approval.

For the purpose of these regulations, minor repairs, including fence paintings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure, will be permitted. However, Council may refer any application to the Committee should it feel that additional advice is needed before making a decision on a permit application.

- 5.2 Any application for a permit required under this section shall be in such form and shall contain such information as Council may prescribe. Council may forward the application to the Committee for review and recommendation.
- 5.3 After considering the application and the 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.
- 5.4 No person shall carry out any work, activity, development or project described in Subsection 4.1 upon or within a site that is subject to designation or has been designated a municipal heritage site, unless and until Council has issued a permit 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 permit.
- 5.6 Council may require the owner or lessee of a municipal heritage site to undertake such measures as Council may prescribe for the basic maintenance of such site.
- 5.7 The Director of Planning & Development Control, or his designate, is hereby appointed as an inspector for the purposes of this section and, in accordance with the provisions of the *Municipalities Act, 1999*, shall enforce the provisions of these regulations.

6 Register of Municipal Heritage Sites

- 6.1 A registry of designated municipal heritage sites shall be maintained by the Municipality. This list may from time to time be updated without amendment to the Development Regulations.
- 6.2 A register maintained under Subsection 5.1 shall be available for public inspection in the office of the Municipality during normal office hours.

7 Penalty

- 7.1 Pursuant to Section 420 of the Act, every person, firm or corporation who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction

- (a) for a first offence to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
 - (b) or a subsequent offence to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.
-

These Regulations shall come into effect on the 23rd day of October, A.D. 2012, and may be cited as the Town Council of the Town of Marystown (Heritage) Regulations.

Adopted by Council: October 23, 2012