



Town of Cape Broyle
Municipal Heritage Designation Regulations
PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by sections 200, 413 and 414 of the Municipalities Act, 1999, and other powers enabling the Town Council of the Town of Cape Broyle, the following regulation was adopted, by resolution, on the 20th day of April, 2021.

1. Title

This document shall be known and cited as Town of Cape Broyle Municipal Heritage Designation Regulations

2. Interpretation

(a) Act - means the Municipalities Act, 1999, Government of NL

(b) Council - means the Town Council of Cape Broyle incorporated under the Act.

(c) Town - will mean the Town of Cape Broyle.

(d) Municipality - means the Town of Cape Broyle

(e) Municipal Heritage Site – a structure, building, group of buildings, district, landscape, parcel of land or archaeological site of significant historic value within the municipality, whether it is privately owned or owned by the Town of Cape Broyle.

(f) “Permit” - means a permit issued by the Council that is valid only for the length of time and location stated on the permit.

3. Policy Statement

The purpose of this policy is to outline the regulations for the designation of Municipal Heritage Sites in the Town of Cape Broyle.

4. Regulation

4.1. Any building, structure or land designated by Council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit from Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

4.2. A permit issued to preserve, rehabilitate or restore a municipal heritage site shall be guided by the standards and guidelines developed by Parks Canada for the conservation of Historic Places in Canada.

5. Designation of Municipal Heritage Sites

5.1. Council may act in accordance with the Municipalities Act, 1999, and designate as a Municipal Heritage Site any site within the borders of the municipality that in the opinion of Council represents an important development of: the locality; its natural history; its people and their culture; and land adjacent to a Municipal Heritage Site, although not containing heritage resources.

5.2. Council may on its own initiative, consider, advise, and make recommendations 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.

5.3. Council may consider requests from property owners to have their property designated as a Municipal Heritage Site.

6. Procedure

- 1) Site is nominated for designation
- 2) Site is reviewed by Council
- 3) Statement of Significance is drafted
- 4) Site is accepted and designated, by resolution of Council, as a Municipal Heritage Site
- 5) Municipal Heritage Site is listed on Provincial Register of Historic Sites, hosted by Heritage NL.

7. Written notice of Council's designation shall be given to the owner or owners of such property by mail or electronic correspondence.

8. Protection of Proposed and Designated Municipal Sites

8.1. No person shall remove, pull down, or demolish any building or structure designated as a municipal heritage building or structure, nor shall the exterior of any municipal heritage building or structure be altered or repaired without permit by Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

8.2. No person shall build upon any land that has been designated as a municipal heritage site or cause the land to be altered by any means without a permit by Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

8.3. No person shall carry out any work, activity, development or project 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.

8.4. Except for minor repairs and interior work which do not alter the original appearance or materials of the building or structure, all development applications, including fences and outbuildings for designated municipal heritage sites, shall be referred to a regular meeting of Council before granting approval.

8.5. Any application for a permit required under this section shall be in such form and shall contain such information as Council may prescribe.

8.6. After considering the application Council may approve the work, activity, development or project in the form in which it is proposed, may approve with such variations as Council deems necessary for the protection of the site, or may deny the application.

9. Penalty

9.1. If any order made under Municipal Heritage Designation Regulations are not complied with within the time set out in the order, then upon the expiration of the appeal period, the owner or owners of the property is guilty of an offence and liable to summary conviction to the penalties set forth in a court of law.

10. Register of Municipal Heritage Sites

A registry of designated municipal heritage sites shall be maintained by the Town. This list may from time to time be updated without amendment to the Development Regulations.

11. Date Effective

These regulations were adopted by Resolution of Council at a meeting held on the 20th day of April, 2021, and will come into effect on the 21st day of April, 2021, and shall be cited as the Town of Cape Broyle Municipal Heritage Designation Regulations. All municipal heritage sites designated by Council prior to this date are reconfirmed as municipal heritage designations under these regulations.

Adopted by Council on April 20, 2021

Pursuant to the authority conferred by sections 200, 413 and 414 of the Municipalities Act, 1999, and other powers enabling the Town Council of the Town of Cape Broyle, the following are reconfirmed as Town of Cape Broyle Municipal Heritage Sites under this Regulation:

Immaculate Conception Cemetery has been designated a municipal heritage site by the Town of Cape Broyle because of its historic, cultural and aesthetic value. The designation is confined to the area enclosed by the cemetery fence. Please refer to Statement of Significance for further information.
Source: Town of Cape Broyle Regular Council Meeting Motion 36/06 May 17, 2006.

Immaculate Conception Roman Catholic Church and Grounds has been designated a municipal heritage site by the Town of Cape Broyle because of its historic, cultural and aesthetic value. The designation includes the church and a parcel of land surrounding it, including all land once owned by the Cashin family and later acquired by Immaculate Conception Roman Catholic Parish of Cape Broyle. These associated lands include open fields, woodland, mature trees and scrubs and related pathways. Please refer to Statement of Significance for further information.
Source: Town of Cape Broyle Regular Council Meeting Motion 36/06 May 17, 2006.

R.J. O'Brien's General Store has been designated a municipal heritage site by the Town of Cape Broyle due to its historic, aesthetic and cultural value. The designation is confined to the footprint of the building. Please refer to Statement of Significance for further information.
Source: Town of Cape Broyle Regular Council Meeting Motion 30/18 May 31, 2018.