

**HERITAGE REGULATIONS
PUBLISHED BY AUTHORITY**

Pursuant to the powers conferred by the *Municipalities Act, 1999*, Chapter M-24, SN 1999, the Town of Conception Bay South has made the following Regulations.


TERRY FRENCH, MAYOR

1. TITLE

These Regulations shall be cited as the "Town of Conception Bay South Heritage Regulations".

2. DEFINITIONS

In these Regulations:

- a. "**Act**" means the *Municipalities Act, 1999, Newfoundland*
- b. "**Town**" means the Town Council of the Town of Conception Bay South
- c. "**Council**" means the Town Council of the Town of Conception Bay South
- d. "**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 Conception Bay South
- e. "**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 Conception Bay South
- f. "**Heritage Area**" means any building, land, structure, erection, site or other real property so designated by Council under these Regulations.
- g. "**Heritage District**" means a geographically defined area made up of buildings, structures and spaces modified by human use that have a sense of connectedness through past events or use and/or have an appearance of visual cohesion through architecture or plan.
- h. "**Heritage use**" means the use of a heritage building for a dwelling unit, a retail store, an office, a service shop, a hotel, a residential clinic, a restaurant, which could be controlled so as to be compatible with adjoining residential uses.

- i. **"Statement of Significance"** means the written record of heritage significance prepared and published by the Heritage Foundation of Newfoundland and Labrador, which summarizes the description, heritage value, and character-defining elements of the designated heritage site, property, area, or district.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town.

4. DESIGNATION

1.
 - i) Council may, by Regulation, designate any building, structure or land as a heritage building, structure or land.
 - ii) Buildings and sites may also be designated by the Provincial Government and/or the Newfoundland and Labrador Heritage Foundation as heritage buildings and sites.
2. A registry of designated heritage buildings and properties shall be maintained by the Town. This list may be updated without amendment to the Development Regulations.
3. Council shall municipally designate any site that has been provincially designated by Heritage NL, with the property owners written consent, and shall inform Heritage NL of any permit applications for work to be conducted to the designated site or structure.
4. 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.
5. 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 mail and/or email

For the purpose of this section, 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.

6. Council shall give the owner of any such property a reasonable opportunity to make representation to Council with respect to the intended designation and the designation will only be assigned with the property owners written consent.
7. Should the owner of a municipally designated property no longer wish to maintain the designation, a written request must come to Council from the property owner. Should Council concur, the designation will be revoked during a public Council meeting.

5. PERMIT REQUIRED

1. No person shall remove, pull down, or demolish any property designated as a heritage building, structure or land, nor shall the exterior of the building or structure be altered except under written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.
2. The Town shall ensure that the conditions attached to the designation of this property, by referring to the Statements of Significance, are satisfied before issuing the permit.
3. No person shall build upon any land that has been designated as a heritage area 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.
4. For the purpose of these designated properties, 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.
5. Repairs that impact the nature of the designation per the Statement of Significance, may result in the designation being revoked.

6. PROTECTION OF PROPOSED AND DESIGNATED MUNICIPAL SITES

1. Notwithstanding the provisions of the Municipalities 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.

2. Except for minor repairs, Council shall consider the impact that all development applications, including fences and outbuildings, could have on the heritage value and character defining elements of designated municipal heritage sites; as per the site's Statement of Significance outlined by the Newfoundland & Labrador Heritage Foundation.
3. 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.
4. Any application for a permit required under this section shall be in such form and shall contain such information as Council may prescribe.
5. If the proposed work is to be conducted on a provincially designated heritage site, Council shall notify the Heritage Foundation of Newfoundland and Labrador and work with Heritage NL to determine if the proposed work can be approved.
6. After considering the application 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.
7. Large old trees that contribute to the character of an area should be preserved and enhanced, unless otherwise approved by Council.
8. 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.

9. Confirmation by town staff, or designate, that work has been carried out in accordance with the permit and that the property features are consistent with its corresponding Statement of Significance will be required in order to maintain the municipal designation.

7. PENALTY

If the work, activity, development or project is carried out on a heritage site without the appropriate permit, and/or the approval of Council, the site may lose its heritage designation and the property owner may be subject to the enforcement provisions of the Municipalities Act, 1999 and/or the Urban and Rural Planning Act, 2000.

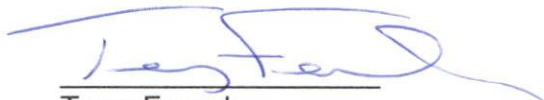
8. COMPLIANCE WITH OTHER ACTS

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Regulation of the Town or any Statute or Regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulation or Statute applied the more restrictive Regulation or Statute shall apply.

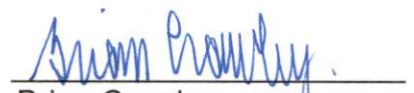
9. EFFECTIVE DATE

These Regulations shall come into force on the 2nd day of February, 2021.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of the Council on this 2nd day of February, 2021.



Terry French
Mayor



Brian Crawley
Chief Administrative Officer