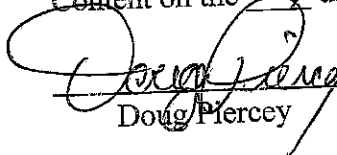
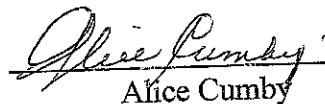


TOWN OF HEART'S CONTENT HERITAGE REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999, SNL 1999, C. M-24*, the following regulations were approved and adopted by the Town Council of the Town of Heart's Content on the 14 day of November, 2024

 , Mayor
Doug Piercey

 , Town Clerk
Alice Cumby

1. Title

These regulations will be known as the Town of Heart's Content Heritage Regulations.

2. Definitions

"Council" means the Town Council of the Town of Heart's Content.

"Town" means the Town of Heart's Content.

"Heritage Property" means any building, structure, feature, land or real property so designated by Council under these regulations.

"The Heart's Content Registered Heritage District" means the geographically defined area in the town so designated by the Heritage Foundation of Newfoundland and Labrador in 2013.

"Committee" means the Heart's Content Heritage Advisory Committee appointed by Council.

"Act" means the Municipalities Act, 1999, Newfoundland and Labrador.

3. Historic Background:

The Town of Heart's Content has a history that dates to the early 1600's. However, on July 27, 1866, the town attained international significance when it became the site of the first successful landing of a transatlantic telegraph cable linking Europe and North America. The Anglo-American Telegraph Company established a cable station in town and the community became a communications hub, transmitting and relaying messages across the North Atlantic. There is a growing recognition of our town's historical importance as evidenced by it being shortlisted by Canada for nomination as a UNESCO World Heritage Site.

There is also a growing recognition that, over time, we have lost buildings and structures that have played a significant part in the historic culture and identity of our town. It is important, therefore, that we identify and retain the remaining heritage structures and areas that are worth

restoring, maintaining and preserving. Protecting our heritage properties will enhance the historic and aesthetic appeal of our community, provide opportunities for increased tourism development and likely strengthen the possibility of our gaining World Heritage Site status.

4. Objective:

To conserve and protect those buildings, structures, features and areas of Heart's Content identified for their historic and aesthetic value and for their potential to improve our community, instill civic pride, and improve the local economy through tourism-related businesses while protecting their main use.

5. Establishment of the Heart's Content Heritage Advisory Committee

- 5.1 A Heart's Content Heritage Advisory Committee (hereinafter referred to as the "Committee") is hereby established pursuant to Section 414 (2) (dd) of the *Municipalities Act, 1999*, Newfoundland and Labrador.
- 5.2 The Committee shall consist of not fewer than five members, to be appointed at any regular meeting of Council. Preferably the Committee should contain at least one member of Council and two members of the Heart's Content Mizzen Heritage Society.
- 5.3 Council should 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, features and areas as worthy of heritage preservation, the issuance of permits and the demolition, preservation, alteration or renovation of those buildings, structures, lands and areas.
- 5.4 Council shall appoint one of the members of the Committee as the Chair and another as the Co-Chair. (As an alternative, the Committee may appoint its own Chair and Co-Chair).
- 5.5 The Committee may make rules governing its procedure.
- 5.6 A majority of the members of the Committee, including the attendance of at least one of the Chair or Co-Chair, shall constitute a meeting quorum.
- 5.7 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 a tie.
- 5.8 The presiding member shall ensure that minutes of all meetings and proceedings of the Committee are recorded in a book kept for the purpose and shall, after the adoption by the Committee of such minutes, sign and copy the same to the Town Clerk of the Council.

6. Designation of Heart's Content Municipal Heritage Structures, Features and Sites

(also see Appendix A: Design Standards / Development Regulations)

- 6.1 i) The Council may, by regulation, designate any structure, feature or site as a municipal heritage structure, feature or site.
- ii) As per the Provincial Historic Resources Act, structures, features or sites may be designated by the Provincial Government and/or Heritage NL.

6.2 A registry of designated heritage buildings and properties shall be maintained by the Town. This list may from time to time be updated without amendment to the Development Regulations.

6.3 Any heritage building, structure, feature or land designated by Council shall not be demolished or built upon nor altered except under written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit. The Town shall ensure that the conditions attached to the designation of this property are satisfied before issuing the permit. Also before issuing the permit, Council should consult the Committee.

6.4 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 to the owner, or
- (b) by registered or certified mail

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 tax assessment roll as owner of the property.

6.5 Council shall give the owner of any such property a reasonable opportunity to make representation to Council with respect to the intended designation. Members of the Committee may be present at Council's invitation. Owners must give written assent to allow their properties to be so designated (see Appendix C).

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

6.7 No person shall build upon any land that has been designated as a municipal 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.

6.8 Except for minor repairs and interior work, Council shall refer all development applications, including fences and outbuildings, for designated heritage properties and areas to the Heritage Advisory Committee before granting approval. For the purpose of these designated properties and districts, 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. The Heritage

Advisory Committee shall respond to council in writing within three weeks.

7. Heart's Content Heritage District
(also see Appendix A: Design Standards / Development Regulations)

7.1 It is intended that the present land use pattern of this district should continue much as it is at present. New development, particularly tourism and business development shall take place in a manner that respects the residential character of the area.

- 7.2 i) It is intended that new development will be complementary to the historic character of the district. New construction should be of a similar scale, massing and setback as historic buildings in the area and should ideally be constructed with the cladding of similar materials (e.g. wood cladding).
- ii) Council will encourage those who wish to build in the heritage district to build two-story structures or structures similar to building in the area.
- iii) Setback from the street, landscaping, and the appearance of outbuildings and fences must be appropriate within the district's historic context, but must abide by municipal and Department of Highways regulations.
- iv) Mobile homes or other prefabricated buildings must not be located in this District unless they can be made complimentary to buildings in the area.
- v) Renovations or alterations to the buildings must not diminish their historic character.

7.3 Large old trees, period lighting, and sidewalks that contribute to the "character" of the Historic District shall be preserved and enhanced where feasible.

8. Penalty

Any non-compliance is subject to penalty under Section 200 (1) and 414 (2) (dd) of the Municipalities Act.

Appendix A

Design Standards / Development Regulations - Heart's Content Heritage District and Designated Municipal Heritage Areas (New Construction and Alterations)

1. The prevailing massing, scale, forms and styles of the heritage buildings, heritage structures, and landscape of this District shall be retained.

2. Buildings within the Heart's Content Heritage District shall be erected with traditional materials or approved substitute materials and in a design similar to that found within the district.
3. The character defining elements of a heritage building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material, distinctive architectural feature, or example of skilled craftsmanship shall not be permitted unless the feature is unsalvageable, in which case the feature shall be duplicated in the appropriate material and original design.
4. Original architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, colour, texture, and other visual qualities. Repair or replacement of missing original architectural features shall be based on accurate information derived from surviving architectural elements and historical documentation (e.g., photographs or drawings). When these are absent, typical historical architectural features or details found within the heritage area may be copied if they may reasonably be assumed to have been found on the structure.
5. Contemporary design for alterations and additions to existing properties may be permitted when:
 - a) such alterations and additions do not destroy character defining, historical, architectural, or cultural material; and,
 - b) such design is compatible with the size, scale, colour, material, and character of the property, neighbourhood, or environment.
6. Any new building on the site of a designated heritage structure shall be visually compatible with the size, scale, colour, material, texture, and character of the main building on the site.
7. Non-original materials may be used where the non-original material is similar in appearance to the original and the traditional appearance of the building is maintained.

Appendix B

Information for Property Owners and Agreement for Designation

What does Municipal Heritage Designation mean?

- The Town of Heart's Content designates properties as heritage sites in order to recognize and promote our culture and heritage. Properties and areas are designated for their community, aesthetic and natural features, and, of course, their historical significance.
- The Town requires the property owner's permission to designate the structure and the property owner thereby agrees to retain, where possible, the heritage features of the

property/structure. This authorization is found at the bottom of this document (see "*What are the obligations of Municipal Heritage Designation?*" below for more details).

- If your structure/property is designated, you do NOT have to open it to the public. The structure remains your private property, and you do not surrender your privacy.

How does Municipal Heritage Designation affect my Property/Structure?

- It does not require owners to undertake restoration or make expenditures on the property.
- It does not restrict the sale of property, or normally affect its resale value. Designation continues to be in effect when the property changes owners.
- The property is provided with a plaque on the outside of the building to indicate its heritage significance.
- The Town of Heart's Content will inform Heritage NL that the property has been designated at the municipal level and will submit it to Heritage NL for inclusion on the Provincial Heritage Registry.

How does my property receive designation?

- Contact the Town of Heart's Content to state you are interested in designating your property. Alternatively, members of the Heart's Content Heritage Advisory Committee may contact you to discuss your interest in having your property designated.
- The members of the Heart's Content Heritage Advisory Committee will visit your property and collect relevant information on the property. You will be asked to sign a written statement to give Council the permission to designate your property and to confirm that you understand the designation process and obligations. The Heart's Content Heritage Advisory Committee then makes the recommendation to designate to Council. All designations are approved through an official resolution of Council.
- Once the designation has been approved by Council you will be given a plaque to be placed on the property.
- The Heart's Content Heritage Advisory Committee along with the staff of the Town will be able to answer questions about the designation process.

What are the obligations of Municipal Heritage Structure designation?

- The property owner would agree to make the best possible efforts to maintain the exterior of the structure in a state of good repair and ensure that no inappropriate material would be used on the property.
- The property owner may place a plaque on the building provided by the town and would agree to give Council the permission to provide information about the property to Heritage NL and to post information about the property on websites and promotional material about Heart's Content.
- The designation requires that a property owner seek the approval of Council for any property alterations or demolition which affect the cultural, historical, or architectural significance of the property.

Additional Resources:

www.heritagefoundation.ca
www.historicplaces.ca

For future information, please contact:

Ed Arnott, President, Heart's Content Mizzen Heritage Society, P.O. Box 217, Heart's Content, A0B 1Z0, Tel: (709) 583-0645, Email: edandjudyarnott@gmail.com

Or contact Town of Heart's Content, Tel: (709) 583-2491, Email: heartscontent@persona.ca

Appendix C

Agreement and Signature

Agreement and signature

I (We) agree to the designation of the property described below under the Town of Heart's Content Heritage Regulations and agree to abide by its provisions.

Name of Structure.....

Location of Structure.....

Date

Owner's Signature(s)

.....

.....

Name and position (if applicable) - Heritage member or Town Councillor - *please print name and title under signature line*

.....

