



PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Fogo Island under the provisions of Section 414 (2) (dd) of the Municipalities Act, 1999, and adopted by the Town Council of the Town of Fogo Island on the 30th of April, 2024.

Andrew Shea
MAYOR

Pauline Payne
CAO

HERITAGE REGULATIONS

Interpretation:

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

“Heritage Use” means the use of a heritage building for a dwelling unit, a retail store, an office, a service shop, a hotel, or restaurant which could be controlled so as to be compatible with nearby residential uses.

“Town” means the Town of Fogo Island

“Heritage Advisory Committee” means a committee appointed by Council pursuant to section 200 (2) of the Municipalities Act, 1999, Newfoundland.

“Act” means the Municipalities Act, 1999, Newfoundland

Historic Background:

Until the late 1700s Fogo Island was the summer home of the Beothuk. European fishermen visited its waters from the early 1500s and summer residences began at Fogo Harbour (now Fogo), an outpost of Devon and Dorset businesses, in the 1680s, with permanent settlement beginning in 1728. The island, connected by ferry with Farewell, now supports 11 communities that amalgamated in 2011 to form what is now known as The Town of Fogo Island.

There is a growing recognition of the fact that we have lost buildings, structures and areas that have played a significant part in the historic culture of our community. We, therefore, need to ensure maintenance and the preservation of the remaining heritage properties in our municipality. Such heritage properties will enhance the historic and aesthetic appeal of the community and provide opportunities for appropriate tourism and economic development.

Objective:

To conserve and protect those buildings, structures, and areas of Fogo Island, for their historic and aesthetic value and for their potential to improve the local economy through tourism-related businesses.

Economic Development & Special Projects Committee to act as the Interim Municipal Heritage Advisory Committee

1. The Economic Development and Special Projects Committee will act as the Municipal Heritage Advisory Committee (hereinafter referred to as the "Committee").
2. 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. The Committee may make rules governing its procedure.
4. A majority of the members of the Committee shall constitute a quorum.
5. 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.
6. 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 minute's sign and deliver the same to the Chief Administrative Officer of the Council.

Designation:

1. The Council may, by regulation, designate any building, structure or land as a heritage building, structure, or land. 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 from time to time be updated without amendment to the Development Regulations.
3. 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 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.
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 on the owner, or
 - b) by registered or certified mail

A copy of the notice will be posted on the property to be designated.

For the purpose of this section, it shall be deemed sufficient service if notice is given. or sent to the person or persons listed on council's assessment roll as owner of the property.

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

Permit Required

1. No person shall remove, pull down, demolish any building designated as a heritage building, nor shall the exterior of any 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.
2. 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.
3. Except for minor repairs and interior work, Council shall refer all development applications, including fences and outbuildings for designated heritage properties and heritage districts to the Committee before granting approval.
4. 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 deciding on a permit application.

Penalty

If any order made under Section 200 (1) and 414 (2) (dd) of the act is 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.

Adopted and Coming Into Effect

These regulations were adopted by Resolution of Council at a public meeting held on the 30th day of April 2024, and will come into effect on the 1st day of May 2024, and shall be cited as the Town of Fogo Island's Heritage Regulations.

Date of Approval: **APRIL 30, 2024**

Motion: **2024-052**