

THE CORPORATION OF THE TOWN OF GREATER NAPANEE

BY-LAW NO. 2003-55
Amended by By-law Nos. 2004-06, 2009-25, 2009-50
OFFICE CONSOLIDATION

BEING A BY-LAW TO ENACT A MUNICIPAL HERITAGE COMMITTEE

WHEREAS the geographic Town of Greater Napanee has been established from the historic Cataraqui Townships of Fredericksburgh (Third Town), Adolphustown (Fourth Town) and Richmond (Tenth Town), and such towns provide an historic focal point of European settlement of Ontario from 1784 onward.

AND WHEREAS Section 28 of the *Ontario Heritage Act R.S.O. 1990, CHAPTER O.18*, as amended authorizes the Council of a local municipality to pass a by-law establishing a municipal heritage committee to advise and assist the Council on matters relating to the conservation of properties of local heritage value or interest and the establishment and designation of heritage conservation districts;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee deems it advisable and expedient to establish such a committee and provide for the appointment of members thereto;

AND WHEREAS in 1978, the Lennox and Addington Historical Society, having been organized on May 9th 1907 and duly incorporated as a non-share capital corporation under the laws of the province of Ontario, agreed to maintain its collections in the Lennox and Addington County Museum and Archives;

AND WHEREAS the County of Lennox and Addington owns and maintains the museum building and pays for the staff and other expenses necessary to, exhibit and interpret the Lennox and Addington Historical Society's collections,

AND WHEREAS the Lennox and Addington Historical Society is the settlor of the Lennox and Addington Historical Foundation Fund, which is and managed by an independent Board of Trustees appointed to triennial terms by the Society.

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee enacts as follows:

Article 1. DEFINITIONS

In this by-law:

1.1 "Town" means the Corporation of the Town of Greater Napanee

- 1.2 "Society" means the Lennox and Addington Historical Society
- 1.3 "Committee" means the Greater Napanee Heritage Committee
- 1.4 "Act" means the Ontario Heritage Act, R.S.O. 1990 Chap. O.18, as amended

Article 2. ESTABLISHMENT

A municipal heritage committee is hereby established to be known as the "Greater Napanee Heritage Committee". The Committee shall replace the Town's former Local Architectural Conservation Advisory Committee ("LACAC").

Article 3. HEAD OFFICE

The Committee's head office will be located at: Greater Napanee Town Hall, 124 John Street, Napanee, Ontario K7R 3L4

Article 4. DUTIES

- 4.1 The Committee shall advise and assist Council in matters relating to heritage conservation districts and individual structures of historical and/or architectural significance, and the conservation of archaeological resources and cultural landscape features. The Committee will also encourage and promote heritage conservation within the Town and assist property owners in undertaking appropriate conservation/ preservation and maintenance practices. The Committee will achieve this purpose by working with Town staff, other Town Committees and related agencies.

Specific duties and functions shall include, but not be limited to the following:

- (a) Advising and assisting Council in matters relating to cemeteries pursuant to Cemeteries Act, R.S.O. 1990, Chap. C4, as amended;
- (b) Making recommendations to Council and establishing criteria for the evaluation of properties of cultural heritage value or interest;
- (c) Developing and maintaining an inventory of the Town's significant heritage buildings, cultural landscapes and cemeteries;
- (d) Updating and maintaining data relating to the Ontario Heritage Database;
- (e) Encouraging and promoting heritage awareness and conservation and preservation within the Town;
- (f) Assisting and educating the public in undertaking appropriate conservation, preservation and maintenance practices;
- (g) Acting as a resource for Council and municipal departments on built heritage and archaeological issues;
- (h) Contributing to the development, implementation and evaluation of plans, policies and programs to guide heritage development in the Town;
- (i) Encouraging and supporting community heritage celebrations;
- (j) Encouraging, recognizing and rewarding initiative and excellence in heritage pursuits in matters including, but not limited to, volunteerism, or public conservation projects;

- (k) Co-operating with other public agencies and civic organizations and groups interested in built heritage and its conservation and/or preservation;
- (l) Participating with other public committees and Town departments in the development of design guidelines for heritage properties;
- (m) Encouraging community awareness, appreciation and support of heritage activities;
- (n) Making recommendations regarding properties of historical and/or architectural significance for designation;
- (o) Reviewing applications and public works affecting properties of historical and/or architectural significance and responding to the operating department of the Town within a period of ten (10) working days from the date such material is received for review;
- (p) Marking or supervising the marking of properties considered to be of historical, architectural, archaeological, cultural or aesthetic significance as designated by Council;
- (q) Appointing sub-committees, to perform functions, including but not limited research and public education;
- (r) Depositing archived documents of the Committee in the document collection of the Society;
- (s) Developing an annual budget for council approval along with well-defined goals and objectives for the upcoming year; and
- (t) Submitting an annual report at the beginning of each new year outlining the Committee's accomplishments in the previous twelve months.

Article 5. MEETINGS

- 5.1 The Committee will meet bi-monthly or on a more frequent basis as may be required from time to time.
- 5.2 Each Committee member will receive notice of meeting.
- 5.3 If a member is absent for three or more consecutive meetings, or five meetings in any twelve-month period, then the Committee shall make a recommendation to Council regarding the removal of the member from the Committee.
- 5.4. Meetings will have a formal agenda however, the Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas from appointed members and affiliates.

Article 6. COMMITTEE STRUCTURE

- 6.1 Committee members will be appointed by Greater Napanee Council.
- 6.2 The term of the members of the Committee shall be four years coinciding with the term of the Council that has made the appointment.
- 6.3 Council may, by resolution as and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

- 6.4 The Committee will be composed of up to twelve persons who demonstrate the following wide range of skills or membership in community organizations:
- (a) an understanding of heritage conservation approaches;
 - (b) a knowledge of historical research;
 - (c) trades-work;
 - (d) expertise in architectural history including local vernacular architecture;
 - (e) knowledge of land-use planning policies and regulations;
 - (f) understanding of municipal procedures and regulations;
 - (g) effective marketing strategies and approaches;
 - (h) knowledge of legal issues;
 - (i) research and writing; and
 - (j) a keen interest in heritage

In addition, membership is appropriately drawn from local institutions and organizations already playing a role in heritage conservation, including museums and archives, historical societies and the BIA. The Committee must have a minimum of five members as stipulated by the Ontario Heritage Act.

- 6.5 A member of Greater Napanee Council will also be appointed to make up a maximum of thirteen committee members.
- 6.6 Council may by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.
- 6.7 A committee member may apply for a re-appointment for any number of consecutive or non-consecutive terms. Future Councils shall consider and have regard to the benefits of maintaining some continuity of the Committee through the reappointment of a minimum of two (2) members from the most recent composition of the Committee, but shall retain full discretion to make appointments to the Committee as they deem advisable, with or without any such reappointment(s).
- 6.8 Additional individuals may apply to be included as affiliate members. These individuals may include owners of designated properties, members of the downtown revitalization committees or community heritage societies and interested citizens. Affiliate members will be included on the Committee mailing list, will receive agendas, minutes and other circulated material (as requested), may submit items of concern/reports for inclusion on the agenda and are welcome to attend Committee meetings. Affiliates, however, are not necessarily council appointees and do not have a vote.
- 6.9 One member will be chosen by vote of the Committee at the first meeting of each new year to chair the meetings for that year. The Committee will also, at this time, select a vice-chair for the same duration.
- 6.10 Upon his or her election, the Committee chair, or his or her designate from the voting members of the Committee shall be appointed ex officio to the Executive Committee of the Society in accordance with the Society By-law No. 1 Sec. 8.01

6.11 The Committee shall be subject to the provisions of the Town's Procedural By-law, as amended, as it applies to committees.

6.12 The Mayor shall serve ex-officio as a non-voting member of the Committee.

Article 7. COMMUNICATION

7.1. The Committee shall:

- (a) Provide Council with minutes of its meetings as passed by Committee resolution;
- (b) Communicate by letter, at least twice per year, with the owners of properties designated under the Act that are situated within the geographic limits of the town;
- (c) Communicates by letter, at least twice per year, with local heritage groups established by charters/by-laws and operating within the geographic limits of the Town; and
- (d) Report its activities each year at the Annual General Meeting of the Society.

Article 8. FINANCES

8.1 Committee members do not receive salary, but may receive reimbursements authorized by Council.

8.2 The Committee and/or Committee members shall not, while serving in such capacity, incur any financial expenses not previously passed by a resolution of Council.

Article 9. INDEMNITIES TO COMMITTEE MEMBERS AND OTHERS

9.1 Committee members shall be covered by the municipality's general liability insurance policy as it relates to Committees of Council activities.

Article 10. COMMENCEMENT

This by-law shall come into force and take effect on the date it is finally passed.

Original by-law read a first and second time and finally passed on September 8, 2003.

By-law No. 2004-06 read a first and second time and finally passed on January 26, 2004.

By-law No. 2009-34 read a first and second time and finally passed on May 26, 2009.

By-law No. 2009-50 read a first and second time and finally passed on October 13, 2009.