

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5498-23**

**A BY-LAW TO ESTABLISH A MUNICIPAL HERITAGE COMMITTEE
AND PROVIDE FOR THE APPOINTMENT OF MEMBERS THERETO
AND TO REPEAL BY-LAW 5120-19**

WHEREAS section 28 of the Ontario Heritage Act, R.S.O. 1990, CHAPTER O.18, provides that the council of municipality may, by by-law, establish a municipal heritage committee to advise and assist the council on all matters relating to Parts IV and V of the Ontario Heritage Act, R.S.O. 1990, CHAPTER O.18;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake deems it advisable to establish such a committee and provide for the appointment of members thereto.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

1. A municipal heritage committee is hereby established, to be known as the "Municipal Heritage Committee".
2. That the Municipal Heritage Committee is established to advise and assist Council on all matters within the jurisdiction of the Council of The Corporation of the Town of Niagara-on-the-Lake under the Ontario Heritage Act, as amended from time to time.
3. The committee shall consist of a minimum of five members. Members shall be appointed by Council who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age, and are not employees of the Municipality.
4. The Council of The Corporation of the Town of Niagara-on-the-Lake may, by resolution, replace members as terms of membership expire, or appoint from time to time such new members as it considers desirable.
5. That the Terms of Reference of the Municipal Heritage Committee are set out in Schedule "A" attached hereto and forming part of this By-law.
6. This by-law shall come into force and take effect on the date of its passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28th DAY OF MARCH, 2023


LORD MAYOR GARY ZALEPA


TOWN CLERK DONNA DELVECCHIO

Terms of Reference

Municipal Heritage Committee

1.0 MANDATE

- 1.1 The Niagara-on-the-Lake Municipal Heritage Committee is an advisory committee to the Council of the Town of Niagara-on-the-Lake established by By-law under the provisions of the Ontario Heritage Act (OHA) to advise and assist Council on matters relating to:
- 1.1.1 Establishing and maintaining a recording and evaluation system for cultural heritage resources including built heritage resources and cultural heritage landscapes;
 - 1.1.2 Providing advice to Council in regard to the inclusion and removal of properties with cultural heritage value or interest on the Town's Municipal Register under Section 27 of the OHA;
 - 1.1.3 Identifying properties and areas within the municipality that are worthy of designation under Part IV or Part V of the OHA and to provide recommendations to Council in regard to their designation;
 - 1.1.4 Reviewing and providing recommendations to Council, or Council's delegate where applicable, on Heritage Permit Applications;
 - 1.1.5 Advising Council on any new heritage legislation or government programs that may affect cultural heritage resources;
 - 1.1.6 Advising Council on all planning applications that have a direct impact on cultural heritage resources and which fall into the following categories:
 - a) Non-designated properties that are listed on the Town's Municipal Register as per Section 27 of the OHA,
 - b) Designated properties under Section 29 of the OHA
 - c) Properties within a Heritage Conservation District that are designated under Section 41 of the OHA, or that are being considered for designation under Section 40.1 of the OHA,
 - d) Properties adjacent to those designated under Part IV or Part V of the OHA, and
 - e) Development and site alteration on adjacent lands to protected heritage property as defined in the Provincial Policy Statement;
 - 1.1.7 Advising Council, or Council's delegate where applicable, in regard to whether required plans and information have been provided as required under Sections 27(11), 33(2), 33(3), 34 (3) and 42(2.2) of the OHA;
 - 1.1.8 Advising Council on the delegation of Council's powers under Parts IV and V of the OHA;
 - 1.1.9 Advising Council on means of conserving cultural heritage resources and on other heritage matters as considered appropriate by Municipal Staff;
 - 1.1.10 Advising Council on potential funding sources for the conservation of cultural heritage resources; and

- 1.1.11 To advise and assist Council in all other matters of cultural heritage conservation, including educating and promoting cultural heritage resources within the community, funding initiatives and the Heritage Property Tax Relief program, and Official Plan policies pertaining to cultural heritage.

2.0 QUALIFICATIONS

- 2.1 Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files.
- 2.2 Members shall be residents of the Town of Niagara-on-the-Lake (Town), work in the municipality or have a place of business in the municipality.
- 2.3 Members shall have a demonstrated commitment to, and interest in, the Community.
- 2.4 Members shall have a special interest or knowledge in one or more of the following areas of expertise: architecture, cultural landscapes, archaeology, urban design and planning, natural heritage, land development, law, local history, culture, education, heritage trades and crafts (mason, carpenter etc).

3.0 ORGANIZATION

- 3.1 The committee is established by The Town of Niagara-on-the-Lake Council (Council) in accordance with these Terms of Reference. Members are guided by these Terms of Reference.
- 3.2 Applications for Municipal Heritage Committee appointments are requested at the beginning of the term of Council. Members are appointed by resolution of Council for the current four (4) year term and until their successors are appointed.
- 3.3 This committee will consist of a minimum of five (5) members as required by the OHA, and up to nine (9) members. Where possible, the committee shall include two (2) members of Council, one (1) member of the Niagara Historical Society Museum Board, and up to six (6) others appointed by Council.
- 3.4 Any committee member missing three (3) consecutive meetings without reasonable cause or explanation will be deemed to have resigned from the committee. Filling of vacancies for the committee will be considered by Council.

3.5 Working Groups

- a) A working group (a sub-group of the Municipal Heritage Committee), may be created to assist in the research or review of a given item and will provide a detailed written report back to the Municipal Heritage Committee. A working group is normally comprised of Municipal Heritage Committee members. However, volunteers, who are

not MHC members, may be called upon for their expertise to assist a working group by providing information. Working groups will operate by consensus; formal motions will not be required. Administrative support will generally not be available to working groups and consequently, the preparation of any agendas, minutes, and meeting requirements will be the responsibility of the working group. Support staff will not be required to attend working group meetings.

4.0 DUTIES & RESPONSIBILITIES

4.1 First Meeting of the Committee

- a) The members will elect a Chair and a Vice Chair at the first meeting.

4.2 Chair

- b) Chair all regular meetings of the committee and exercises authority and performs duties as required;
- c) Ensure that decorum is maintained at each meeting and that the rules of procedure and conduct are observed in accordance with the Town's Procedure By-law;
- d) Ensure that all committee members have an opportunity to provide comments;
- e) Ensure that applicants are provided an opportunity to present and comment; and
- f) Provides guidance and leadership to the committee in the completion of its mandate.

4.2 Vice-Chair

- a) Assume all functions of the Chair in the Chair's absence.

4.3 Members

- a) Attend meetings of the committee;
- b) Advise Staff liaison of intended or unintended absence from meetings in advance of a meeting;
- c) Review agendas and reports sent prior to the meeting;
- d) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate;
- e) Advise of any conflict of interest or perceived conflict in terms of issues that may service to benefit them personally; Act to protect the privacy of individuals with respect to personal information contained in reports and information circulated to the committee; and
- f) Periodically review the committee Terms of Reference and recommend changes to Council if required.

4.4 Quorum

- a) A majority of the members of any committee of Council shall constitute a quorum.
- b) If quorum is not attained within fifteen (15) minutes after the hour set for a meeting, the recording secretary shall call the roll and take down the names of the Members present and the meeting shall stand adjourned until the next meeting.

4.5 Support Staff

- a) This committee shall be assisted by Community & Development Services - Heritage Planner, who will provide expert advice, technical reports, background information, and will prepare the recommendations of the committee. Applicants will submit applications and notices as required under the *OHA* to the Heritage Planner.

5.0 MANAGEMENT OF THE COMMITTEE

5.1 Meeting Schedule

- a) This committee shall generally meet monthly, on the first Wednesday of each month at 6:00 pm, or at the call of the Chair;
- b) Established meeting dates and times will not be changed unless circumstances warrant special consideration;
- c) Monthly meetings will be held virtually unless otherwise directed by Council;
- d) All notices of meetings will be posted on the Town's web-calendar;
- e) The meeting agenda and presentation packages for each Committee meeting will be sent electronically to members one (1) week prior to each meeting; and
- f) Members shall notify the staff liaison of their attendance status to ensure quorum.

5.2 Delegations

- a) Delegations will generally be limited to the following:
 - i) Applicants seeking comments on their applications under the *Planning Act*
 - ii) Applicants of Heritage Permit Applications and those seeking comments on their future Heritage Permit Applications.
 - iii) Proponents seeking the designation of properties under their ownership.
- b) Delegations shall be limited to a ten (10) minute presentation, after which the Municipal Heritage Committee shall make its comments and recommendations.
- c) Written comments may be submitted to the Committee through the Staff liaison to the Municipal Heritage Committee on other heritage matters.
- d) The Committee can request to receive a delegation made through the Staff liaison that is not an applicant/proponent and is approved by the majority of the members.
- e) In addition, the Staff liaison has the discretion to add a delegation request that is not an applicant/proponent to the agenda.

5.3 Conflict of Interest

- a) Members shall avoid conflicts of interest. Members shall take proactive steps to mitigate conflicts of interest in order to maintain public confidence in the Town and its elected officials. Members are encouraged to seek guidance from the Integrity Commissioner and/or legal advice when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest.
- b) All members have the duty to advise of any conflict of interest with respect to all matters before the committee. Members should decline to participate in the disposal of a matter where a real or apparent conflict is present.

- c) If a member has any conflict of interest on any matter and is present at a meeting at which the matter is the subject of consideration, the member:
 - i) Should, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - ii) Should not take part in the discussion of any question in respect of the matter; and
 - iii) Should not attempt in any way whether before, during or after the meeting to influence the discussion of the application.

5.4 Reporting

- a) Minutes of this committee are forwarded directly to Council.
- b) The Municipal Heritage Committee may make recommendations on issues within their mandate that warrant Council's consideration.
- c) Staff may provide a separate report, should there be concerns in regard to the recommendations of the Municipal Heritage Committee or additional information is provided to Staff.
- d) Site visits to properties may occur by Staff and/or Committee members, through motion of the Committee and with consent from, or after sufficient written notice to, the owners of the property for the purpose of evaluating cultural heritage significance and applications under the OHA or the Planning Act. Town Staff shall provide support to the Committee by arranging any site visits. Site visits or inspections for designated properties or properties proposed to be designated will be carried out in accordance with Town By-law 5203-20 for site visits and site inspections.
- e) In accordance with Section 27(11) of the OHA, Council shall consider the date that notice has been provided to be the date that such notice with required plans and information has been received at a Council Meeting. Required plans and information shall include advice from the Municipal Heritage Committee in regard to whether required plans and information have been provided.
- f) Annually, Staff will prepare a report summarizing the accomplishments of the committee, as well as challenges encountered, opportunities, and general review of recommendations.

5.5 Remuneration

- a) Applicable at \$50.00/meeting attended; and
- b) Travel allowance to be determined by a measurement of distance in kilometres in accordance with the Town's current rate for mileage reimbursement, and only to be paid in the event of a member attending site visit(s) in person.

6.0 ENABLING LEGISLATION (AS AMENDED)

By-law No. 5125-19 - Procedure by-law for the Town

By-law No. 5120-19 – Municipal Heritage Committee

By-law No. 5203-20 – Site Visits & Inspections for Designated Properties or Properties Proposed to be Designated

By-law No. 4987-17 – Town Official Plan
OHA, R.S.O. 1990, c. O.18
Planning Act, R.S.O. 1990, c. P.13