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BY-LAW IMPLEMENTING THE BARRIEFIELD HERITAGE  
CONSERVATION DISTRICT PLAN AND DESIGNATING THE  
VILLAGE OF BARRIEFIELD, IN THE TOWNSHIP OF  
PITTSBURGH, AS A HERITAGE CONSERVATION DISTRICT

WHEREAS Section 40(1) of The Ontario Heritage Act, 1974, S.O. 1974, Chapter 122, authorizes a municipal council to define an area for examination for future designation as a heritage conservation district;

AND WHEREAS by By-law 2-78 passed on the 23rd day of January, 1978 Council of the Township of Pittsburgh defined the Village of Barriefield, in the Township of Pittsburgh, as an area to be examined for future designation as a heritage conservation district;

AND WHEREAS Council had previously established a Local Architectural Conservation Advisory Committee by By-law 11-76 passed on the 20th day of April, 1976;

AND WHEREAS the Local Architectural Conservation Advisory Committee of the Township of Pittsburgh retained a special consultant to complete a Heritage Conservation District Study of the Village of Barriefield, in the Township of Pittsburgh, which Study was completed in 1978;

AND WHEREAS Official Plan Amendment No. 13 to the Official Plan of the Pittsburgh Planning Area was adopted by Council on the 13th day of February, 1978 by By-law 3-78 in order to incorporate within the Official Plan certain policy statements to state clearly the intent of the Township of Pittsburgh with regard to heritage conservation;

AND WHEREAS said Official Plan Amendment No. 13 was approved by the Minister of Housing on the 4th day of May, 1978;

AND WHEREAS a Heritage Conservation District Plan was prepared and adopted by Council by By-law 37-79 on the 20th day of November, 1979;

AND WHEREAS said District Plan was endorsed by the Ministry of Culture and Recreation on the 15th day of January, 1980;

AND WHEREAS Section 41(1) of The Ontario Heritage Act, 1974 authorizes a municipal council to designate any defined area of the municipality as a heritage conservation district:

AND WHEREAS Official Plan Amendment No. 20 to the Official Plan of the Pittsburgh Planning Area was adopted by Council on the 5th day of September, 1978 by By-law 26-78 in order to elaborate upon the policies established in Official Plan Amendment No. 13 and to add specificity to those policies with reference to the Village of Barriefield;

AND WHEREAS said Official Plan Amendment No. 20 was approved by the Minister of Housing on the 11th day of December, 1978;

AND WHEREAS Council proposes to implement The Barriefield Heritage Conservation District Plan by this By-law and to designate the Village of Barriefield as a heritage conservation district;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PITTSBURGH ENACTS AS FOLLOWS:

1. The Barriefield Heritage Conservation District Plan appended hereto as Schedule "B" which relates to those lands within the Village of Barriefield, in the Township of Pittsburgh as more particularly described in Schedule "A" appended hereto, is hereby adopted and the Village of Barriefield is hereby designated as a heritage conservation district.
- 2(1) No person shall erect, demolish or remove any building or structure or alter the external portions thereof within the Village of Barriefield, in the Township of Pittsburgh, without first having obtained, in addition to any other Permit which may be required, a Heritage Conservation District Permit pursuant to this By-law from the Council of the Corporation of the Township of Pittsburgh.
- 2(2) The fees for such Heritage Conservation District Permit or for a Sign Permit (Section 8(2) ) pursuant to this by-law shall be as set from time to time by by-law of Council in accordance with the provincial legislation or regulations in that regard.
3. The guidelines set out in The Barriefield Heritage Conservation District Plan shall be used as guidelines in the issuing by Council of any Heritage Conservation District Permit pursuant to this By-law.

4. The Local Architectural Conservation Advisory Committee of the Township of Pittsburgh and the Building Inspector shall be consulted by Council in an advisory capacity in the interpretation of the guidelines set out in The Barriefield Heritage Conservation District Plan at the initial planning, design and building approval stages of any application for a Heritage Conservation District Permit pursuant to this By-law.
- 5(1) An application for a Heritage Conservation District Permit shall be made to Council and shall contain or be accompanied by such information, drawings and other materials as may reasonably be required by the Council to consider fully the application.
- 5(2) Such application shall be considered by Council. Within ninety (90) days of the receipt of the completed application or such longer period as is mutually agreed by the Applicant and Council, Council shall:
  - (i) direct the Building Inspector to issue the Permit as requested; or
  - (ii) advise the applicant in writing that a Permit is refused.
- 5(3) Such terms and conditions as Council considers desirable may be attached to a Heritage Conservation District Permit issued pursuant to this By-law.
6. Where an application to Council for a Heritage Conservation District Permit is refused, or Council fails to make a decision thereon within a period of ninety (90) days, or Council attaches terms or conditions to a Permit the applicant may, within thirty (30) days of receipt of a Permit or advice in writing from Council, appeal to the Ontario Municipal Board.
7. Where an application to Council for a Heritage Conservation District Permit to demolish or remove a building or structure is refused or Council fails to make a decision thereon within the ninety (90) days, the applicant, upon the expiration of a period of one hundred eighty (180) days from the date of refusal by Council to issue a Permit or from the expiration of the period of ninety days (90) may then proceed to demolish or remove the building or structure, subject to the provisions of By-law 26-76 as to demolition or removal of buildings or structures.

- 8(1) No person shall erect or display any sign or advertising device on any building or structure or vacant lot within the Village of Barriefield where such erection or display is contrary to the guidelines set out in The Barriefield Heritage Conservation District Plan.
- 8(2) Prior to the erection, display, alteration or repair of any sign or advertising device within the Village of Barriefield, plans for all such signs or advertising devices shall be submitted for approval to Council, who shall consult with the Local Architectural Conservation Advisory Committee and the Building Inspector. After such consultation, Council may direct the Building Inspector to issue a Heritage Conservation District Sign Permit certifying approval for such erection, display, alteration or repair or may authorize the refusal of such erection, display, alteration or repair where such sign or advertising device, if erected or displayed, would be contrary to the provisions of this By-law.
- 8(3) Council may authorize the Building Inspector to pull down or remove at the expense of the owner any sign or advertising device that is erected or displayed in contravention of this By-law.
- 8(4) Any sign or advertising device that was lawfully erected or displayed on the day this By-law comes into force, but does not comply with the provisions of this By-law, shall be made to comply with this By-law or shall be removed by the owner thereof or the owner of the land on which it is situate on or before the expiration of five (5) years from the day this By-law comes into force.
- 8(5) Every person who fails to obtain such a Heritage Conservation District Sign Permit is guilty of an offence and, on conviction, shall be liable to a fine of not less than TWO HUNDRED DOLLARS (\$200.00) and not more than FIVE HUNDRED DOLLARS (\$500.00) in addition to any other penalties or remedies which may be available to the municipality. Each day of contravention shall constitute a separate offence and be subject to such penalty.
- 8(6) Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed in this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.


- 9(1) Council may acquire by purchase, lease or otherwise any property or part thereof within the Village of Barriefield, including any interest therein, for the use or purposes of this By-law and for disposing of such property, or any interest therein, by sale, lease or otherwise when no longer so required, upon such terms and conditions as Council considers necessary and appropriate for the purposes of this By-law.
- 9(2) Subject to The Expropriations Act, Council may expropriate any property within the Village of Barriefield required for the purposes of this By-law and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as Council considers necessary and appropriate for the purposes of this By-law.
- 10(1) Council may enter into any easement or covenant with a property owner and said easement or covenant may be registered against the real property affected where the property is within the Village of Barriefield and subject to the provisions of this By-law.
- 10(2) Where an easement or covenant is registered against real property, such easement or covenant shall run with the real property and Council may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and Council may enforce such easement or covenant even where it owns no other lands which would be accommodated or benefited by such easement or covenant.
- 10(3) Any easement or covenant entered into by Council may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the Council and it owned no other land which would be accommodated or benefited by such easement or covenant.
- 11(1) For the purpose of carrying out this By-law, any person authorized by Council in writing may, upon producing proper identification, inspect at any reasonable time property within the Village of Barriefield and being within the Heritage Conservation District.
- 11(2) No person shall obstruct a person authorized to make an investigation under this By-law or conceal or destroy anything relevant to the subject matter of the investigation.

- 12(1) Council may make a grant or loan to the owner of a property within the Village of Barriefield and the Heritage Conservation District for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as Council may prescribe.
- 12(2) The amount of any loan under this By-law, together with interest at a rate to be determined by Council, may be added by the Clerk Administrator to the Collector's Roll and collected in like manner as municipal taxes over a period fixed by Council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.
- 13(1) Every person who,
- (a) knowingly furnishes false information in any application under this By-law;
  - (b) fails to comply with any order, direction or other requirement made under this By-law; or
  - (c) contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and, on conviction, is liable to a fine of not more than TEN THOUSAND DOLLARS (\$10,000.00) or to imprisonment for a term of not more than one year or to both.
- 13(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is FIFTY THOUSAND DOLLARS (\$50,000.00) and not as provided therein.
- 13(3) Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed by this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.
- 13(4) In addition to any other penalty imposed, where it is practicable, Council may restore the property as close as possible to its previous condition and may recover the cost of such restoration from the owner. For the purpose of carrying out such restoration, Council may authorize any person in writing to enter the property.

- 14. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provision of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
- 15. This By-law shall, upon the approval of the Ontario Municipal Board, come into full force and effect as of the date of passing hereof.

READ a first and second time this 8th day of April , A.D., 1980.

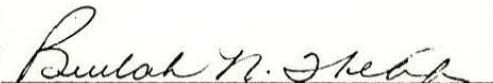
  
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 E. C. Swayne, Reeve

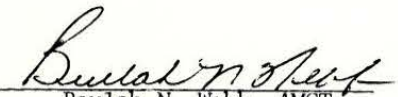
  
 \_\_\_\_\_  
 Beulah N. Webb (Mrs.)  
 Clerk Administrator

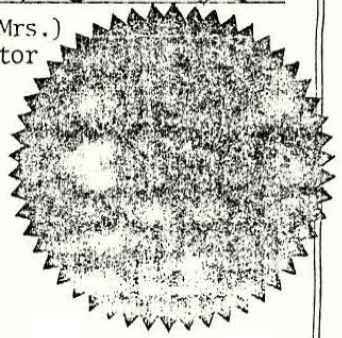
READ a third time and finally passed this 21st day of April , A.D., 1980.

  
 \_\_\_\_\_  
 E. C. Swayne, Reeve

I, Beulah N. Webb, Chief Administrative Officer/Clerk for the Corporation of the Township of Pittsburgh do hereby certify that this is a true copy of By-law No. 17-80 given third and final reading on the 21st day of April 1980.

  
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 Beulah N. Webb (Mrs.)  
 Clerk Administrator

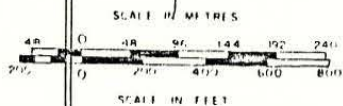
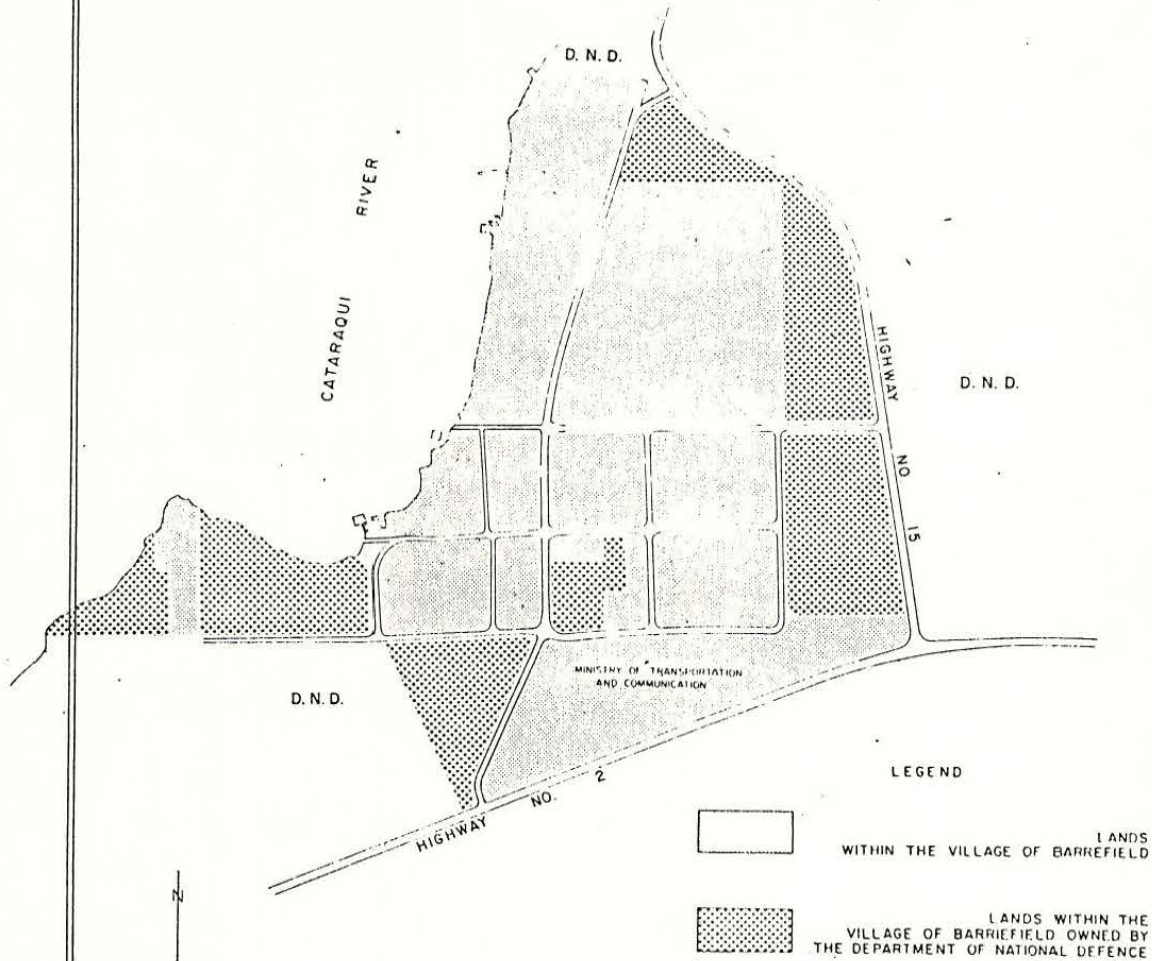
  
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 Beulah N. Webb, AMCT  
 Chief Administrative Officer/Clerk





# SCHEDULE "A"

## Illustration Of The Location And Extent Of The VILLAGE OF BARRIEFIELD



Municipal Planning Consultants

DRAFTED MAR. 31, 1980  
DWG. NO. 3375-78

THIS IS SCHEDULE "A"  
TO BY-LAW NO. 17-80 PASSED  
THE 21 DAY OF April, 19 80

*R. S. Wayne*  
REEVE

(SEAL) *Burland N. Shebb*  
CLERK

Schedule "B" is a copy of the Barriefield Heritage  
Conservation District Plan.



Ontario Municipal Board

IN THE MATTER OF The Ontario  
Heritage Act, 1974, c. 122 (Part V)

- and -

IN THE MATTER OF an application by  
The Corporation of the Township of  
Pittsburgh for approval of the  
designation of the Hamlet of  
Barriefield, commonly referred to  
as Barriefield Village, as a  
Heritage Conservation District,  
in accordance with By-law 17-80  
passed on the 21st day of April,  
1980

B E F O R E :

W.H.J. THOMPSON, Q.C.            ]    Tuesday, the 27th day  
Vice-Chairman                    ]                                    ]  
  ]    of January, 1981

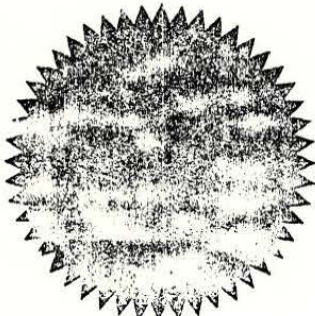
THIS APPLICATION having come on for hearing before this  
Board from the 10th to the 12th day of December, 1980, in  
the Township of Pittsburgh;

THE BOARD ORDERS that that part of Section No. 1 of  
By-law 17-80 containing the words:

"Barriefield in the Township of Pittsburgh,  
as more particularly described in Schedule "A"  
appended hereto, is hereby designated as a  
Heritage Conservation District"

is hereby approved;

AND THE BOARD ORDERS that Schedule "A" to By-law 17-80  
is hereby approved.



SECRETARY

ENTERED
O. B. No. <u>M.80-1</u>
Folio No. <u>215</u>
MAR 5 1981
<small>ONTARIO MUNICIPAL BOARD</small>