

Municipalization of Cultural Heritage Preservation Policies in Minas Gerais, Brazil

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Abstract: The present work is a result from the research that investigates how the municipality of Manhumirim — MG manages its cultural heritage through its legislation and the documentation submission related to the State Law 12040/1995 [1], also known as Robin Hood Law. To carry out the work, we first studied concepts related to cultural heritage, especially its interfaces with urban planning, as well as a literature review on the theme of historic cities, establishing a contemporary view. Subsequently, we explore how the process of creation of the main heritage-related bodies in Minas Gerais took place, in order to create a timeline for the municipalization of the heritage management. Successively, we studied the municipality of Manhumirim and its legislation to ascertain how it manages its collection. Thus, it was noticed that the historical cities not recognized by IPHAN or IEPHA have difficulties to manage their cultural heritage, mainly due to political issues and lack of qualified technical staff, which is confirmed in Manhumirim.

Key words: cultural heritage, management, public policy, legislation, Manhumirim

1. Introduction

Minas Gerais is the state with the largest patrimony of the country, having several cities whose origin goes back to the exploration of minerals (18th century) and coffee production (19th century).

Some of these cities use the preservation of cultural heritage for activities that may be fundamental for its economic sustainability, such as cultural tourism, besides keeping their memories and representations of a period.

Cities such as Ouro Preto, Mariana and Tiradentes, among others, are recognized by state and federal spheres as historic cities. Cities with historical nuclei/urban areas, such as the Pampulha Complex in Belo Horizonte and the historical center of Congonhas have preservation mechanisms through organs such as the Institute of National Historical and Artistic

Heritage (IPHAN) and the State Institute of Historical and Cultural Heritage of Minas Gerais (IEPHA - MG). However, most mining cities rely on their municipal government to do the work of cultural heritage management.

According to Gaeta (2009) [2], in these cases, there is a task load for the municipal institutions, increasing its responsibility. The author also states that the local federative entity still have scarce transfers of State and Union funds, which makes their work even more difficult.

As a result, many cities are unable to manage their historic complexes, isolated buildings with heritage value and other cultural goods. Due to this deficiency, the need for new construction plots combined with real estate speculation or abandonment lead to the frequent loss of these cultural goods to make room for new buildings or urban equipment.

As stated by Goulart [3],

The provincial illusion that urban growth and modernization would only benefit the city, coupled with the great prestige of the housing market,

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contributed to impoverishing the population's perception of its material heritage. Political and economic agents, such as real estate developers, urban landowners, mayors, and city councilors are more interested in securing business space in the city than meeting the recommendations of social justice, social equity, and preservation of cultural heritage provided by law [3].

These phenomena are accentuated in small cities, where the public authorities live with the lack of qualified professionals and funds, and their interest is focused on the execution of visible infrastructure projects, which guarantee votes for their supporters in the next elections.

Carneiro and Façanha (2015) [4], state that "[...] small urban agglomerations present problems of environmental degradation, land retention and precarious urban and social infrastructure."

Therefore, at the intersection of these two variables, small towns and cities of historical interest without federal and state preservation agencies, include localities such as Manhumirim.

2. Manhumirim in the Concept of Historic City

Since the industrial revolution, several authors over the subsequent centuries (XIX, XX and XXI) have focused on the theme, seeking to establish definitions of what a city would represent [5].

The first definitions of cities were related to the concentration of population, instruments of production and fulfillment of needs.

Already in the early twentieth century, the city is beginning to be thought of as a concentrated habitat, where most of the inhabitants worked with activities related to industry and commerce [5].

Lastly, Lynch [6] states that the city can be conceived as a work of art in open space, which grows in different directions and assumes a multiform and multifunctional aspect.

This evolution of concepts about the city itself also affects concepts related to the historic city.

Choay [7] states that the concern with the urban heritage, combined with a heritage conservation projects, began in Great Britain with Ruskin in the late nineteenth century. According to the author, this difference in temporality between the beginnings of the preservation of monuments for the valorization of an urban heritage is mainly due to the characteristics of this type of cultural heritage.

[...] on the one hand its scale, its complexity, the long duration of a mentality that identified the city with a name, a community, a genealogy, a somewhat personal history, but which was indifferent to its space; on the other, the absence, before the beginning of the nineteenth century, of reliable cartographic records and documents, the difficulty of discovering archives concerning the modes of production and the transformations of urban space over time [7].

The documents produced at that time portrayed the cities only as a set of monuments, while historical studies concerned the city as the seat of the powers (executive, judiciary and legislative), and thus, showed it as a set of political, religious, economic and social institutions.

Choay [7] states that architecture, art, its history and theory ignored the city and that only from the urban plans of Haussmann and Cerdá, which caused great destruction on the existing urban networks, it began to look at the urban fabric as part of the cultural heritage.

According to Souza [8], in the twentieth century, cultural heritage was recognized as an urbanistic category and became a strategic element of urban planning.

However, until the 1930s, this appreciation of urban heritage was still slow and gradual. It began by preserving urban fragments. Only from the 1980s, the preservation of cities in their entirety was actualized.

Until the second decade of the 21st century, the concept of historical city was still based on a set of historical monuments.

During the twentieth century, Conservation Charters were created for addressing the issue related to urban heritage, cities and historic cities.

In the 1960s, we began to associate historical monument with the cities.

In the Charter of Paris of 1962 [9], themes related to urban areas of historical and cultural interest were defended, including the beginning of urban planning thinking. Although, there was still a focus in the thought of a historic center, or that there were cities that should be preserved over others because of their historical monuments.

This can be seen in the 1967 Norms of Quito [10], which promotes and values the urban area as something that can be exploited economically, such as tourism. However, it still places the urban area as a set of monuments, that is, as the context of the building.

The Nairobi Recommendation of 1976 [11] defines a historical ensemble, expressed as a grouping of spaces that constitute (or have constituted) human settlement in urban or rural environment, whose value is recognized from the archaeological, architectural, prehistoric, historical, aesthetic or sociocultural. There are also examples of these sets, including historic towns, villages, and neighborhoods.

Only in the 80s the Charter of Petrópolis [12], corroborates the definition of urban historical site, which covers the concept of historical city. Urban historic site is defined as the space that concentrates testimonies of the cultural making of the city in its various manifestations. In addition, it includes the natural and built landscapes and the inhabitants as a dynamic process of transformation.

Lastly, the Charter discloses that the “urban historic site must be understood in its operational sense of the critical area, and not in opposition to the nonhistorical spaces of the city, since every city is a historical organism” [12].

With this evolution of concepts, one can see the progress of the idea of a city seen as a physical place, composed of buildings, containing the historic city. Within the historic city, only the buildings were related to art and antiquity and therefore were seen as

historical monuments. Only in these means, the city as a whole was considered historical¹.

But why can all cities be considered historical?

Firstly, Argan [13] states that concepts related to the historic center are false, since there are no parts of the city that are historical and other “nonhistorical”. The city is, as a whole, a historic construction. The same author further expands this narrative, stating that the city is a human thing and, having been produced by the hand of man, is a testimony of memory, acquiring artistic value.

Still in this sense, Santos [14] states that “[...] it is enough to walk through a city, whatever it is, and we will face with aspects that were created and that were established in moments that [...] were present in the past” [14].

The city is a collective of memories in which individuals, families and social groups connect: “Coexist in a city, at any moment, countless collective memories” [15], and in their cultural heritage these memories are stored, showing that where there is memory, there is cultural heritage and thus a historical city.

3. Municipalization of Heritage Policies

The debate on this theme began in the 1960s with the right-to-city movements and, from the 1988 Federal Constitution with which the municipalization of public policies was confirmed.

This happens because the competence of municipalities is easier to perceive since it derives from concrete actions. Lage [16] states that this shared management would place IPHAN as the establishment of guidelines for preservation, while the federal states and municipalities would be responsible for creating the entire political and legislative apparatus for the protection of cultural heritage.

In Minas Gerais, it is the duty of IEPHA to protect and preserve cultural heritage through educational

¹ Therefore, when the term historical city is used in this work, it will refer to every city, not only those recognized by protection spheres such as IPHAN or IEPHA.

actions, surveys, research, registration, adoption of legal and supervisory measures and advice and exchange actions with other related institutions.

It is noteworthy that in 1993 there is a focus on the participation of public authorities of municipalities, indicating actions such as preservation orders and the use of urban legislation, such as Master Plan, Land Use and Occupation Law etc. However, there was a certain lack of interest of the municipalities for the preservation of their cultural heritage, since the law of 1993 did not bring financial forms of fundraising for these cities [17].

This led to the creation of Law No. 12.040 of 1995, which provided for the distribution of a portion of the Tax on the Movement of Goods and Services (ICMS) revenue belonging to municipalities, known as the Cultural ICMS Law or Robin Hood Law.

In this law, cultural heritage was placed as one of the criteria for the tax collection by municipalities of a portion of ICMS revenue.

This led to a reversal of the policy of protecting cultural goods in Minas Gerais. What was previously seen as a hindrance has become a source of income for cities. According to IEPHA recommendations, it is up to the municipality to make technical, administrative and/or political decisions.

However, based on Soares [17], there were criticisms on how the score that the municipality receives was elaborated.

There was a strong focus on Protected Historical-Cultural Goods, and other policies, such as the Heritage Inventory and Town Planning Instruments contained in the 1988 Constitution (which later appear in the City Statute), are only on the last item with much lower scores. Therefore, a municipality without a Protected Historical-Cultural Good would receive less funds.

With this, IEPHA launched new resolutions and deliberations to improve these criteria, making them more egalitarian, once during the first years of the Robin Hood Law, few municipalities scored enough to

receive funds (out of 853 mining municipalities, only 106 scored in 1996, which was the year of the first exercise).

The appraisal process was improved by creating mechanisms appropriate to the reality of other municipalities, with assets that were not listed and increased the requirement for the creation of a heritage department.

As mandatory legislation, IEPHA demanded the Organic Law [18], the Municipal Law for the Protection of Cultural Heritage, the Tax Incentive Legislation and the Municipal Council Decree. Proof of the existence of a heritage department or related body with technical staff has become mandatory. The staff should include an architect and urban planner in cities over 20.000 inhabitants or, in smaller cities, hours of consultation with this professional.

In addition, there is still the obligation of establishing the Cultural Heritage Council, a hybrid management model instituted by the 1988 Constitution. In it, there is the presence of members of the government and members of civil society from different sectors. It has a deliberative character and acts in the "identification, documentation, protection and promotion of the cultural heritage of a municipality" (Pereira and Machado, 2008, pp. 17, our translation) [19].

These models should put into forced cooperation agents of space production that, at certain times, can be considered antagonistic, as people linked to the protection of cultural heritage and great developers. Thus, an urban management based on the compatibility of these forces through communication and negotiation between the different spheres would be possible.

This cooperation can be deliberative or advisory in nature. Deliberative councils are the most appropriate form. They have a dynamic discussion and voting, which is then forwarded to the executive. That is, the council directly influences the decisions taken by the municipality on the issue of cultural heritage. The advisory councils are those in which the proposed

topics are oriented, but the decision is made by the municipal bodies [20].

The program was refined so that the decentralization of cultural heritage policies reached more municipalities, enabling municipalities with different characteristics to adapt to these policies.

Sales [21] states that, with this, IEPHA ceased to be a supervisory body and became more of a partner of the municipalities in the preservation process. It can be said that through the Cultural ICMS, IEPHA reached the municipalities most successfully.

To implement the ICMS Cultural policies, a high financial amount is not required even with the required high technical capacity [21]. Even with the increase of municipalities, the state government also increased the available resources, which did not cause a larger distribution of funds.

With this, “[...] the municipality, today, is the executive actor of this process, and new agents, such as

public and private partners and different institutional sectors start to take part [of] the policies to be implemented” (Pereira and Machado, 2008, pp. 10, our translation) [20] and one of the ways that the local executive power has to manage the municipality is through laws.

Therefore, it can be said that the Cultural ICMS measure was a pioneer action in Minas Gerais, with some criticism at the beginning, but remedied as changes were implemented. These changes were recurring, which shows IEPHA’s commitment to the program, making the municipality the main asset manager.

4. Manhumirim Cultural Study

Manhumirim is a municipality with a population of approximately 20 thousand inhabitants (IBGE, 2017), thus being characterized by its small size, microregion of Manhuaçu, in Zona da Mata Mineira (Fig. 1).



Fig. 1 Manhumirim in the context of Minas Gerais. Source: IBGE. Created by Authors. Program: ArcGIS.

The first settlements date from 1808, with the opening of a road known as the Imperial Route, connecting the capital of the current state of Espírito Santo, Vitória, to Vila Rica, now Ouro Preto.

Its occupation occurred throughout the nineteenth century, especially in the second half, when the first families began to occupy the borders of the Imperial Route and at the end of the century, with the emergence of the first neighborhoods [22].

Its architectural collection is relevant, having several nineteenth century vernacular farms, as well as urban

residences of the early twentieth century. There is also an eclectic collection, notably the Sacramentary Apostolic Seminary (Fig. 2), an imposing neoclassical building used for the formation of priests, and the Bom Jesus de Manhumirim Matrice, the first church in Latin America built exclusively with reinforced concrete. In addition, there is ecotourism, with the presence of Sagui da Serra Municipal Park (Fig. 3) and effervescent cultural production, with a branch of the Brazilian Conservatory of Music.



Fig. 2 Sacramento Apostolic Seminary.



Fig. 3 Sagui da Serra Municipal Park.

In a study conducted by the City Hall, the municipality was divided into three areas related to cultural heritage. The first of these is the Preferred Protection Area, where there is the largest concentration of property in the city. The second is the Direct Influence Area, which is where there is a predominance of heritage goods. Finally, there is the Village Area and Rural Zone, where the heritage goods are the most dispersed (Fig. 4).

In pink, there is the Preferred Protection Area, in purple, the Direct Influence Area and in green, the Settlements Area and the Rural Zone.

Among these heritage goods, there is a division between the Protected Historical-Cultural Goods, which are four, and the Inventoried Heritage Goods, which total 154 (110 architectural and urbanistic goods; 33 movable goods integrated or collections and 11 immaterial goods).

The Protected historical-Cultural Goods are formed by an architectural and urbanistic good (São Roque Church), one movable good (São Roque Statue), a natural site (Sagui da Serra Municipal Park) and an immaterial good (Jubilee Festival of Bom Jesus).

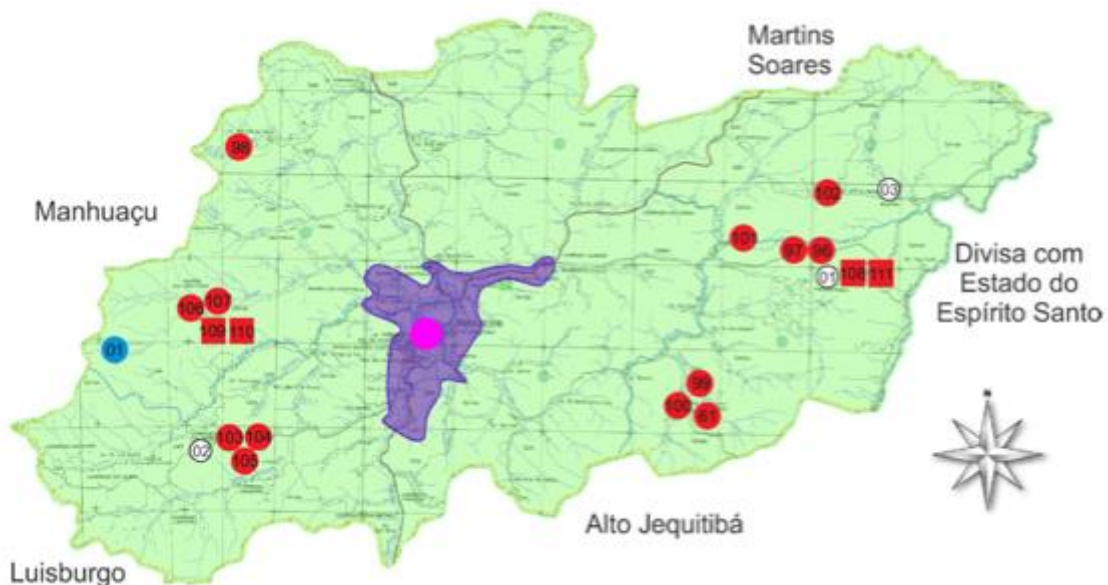


Fig. 4 Manhumirim Municipality and its division in protected areas. Source: IBGE. Manhumirim City Hall.

5. Manhumirim Legislation

The municipality of Manhumirim has all the necessary legislation for the management of cultural heritage. This legislation is established since 1990 with the approval of the Organic Law [18] of the municipality. In the articles 12 and 13 of the Organic Law [18], the objectives already stated the locality's duty to preserve its heritage, including the protection of “remarkable landscapes” (sic) and works of art.

There are papers that place the Protection of Historical-Cultural Goods as an instrument of urban planning and affirm that the city master plan is a way of accomplishing urban development and that this document must be combined with the preservation of the heritage.

The Organic Law [18] states that it is the duty of the government to protect cultural heritage through inventories, records, surveillance, expropriations and other forms deemed necessary.

From this, 10 laws on cultural heritage or on the relationship of heritage with urban planning were created. Therefore, we have prepared a framework timeline to show Manhumirim cultural heritage legislation (Table 1).

In yellow are the laws related to urban planning, in orange, laws that deal directly with the theme of cultural heritage.

Manhumirim has two cultural heritage protection laws, one of 1997 [25] and one, currently used, created

in 2010 [31]. In addition, it has a law that creates and regulates the heritage protection fund and a decree creating and governing the Heritage Council.

With regard to urban legislation, Manhumirim has an Urban Zoning law since 1997 [24], a Building Code [27], a Master Plan approved in 2006 [28], a Code of Posture [32] and a law regulating the urban perimeter [30].

Therefore, it can be inferred that, in terms of legislation, the municipality has sufficient laws to manage its cultural heritage, covering its multiple facets in various fields of public administration.

However, the next item analyzed the documents that permeate the management of the cultural heritage of Manhumirim with a focus on urban planning laws and cultural heritage preservation legislation to assess the applicability of these laws in the municipality.

6. Manhumirim Legislation Analysis

6.1 Cultural Heritage Preservation Laws

Manhumirim has four laws related directly to cultural heritage, that is, that do not deal with other themes besides the preservation of its heritage goods.

The first law concerns the 1997 protection law [25, 31] that was replaced. Three of these laws are still in force, two of which are ordinary laws. One of them created the municipal heritage protection fund and the other one the protection law of the years 2009 and 2010. In addition, within the first protection law [25] there is the institution of the council, which required a decree to approve its bylaws, and was created in 2003.

The first cultural heritage law [25] passed in the municipality has nine articles. This law was the pioneer on this theme in the municipality and can therefore be considered a breakthrough. It marks the beginning of the concern with the preservation of cultural heritage and is responsible for putting the subject on the agenda of the city hall.

Its replacement was justified years later because it deals with isolated cases, superficially, not meeting the

Table 1 Manhumirim Law Timeline.

1997	Law 1066 - Urban Perimeter [23]
	Law 1067 - Urban Zoning [24]
	Law 1075 - Cultural Heritage Protection [25]
2003	Municipal Decree 1673 – Creation of the Cultural Heritage Council [26]
2004	Law 1268 - Building Code [27]
2006	Law 1360 - Master Plan [28]
2009	Law 1486 - Cultural Heritage Fund [29]
2010	Law 1517 - Urban Perimeter [30]
	Law 1519 – Cultural Heritage Protection [31]
2014	Law 1621 – Code of Postures [32]

Source: Manhumirim City Hall.

recommendations of IEPHA, already operative at that time.

Subsequently, the decree approving the bylaws of the Manhumirim Heritage Council was promulgated. Its purpose would be to advise the Mayor regarding the preservation of Manhumirim's culturally valuable goods, according to the 1997 Law [25]. The use of the term culturally valuable goods refers to a broad concept of heritage, but the council's duties are still limited to architectural heritage.

It is stated that the council should be composed of nine members and nine alternates, with a two-year term and the right to renewal for the same period, being the president someone linked to the Secretariat of Culture. There is no other information concerning the rest of its composition, which sectors of society they are linked to etc.

One advance of the law is the Council's recognition as an appraiser of proposals for the protection of cultural goods submitted by residents of the municipality, besides the requirement of the Neighborhood Impact Study (NIS) in order to protect the urban landscape and cultural heritage.

Six years later, the Municipal Cultural Heritage Fund (FUMPAC) was established through Law 1.486 [29].

The advancement of the implementation of FUMPAC is in the anthropological view of cultural inheritance, linking culture and heritage. This shows the widening of the aforementioned concepts, going beyond the architectural heritage discussion and incorporating movable and immaterial goods.

However, the fund is managed by the Mayor, which is not indicated, since the people who are most related to the theme are the counselors. Therefore, the fund should be managed by the counselor chairperson, with direct supervision and accountability to the city hall.

Funds should be used for cultural promotion and preservation programs, study and research funding, human resources, training programs for the Secretariat of Culture and the Council, travel expenses for

members, cultural development activities, procurement of materials for board meetings, dissemination of brochures about tourism and costing of events.

The improvements are mainly related to the funding of studies and research, as well as the emphasis on training of board and secretariat members. With regard to tourism, the funding should be borne by the Tourism Fund, which receives more than FUMPAC.

Lastly, in 2010, the new Cultural Heritage Protection Law, Law 1.519 [31], was approved, replacing Law 1.075 of 1997 [25].

The concept of patrimony used is the same as the Federal Constitution of 1988, but there is the addition of one more item. This item states that places where cultural practices are concentrated and reproduced are also considered heritage sites. This item brings concepts of cultural landscape, updating what the Brazilian Magna Law of 1988, understood as heritage.

The law cites the means of heritage protection (inventory, registration, protection, surveillance and expropriation) and is an advance compared to previous laws, since inventory and registration are included. In later articles of the same law, their concepts are defined.

Nevertheless, the law could have included the forms of protection that the City Statute establishes through its urbanistic instruments, making a greater relationship between cultural heritage and urban planning.

When it addresses the City Council, the law complements missing information in its bylaws. It provides the composition of the council [nine members, one representative from the Secretariat of Culture, one from the Secretariat of Education, one from the House of Culture, one from the Catholic Church, one from the Evangelical Church, one from the Service Clubs, one from the Free Thinkers Association (ALP), one from Manhumirim Trade Association (ACIAMA) and one of the Bom Jesus Foundation]².

² The church's presence on the council is due to the fact that they own various properties in the municipality.

Concerning the competencies of the Council, it is necessary that it gives prior opinion on the acts of registration and protection, broadening the concept of heritage that its statute preached as it focused only on architectural heritage. However, the focus remains on the architectural collection and on the Protected Historical-Cultural Goods, which are only four in the municipality.

6.2 Urban Planning Laws

Manhumirim has all the legislation regarding urban planning policies. There is the 1997 Zoning Code [24], the 2004 Building Code [27], the 2006 Master Plan [28] and the 2011 Code of Postures [32]. In addition, there are two urban perimeter update laws, one from 1997 and one from 2010 [23, 30].

The first reservation is about the need to update the laws. A 1997 Zoning Law [24] hardly reflects the needs of the municipality. In addition, the Master Plan [28], which in its own document stipule a review every five years, already completes 13 years.

The first law regarding urban planning was the Urban Zoning (Law 1067) [24], which was approved in conjunction with the Urban Perimeter Update Law (Law 1066) [23].

It is considered an advance the joint approval of both laws, since within the zoning, there are references to the urban perimeter, which prevents inconsistencies.

The municipality was divided into six areas: Special Removal Zone, Environmental Protection and Recovery Zone, Non-Occupational Zone, Restricted Occupation Zone, Dense Zone and Expansion Zone.

However, there is no mapping of these areas nor written information about their boundaries, only the meaning of each Zone is informed. Therefore, this law is not applicable.

The Urban Perimeter Law [23] informs the geographic coordinates that delimit the urban perimeter, but it does not show any map or sketch for better understanding. This makes it open to interpretation and makes it difficult to read.

Its importance is due to the fact that from it, were conceived the three zones of protection to the cultural heritage.

In 2004, the Manhumirim Building Code was approved [27]. The code is complete with regard to the construction of buildings in the municipality, with information concerning the minimum area of spaces and installation of the construction site. However, there is no information that addresses buildings of cultural interest, guiding them in the matter of renovation, rehabilitation, requalification, conservation or restoration.

This shows that even with federal policies that connect urban planning with cultural heritage, Manhumirim, until 2005, had not been updated on these policies.

The municipality had laws that were not applicable when dealing with cultural heritage and urban legislation did not mention it as part of the urban fabric. This remained until 2006, with the approval of the Master Plan [28].

The Master Plan [28] has items related to preservation. Preservation is set as the objective of its article two.

Its title IV refers to the urban policy instruments provided for in the City Statute. That is the municipality's way of enforcing the social function of urban land through instruments such as installment, building or compulsory uses, pre-emption right, onerous granting of the right to build, transfer of the right to build, urban consortium operations, neighborhood impact study, among others. These instruments place the cultural heritage under their protection.

However, all items that refer to the instruments of the City Statute are directed to the creation of specific laws for their applicability, being something that the municipality does not have. Therefore, urban policy instruments are not applied.

The Master Plan [28] has advanced by linking cultural heritage and urban planning, but its lack of

applicability is an obstacle to its use in order to materialize urban planning as an effective way of preservation.

In 2010, the Municipal Law 1.517 [30], which changes the boundaries of the urban perimeter of the Manhumirim Municipality, approved the new urban perimeter with geographic coordinates and a sketch that included the areas defined in the Master Plan [28].

As a result, some farms have entered subdivision areas, allowing the emergence of villages and new developments nearby. This was a catalyst in defining the city's expansion areas, leading to the growth on areas of wealth concentration. Fig. 5 shows one of the farms, located on the edge of the Imperial Route, which received the impacts of the new urban perimeter.



Fig. 5 New undertakings around the farm.

Another fact is that, with the new urban perimeter, the zones proposed in the Cultural ICMS material are in dissonance with the legislation.

In 2014, the Manhumirim Code of Posture [32] was approved. This has only one article that informs about the cultural heritage. It is very punctual and states that for placement of awnings in historic buildings, one should look for the City Hall Culture Department.

This shows that cultural heritage is still very restricted to its specific laws and that when it appears in other legislations, it is treated superficially, with articles that do not add to preservation.

7. Final Considerations

Manhumirim laws cover the whole issue of cultural heritage in the municipality in numbers. However, there is still a discrepancy in relation to their content and the integration between the documents.

Only the Master Plan [28] has direct integration with the cultural heritage, but although it foresees the use of urbanistic instruments in order to safeguard, it still lacks application.

There is still a need to revise some laws: a Council's bylaws of 2003 [26] and a Master Plan of 2006 [28] hardly cover the needs of the municipality.

The delimitation of cultural heritage protection areas needs revision, especially after the approval of a new urban perimeter, since the city has expanded to the planned areas. The review could also be made for the other Zones, aiming at the delimitation of protection zones.

These, although well delimited, have no legal force, as they are not contained in the Urban Zoning Code [24].

These phenomena, although specified for Manhumirim, may be the reality of several other municipalities, especially small historic towns, which, without direct support from state and especially federal agencies, use their legislation to manage all facets that cultural heritage encompasses.

References

- [1] Minas Gerais, Law n. 12.040. dec. 28, 1995, accessed Jan. 31, 2019, available online at:

- <https://www.almg.gov.br/consulte/legislacao/completa/completa.html?ano=1995&num=12040&tipo=LEI>.
- [2] A. C. Gaeta, *Plano diretor, gestão dos pequenos municípios e preservação do patrimônio histórico*, Temas de Administração Pública, 2009.
 - [3] M. G. Goulart, *Apenas uma Fotografia na Parede: caminhos da preservação do patrimônio de Uberlândia (MG)*, Dissertation (Architecture Dissertation) - UnB, Brasília, 2006, p. 111.
 - [4] W. P. Carneiro and A. C. Façanha, *O Planejamento e a gestão urbana em cidades pequenas: o caso da cidade de Barras (PI)*, in: *XI Encontro Nacional da AMPEGE*, Salvador: ENAMPEGE, 2015.
 - [5] P. A. Vascellos, *A cidade, o urbano, o lugar*, Revista GeoUSP, 1999, 11-15.
 - [6] K. Lynch, *A imagem da cidade*, São Paulo: Martins Fontes, 2011.
 - [7] F. Choay, *A alegoria do patrimônio*, São Paulo: UNESP, 2006.
 - [8] K. D. Souza, *Patrimônio cultural e as práticas de delimitação de sítios tombados: um estudo para o conjunto arquitetônico e urbanístico de Serro, MG*, Architecture and Urban Planning Dissertation, UFV, Viçosa, 2015, p. 168.
 - [9] ICOMOS, Charter of Paris, 1962, acesso em 28 de dec. de 2018, available online at: <http://portal.iphan.gov.br/uploads/ckfinder/arquivos/Recomendacao%20de%20Paris%201962.pdf>.
 - [10] ICOMOS, The Norms of Quito, 2 de dec. de 1967, acesso em 28 de dec. de 2018, available online at: <https://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/168-the-norms-of-quito>.
 - [11] UNESCO, Nairobi Recommendation, 22 de nov. de 1976, acesso em 28 de dec. de 2018, available online at: <http://portal.iphan.gov.br/uploads/ckfinder/arquivos/Recomendacao%20de%20Nairobi%201976.pdf>.
 - [12] IPHAN, Carta de Petrópolis, 1987, acesso em 07 de jan. de 2019, available online at: <http://portal.iphan.gov.br/uploads/ckfinder/arquivos/Carta%20de%20Petrópolis%201987.pdf>.
 - [13] G. C. Argan, *História da arte como história da cidade*, São Paulo: Martins Fontes, 1984.
 - [14] M. Santos, *O tempo nas cidades*, Tempo/Artigos, 2002.
 - [15] M. A. Abreu, *Sobre a memória das cidades*, Revista da Faculdade de Letras, 1998, pp. 77-97.
 - [16] F. A. Lage, *A gestão do patrimônio cultural em Minas Gerais: dimensões e paradoxos*, Architecture and Urban Planning Dissertation, UFMG, Belo Horizonte, 2014, p. 273.
 - [17] C. P. Soares, *Repensando o patrimônio: novos dilemas e potencialidades nas políticas de preservação*, Architecture and Urban Planning Dissertation, UFMG, Belo Horizonte, 2006, p. 167.
 - [18] Manhumirim, Law. Lei Orgânica de Manhumirim, 21 de mar. de 1990, acesso em 27 de feb. de 2019, available online at: <https://www.manhumirim.mg.leg.br/leis/leis/lei-organica-de-manhumirim/Lei%20Organica%20Municipal.pdf>.
 - [19] N. Pereira and L. Machado, *As políticas públicas para a preservação do patrimônio*, Fórum Patrimônio, Belo Horizonte: Fórum Patrimônio, 2008, pp. 9-40.
 - [20] M. B. L. Starling, *Patrimônio, participação local e democracia: o papel dos conselhos municipais de patrimônio cultural de Minas Gerais*, *Políticas Culturais em Revista* (2009) 140-156.
 - [21] A. A. M. Sales, *A (possível) interface entre patrimônio cultural e turismo nas políticas públicas em Minas Gerais*, Architectural and Urban Planning Dissertation, UFMG, Belo Horizonte, 2012, p. 122.
 - [22] D. A. Botelho, *História de Manhumirim: 1808-1924*, Manhumirim: O Lutador, 2011.
 - [23] Manhumirim, Law n. 1066. Lei de Perímetro Urbano. 02 de jul. de 1997, City Hall Archive.
 - [24] Manhumirim, Law n. 1067. Lei do Zoneamento Urbano. 04 de jul. de 1977, City Hall Archive.
 - [25] Manhumirim, Law n. 1075. Lei de Proteção ao Patrimônio. 02 de sep. de 1997, City Hall Archive.
 - [26] Manhumirim, Decree n. 1673. Criação do Conselho de Patrimônio. 11 de oct. de 2003, City Hall Archive.
 - [27] Manhumirim, Law n. 1268. Código de Obras. 25 de mar. de 2004, City Hall Archive.
 - [28] Manhumirim, Law n. 1360. Plano Diretor. 09 de oct. de 2006, City Hall Archive.
 - [29] Manhumirim, Law n. 1486. Fundo de Apoio ao patrimônio. 23 de dec. de 2009, City Hall Archive.
 - [30] Manhumirim, Law n. 1517. Lei do perímetro urbano. 21 de dec. de 2010, City Hall Archive.
 - [31] Manhumirim, Law n. 1519. Lei de proteção ao patrimônio. 21 de dec. de 2010, City Hall Archive.
 - [32] Manhumirim, Law n. 1621. Código de Posturas. 11 de dec. de 2014, City Hall Archive.