### TOWN OF MAHONE BAY

### HERITAGE PROPERTY BY-LAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF MAHONE BAY REGARDING HERITAGE PROPERTY REGISTRATION.

#### TITLE

1. This By-law may be cited as the "Heritage Property By-Law".

#### **DEFINITIONS**

- 1. In this by-law:
  - a. "Committee" means the Heritage Advisory Committee as defined by the Heritage Property Act of the Province of Nova Scotia or successive legislation that may be enacted from time to time, having all the powers and duties prescribed by the Act;
  - b. "Municipal Heritage Property" means a Heritage Property as described by the Heritage Property Act;
  - c. "Council" means the Council of the Town of Mahone Bay
  - d. "Town" means the Town of Mahone Bay;
  - e. "Registry" means the Municipal Registry of Heritage Properties, as described by the Heritage Property Act.

#### **APPLICATION**

- 3. This By-law is enacted pursuant to Section 12 of the *Heritage Property Act* of the Province of Nova Scotia.
- 4. This By-law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and will be interpreted accordingly.

#### HERITAGE ADVISORY COMMITTEE

5. The Town of Mahone Bay's Heritage Advisory Committee is established and governed by the Town's Committee Policy which includes a Terms of Reference for the Committee.

#### **TOWN REGISTRY**

- 6. The Town shall establish and maintain, at the Mahone Bay Town Office, a Registry where all documents relating to the registration of Municipal Heritage Property will be filed.
- 7. The Registry will:
  - a. Have files that are clearly labeled;
  - Contain documents with respect to recommendations, registration, if applicable, recording documents required to be registered at the Nova Scotia Deeds Registry and true copies of all notices required by the *Heritage Property Act*;

c. Be accessible to the public at no charge during regular Town of Mahone Bay Office business hours.

#### **REGISTRATION PROCESS**

- 8. The Committee may recommend to Council that a building, streetscape, or area be registered as a Municipal Heritage Property. The recommendation will be served and filed by the Clerk in accordance with the provisions of the *Heritage Property Act*.
- 9. Notice to the property owner of a recommendation by the Committee that a building, streetscape, or area be registered as a Municipal Heritage Property is accomplished through the completion and registration of Schedule "A" Notice of Recommendation to Register as a Municipal Heritage Property.
- 10. The Town Council may choose to register the recommended building, streetscape or area as a Municipal Heritage Property in accordance with the provision of the *Heritage Property Act* and the registration is accomplished through the completion and registration of Schedule "B" *Notice of Registration of Heritage Property.*

#### REPEAL

11. The Heritage Property By-law of the Town of Mahone Bay, passed by Council on April 12, 1988, and any associated amendments, is hereby repealed and replaced upon the coming into force of this By-law.

David Devenne, Mayor

Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 14<sup>th</sup> day of January 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this  $15^{\rm th}$  day of January 2020.

#### **CLERK'S NOTATION**

First Reading:	November 28, 2019	
"Notice of Intent" Publication:	December 25, 2020	
Second Reading:	January 14, 2020	
Ministerial Approval:	N/A	
Date of Publishing:	January 22, 2020	
Forwarded to the Minister:	January 16, 2020	
Forwarded to Town Website:	January 15, 2020	

#### FORM A

# Notice of Recommendation to Register a Municipal Heritage Property

(Insert name of property owner), you are hereby notified that:

- 1. The land and buildings (insert legal description and address of property civic address and/or PID#) has been recommended to be registered in the Municipal Heritage Registry for the Town of Mahone Bay.
- 2. The reasons for this proposed designation are:

(insert reasons for recommendation which may include – the approximate date of erection; the type of architecture, typical of an era; and the local significance of the building.)

- 3. The Heritage Property Act prohibits any substantial alteration to the appearance or demolition of a property described herein for a period of one hundred and twenty (120) days from the date of service of this notice, unless the Town Council refuses to register the property.
- 4. The effect of recommendation and registration in the Municipal Heritage Registry described in this notice is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where an application is not approved, the owner may make the alterations in their application or carry out the proposed demolition at any time after three years but not more than four years from the date of application.
- 5. You are hereby notified that the Council will sit to hear any objections regarding the recommendation of the property described in the notice on the \_\_\_\_\_ day of \_\_\_\_\_\_ 20\_\_\_\_, in Council Chambers in the Town Office building, 493 Main Street, Mahone Bay (this date must be thirty days after service). Information and particulars concerning the reasons for recommendation are available from the Mahone Bay Town Office.

Town		
Dated this	day of	, 20

Town

## FORM B

# Notice of Registration of a Municipal Heritage Property

(Insert name	of property owner	), you are hereby n	otified that:
and/or PID#)	has been registere	d in the Municipal	and address of property – civic address Registry of Heritage Property for the Town of f Council on the day of
2. The Herita Heritage Prop	ge Property Act property:	ovides that where a	a property is registered as a Municipal
a) The proper without the a	rty shall not be sub pproval of the Mur	stantially altered in	n exterior appearance or be demolished
b) An application the property is	tion for permission may be made in wr	to substantially ali	ter the exterior appearance or to demolish
c) The Town	may grant or refuse	permission or atta	ach conditions;
property own	er may make the al e date of the applic	lteration or carry o	ior appearance or demolish is refused, the ut the demolition at any time after three than four years after the date of the
e) A person wand to a penal	tho contravenes the late the l	e provision of the <i>F</i>	Heritage Property Act is guilty of an offence
continuance or restoration of	r repetition of any	contravention of the contravention of the contravention of the contract of the	reme Court Order restraining the he By-law or for an Order directing the o enforce the provisions of this By-law and
Dated this	day of	, 20	