
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;
 - b. 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

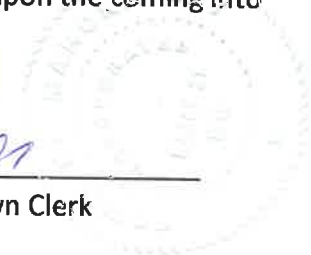
11. The Heritage Property By-law of the Town of Mahone Bay, passed by Council on April 12, 1988, and any associated amendments, is hereby repealed and replaced upon the coming into force of this By-law.



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 14th 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 15th 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 B

Notice of Registration of 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 registered in the Municipal Registry of Heritage Property for the Town of Mahone Bay by resolution adopted at a meeting of Council on the ____ day of _____, 20__.

2. The Heritage Property Act provides that where a property is registered as a Municipal Heritage Property:

a) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;

b) An application for permission to substantially alter the exterior appearance or to demolish the property may be made in writing to the Town;

c) The Town may grant or refuse permission or attach conditions;

d) If the application to substantially alter the exterior appearance or demolish is refused, the property owner may make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application; and

e) A person who contravenes the provision of the *Heritage Property Act* is guilty of an offence and to a penalty under the *Act*;

f) The Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other order to enforce the provisions of this By-law and as to costs and the recovery of expenses.

Dated this day of , 20

Town