

C5 HERITAGE PROPERTY BYLAW

1. In this Bylaw:
 - (a) "Council" means the Municipal Council of the Municipality of the County of Annapolis;
 - (b) "Clerk" means the Municipal Clerk of the Municipality of the County of Annapolis;
 - (c) "Act" means the Heritage Property Act;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the Heritage Property Act and continued pursuant to this bylaw;
 - (e) "Municipality" means the Municipality of the County of Annapolis.
2.
 - (1) The Heritage Advisory Committee shall be composed of six (6) members, all of whom shall be residents of the Municipality, appointed by Council annually for a minimum term of one year. *Non-council members shall be appointed for two years.*
 - (2) Three members of the Committee shall be members of the Council and three members shall be individuals who have, in the opinion of the Council, demonstrated active concern for the preservation of buildings of historic significance.
 - (3) The Committee shall have the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (4) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws.
 - (5) All meetings of the Committee shall be open to the public.
3. The Clerk shall establish and maintain at the business office of the Municipality, a Registry of Heritage Property, where all prescribed documents relating to the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed.

The registry shall:

- (a) be properly indexed;

- (b) contain data with respect to recommendation, registration, if applicable, recording particulars of documents required to be lodged at the Registry of Deeds for Annapolis County and true copies of all notices required by the Act;
 - (c) contain particulars of heritage property under recommendation or registered so as to adequately identify the property;
 - (d) be accessible to the public at no charge during regular business hours at the Municipal Offices.
4. Notice of a recommendation by the Municipal Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.
 5. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.
 6. Council may from time to time establish and amend guidelines for the registration of property as Heritage Property, and the Heritage Advisory Committee shall make recommendations in accordance therewith.

Passed by Council this 17th day of **MARCH**, A.D., **1998**.

Jacquie Z. Farrow-Lawrence

Jacquie Z. Farrow-Lawrence
Municipal Clerk

BYLAW C5

First Reading: February 24, 1998

"Notice of Intent" Publication:..... March 3, 1998

Second / Third Reading: March 17, 1998

Publication Date: April 7, 1998

SCHEDULE "A"

NOTICE OF RECOMMENDATION

TO REGISTER A MUNICIPAL HERITAGE PROPERTY MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Pursuant to the Heritage Property Act, R.S.N.S. 1989, c. 199, the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS hereby gives notice that the property of [insert name of owner], [insert brief description and address], described in Schedule "A" hereto annexed, and in a deed recorded in Book __ at Page __ in the Registry of Deeds for the County of Annapolis, has been recommended for registration in the registry of heritage property for the Municipality of the County of Annapolis.

The property has been recommended for registration [here set out reason for recommendation].

The Heritage Property Act provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) *Notwithstanding Section 4; where the owner of a municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.*
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property. For further information refer to the *Heritage Property Act*.

The *Heritage Property Act* further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to the Act.

DATED at Annapolis Royal, Nova Scotia, this [date].

MUNICIPALITY OF THE COUNTY OF
ANNAPOLIS

Per:

Municipal Clerk

Schedule "A" should contain the legal description of the property to be registered as taken from the deed.

SCHEDULE "B"

NOTICE OF REGISTRATION

TO REGISTER A MUNICIPAL HERITAGE PROPERTY
MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Pursuant to Section 14 of the Heritage Property Act, R.S.N.S. 1989, c. 199, the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS hereby gives notice that the property of [insert name of owner], [insert brief description and address], described in Schedule "A" hereto annexed, and in a deed recorded in Book __ at Page __ in the Registry of Deeds for the County of Annapolis, has been registered in the registry of heritage property for the Municipality of the County of Annapolis.

The Heritage Property Act provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Municipality;
- 3) **The Heritage Advisory Committee shall be given an opportunity to comment on any application;**
- 4) **The Municipality may grant or refuse permission or attach conditions;**
- 5) *Notwithstanding Section 4, where the owner of municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.*
- 6) **Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property.**

For further information refer to the Heritage Property Act.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to s. 15(3) of the Act.

DATED at Annapolis Royal, Nova Scotia, this [date].

**MUNICIPALITY OF THE COUNTY OF
ANNAPOLIS**

Per:

Municipal Clerk

Schedule "A" should contain the legal description of the property to be registered as taken from the deed.