



**MUNICIPALITY OF EAST HANTS
BYLAW NUMBER P-700
A BYLAW AMENDMENT TO BYLAW 153, HERITAGE PROPERTY BYLAW**

WHEREAS Section 12 of the Heritage Property Act make the following provisions:

- (1) A municipality may by by-law establish a municipal registry of heritage property.
- (2) A by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee.
- (3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.
- (4) The by-law may provide the term for which members of the heritage advisory committee shall serve.
- (5) The by-law may provide that the planning advisory committee of the municipality shall be the heritage advisory committee of the municipality.
- (6) A by-law made pursuant to this Section is subject to the approval of the Minister of Municipal Affairs and when so approved has the force of law.

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

1. SHORT TITLE

- 1.1. This bylaw shall be renumbered to P-700 and shall be known as the Heritage Property Bylaw.

2. DEFINITIONS

For the purposes of this Bylaw, the following words shall have the meanings hereby assigned to them:

- (a) **“Act”** means the Heritage Property Act, R.S.N.S., 1989, chapter 199, as amended from





time to time.

- (b) **“Clerk”** means the Municipal Clerk of the Municipality and shall include anyone designated by the Clerk to carry out the work.
- (c) **“Committee”** means the Planning Advisory Committee for the Municipality of East Hants, unless otherwise noted.
- (d) **“Council”** means the Council for the Municipality of East Hants.
- (e) **“Municipal Heritage Property”** means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property.
- (f) **“Municipality”** means the Municipality of East Hants.
- (g) **“Registry of Deeds”** means the Registry of Deeds serving the Municipality.

3. HERITAGE ADVISORY COMMITTEE

- 3.1. The Planning Advisory Committee shall be the Heritage Advisory Committee of the Municipality.
- 3.2. The Committee shall have the powers and duties of a heritage advisory committee pursuant to the Act.
- 3.3. The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as are contained in the Municipal Government Act and the Bylaws of the Municipality of East Hants.

4. MUNICIPAL REGISTRY OF HERITAGE PROPERTY

- 4.1. The Clerk shall establish and maintain a Municipal Registry of Heritage Property, where all documents relating to the registration of a municipal heritage property, pursuant to the Act or this Bylaw, shall be filed.
- 4.2. The Municipal Registry of Heritage Property shall:
 - (a) Contain information with respect to recommendations, registrations and deregistrations, and recording particulars of documents required to be lodged at the Registry of Deeds, and true copies of all notices required by the Act;
 - (b) Be accessible to the public at no charge during the regular business hours of the Municipality.





5. GENERAL PROVISIONS

- 5.1. The Committee may recommend to Council that a building, public-building interior, streetscape, cultural landscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property.
- 5.2. The notice of such a recommendation by the Committee shall be served by the Clerk in accordance with the Act and shall in the form specified in Schedule “A”, attached hereto.
- 5.3. Council may register a building, public building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions on the Act and the registration shall be in the form specified in Schedule “B”, attached hereto.
- 5.4. Council may deregister a Municipal Heritage Property in accordance with the provisions of the Act and such deregistration shall be filed in the Municipal Registry of Heritage Property.

6. REPEAL

- 6.1. Bylaw 153 - Heritage Property Bylaw is hereby repealed and replaced upon the coming into force of this Bylaw.

I, Connie Nolan, CAO and Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on November 23, 2016.

Connie Nolan, CPA, CA, CFE
CAO/Municipal Clerk





Bylaw Adoption	
First Reading:	October 12, 2016
Notice of Public Hearing Publication:	October 26, 2016
Second Reading and Enactment:	November 23, 2016
Final Publication:	December 7, 2016
Notice to Service Nova Scotia & Municipal Relations:	December 8, 2016

Version Number	Amendment Description	Council Approval Date
1	Amendment of Bylaw No. 153 including renumbering to Bylaw P-700	November 23, 2016





SCHEDULE "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 Municipality of East Hants.

2. The reasons for this proposed designation are:

[insert reasons for reason 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 Municipal 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 Municipality and the application is granted with or without conditions. Where an application is not approved, the owner may make the alterations in his 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 the Lloyd E. Matheson Centre, 15 Commerce Court, Elmsdale (This date must be thirty days after service). In the event of cancellation, the meeting will be held on [insert in event of cancellation date]. Information and particulars concerning the reasons for recommendation are available from the office of the Municipal Clerk for the Municipality of East Hants from 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding Holidays.

Dated this day of 20

Connie Nolan, CPA, CA, CFE
CAO and Municipal Clerk





SCHEDULE "B"

NOTICE OF REGISTRATION OF 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 Municipality of East Hants 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 Municipality;
 - (c) The Municipality may grant or refuse permission or attached 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) Penalties for violation of the Act are a maximum fine of \$10,000 for individuals and is \$250,000 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property.

Dated this _____ day of _____ 20_____

Connie Nolan, CPA, CA, CFE
 CAO and Municipal Clerk

