

# Municipality of the District of St. Mary's

## Heritage Property By-Law

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**BE IT ENACTED** by the Council of the Municipality of the District of St. Mary's, under the authority of Section 12 of the *Heritage Property Act, R.S., c 199, s. 1* as follows:

### 1. Short Title

- 1.1 This by-law shall be known as and may be cited as the Heritage Property By-Law of the Municipality of the District of St. Mary's.
- 1.2 In the event of any conflict between the provisions of this By-Law and the *Heritage Property Act (HPA)*, the *HPA* will prevail.

### 2. Definitions

- 2.1 "Clerk" means the Municipal Clerk of the Municipality of the District of St. Mary's.
- 2.2 "Council" means the Municipal Council of the Municipality of the District of St. Mary's.
- 2.3 "Heritage Advisory Committee" means a Heritage Advisory Committee within the meaning of the *Heritage Property Act*, having all the powers and duties prescribed by the Act or incidental thereto.
- 2.4 "heritage conservation district" means an urban or rural area with historic or architectural value that is established as a heritage conservation district pursuant to this Act.
- 2.5 "heritage value" means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings.
- 2.6 "Municipality Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property.
- 2.7 "Municipal Registry of Heritage Property" means a registry of municipal heritage property(s) within the meaning of the *Heritage Property Act*.

### 3. Heritage Advisory Committee

- 3.1 The Committee of the Whole shall be the Heritage Advisory Committee and may consist of up to two (2) members of the public who are residents of the Municipality which are reappointed annually.
- 3.2 The Heritage Advisory Committee shall be governed where not inconsistent with the *Heritage Property Act* or this by-law, by the general rules of procedure applicable to committees of council as contained in the Council Procedural Policy of the Municipality of the District of St. Mary's.
- 3.3 The Heritage Advisory Committee may advise the council respecting:

- 3.3.1. The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property.
- 3.3.2. An application for permission to alter substantially or demolish a municipal heritage property.
- 3.3.3. The preparation, amendment, revision or repeal of a conservation plan and conservation by-law.
- 3.3.4. The administration of heritage conservation districts pursuant to the provisions of this Act.
- 3.3.5. An application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing.
- 3.3.6. Building or other regulations that affect the attainment of the intent and purpose of the *Heritage Property Act*.
- 3.3.7. Any other matter conducive to the effect of carrying out the intent and purpose of the *Heritage Property Act*.

#### **4. Municipal Registry of Heritage Property**

- 4.1 The Clerk shall establish and maintain at the Municipal Office a Municipal Registry of Heritage Property where all documents relating to the registration of Heritage Property shall be filed.
- 4.2 The Municipal Registry of Heritage Property shall:
  - 4.2.1. Be properly indexed;
  - 4.2.2. Contain data with respect to recommendations, registration or deregistration, alterations or demolitions, documents required to be registered at the Registry of Deeds, any notices required by the *Heritage Property Act*;
  - 4.2.3. Contain particulars of Heritage Property under recommendation or registered to adequately identify the property; and
  - 4.2.4. Be accessible to the public at no charge during regular business hours at the Municipal Office.

#### **5. Registration**

- 5.1 The Heritage Advisory 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 and the prescribed notice of such recommendation shall be served and filed by the Clerk in accordance with the provisions of the *Heritage Property Act*. The notice shall contain the following as outlined in the *Heritage Property Act*:

- 5.1.1. A statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;
  - 5.1.2. A brief statement of the reasons for the recommendation;
  - 5.1.3. A summary of the consequences of registration;
  - 5.1.4. A statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and
  - 5.1.5. Notification of the right of the owner(s) to be heard and of the time and place for the hearing.
- 5.2 Notice of a recommendation by the Municipal Heritage Advisory Committee that a building, public building interior, streetscape, cultural landscape or area be registered as a municipal heritage property shall be in the attached **Form HPBL-2**.
- 5.3 The council may register a building, public building interior, streetscape, cultural landscape or area as a municipal heritage property in accordance with the provisions of the *Heritage Property Act* and the registration shall be in the attached **Form HPBL-3**.
- 5.4 Notice of any such registration shall be sent to each registered owner(s) of the municipal heritage property and a copy of the registration shall be recorded with the Nova Scotia Registry of Deeds.

## 6. Signage

- 6.1 The municipality may cause an approved sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property and will be at the cost of the Municipality.

## 7. Deregistration

- 7.1 On the application of an owner(s) of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where:
  - 7.1.1. The property has been destroyed or damaged by any cause; or
  - 7.1.2. The continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner(s), after holding a public hearing to consider the proposed deregistration.



7.2 Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner(s) of the municipal heritage property and published in a newspaper circulating in the area.

7.3 Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration in attached **Form HPBL-3** to be sent to the registered owner(s) of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate.

## 8. Approval to Alter or Demolish

8.1 Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

8.2 An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made to the municipality in attached **Form HPBL-4**.

8.3 Upon receipt of the application, the municipality shall refer the application to the Heritage Advisory Committee for its recommendation.

Within thirty days after the application is referred by the municipality, the Heritage Advisory Committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

8.4 The municipality may grant the application either with or without conditions or may refuse it.

8.5 The municipality shall advise the applicant of its determination in attached **Form HPBL-5**.

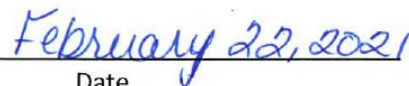
## 9. Repeal

9.1 The Municipality's Heritage Property By-Law approved on February 28<sup>th</sup>, 1989 is hereby repealed and replaced upon the coming into force of this By-Law.

By-Law Adoption	
First Reading:	January 11 <sup>th</sup> , 2021
Notice of Public Hearing Publication:	January 20 <sup>th</sup> , 2021
Second Reading and Enactment:	February 10 <sup>th</sup> , 2021
Final Publication:	February 17 <sup>th</sup> , 2021
Notice to DMAH:	February 18 <sup>th</sup> 2021



Municipal Clerk



Date



## Form HPBL-1

### REQUEST FOR REGISTRATION (OR) DEREGISTRATION OF HERITAGE PROPERTY

Applicant Name: \_\_\_\_\_ Applicant Contact Number: \_\_\_\_\_

Civic Address of Heritage Property: \_\_\_\_\_

Parcel Identification Number (PID) \_\_\_\_\_ Municipal Account Number (AAN) \_\_\_\_\_

Municipal Registry of Heritage Property Number (*if applicable*): \_\_\_\_\_

Reason for  Registration (**OR**)  Deregistration Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

*\*All registered owners must provide authorization \**

*\*Please note the Heritage By-Law Committee may contact you for additional information if necessary\**

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**OFFICE USE ONLY:**

Date Application was Received	
Date Application was Reviewed by Heritage Advisory Committee	
Date of Owner(s) Hearing ( <i>if applicable</i> )	
Date of <input type="checkbox"/> Approval or <input type="checkbox"/> Non-Approval Notice Sent	



## FORM HPBL-2

### NOTICE OF RECOMMENDATION FROM HERITAGE ADVISORY COMMITTEE TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

To: \_\_\_\_\_ You are hereby notified that the Heritage Advisory Committee  
(name)

has recommended that the land and building located at: \_\_\_\_\_  
(address)

with Parcel Identification Number (PID) \_\_\_\_\_ Municipal Account Number (AAN) \_\_\_\_\_

be registered in the Municipal Registry of Heritage Property for the Municipality of the District of St. Mary's.

The reasons for this proposed designation are outlined in the attached letter.

If the property is registered:

1. Section 13(4) of the Heritage Property Act prohibits any substantial alteration to the exterior appearance of a municipal heritage property or any demolition of a municipal heritage property for a period of one hundred twenty days (120) from the date of service of this notice unless the Municipal Council, before the expiration of the 120 days, refuses to register your property as a municipal heritage property.
2. The effect of recommendation and registration in the Municipal Heritage Registry as described in paragraph one is that no demolition or substantial alteration to the exterior appearance of your property may be made from the date of registration of your property as a municipal heritage property unless an application, in writing, for permission to demolish or alter your property is submitted to the Municipality and the application is granted with or without conditions.

You are hereby notified that Council will sit to hear any objections regarding the recommendation of the property described in the notice on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_.  
(month) (year) (time)

(The date must be 21 days after service of the notice). Information and particulars concerning the reasons for recommendation are available from the Municipal Office of the Municipality of the District of St. Mary's during regular business hours.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date



## Form HPBL-3

### NOTICE OF REGISTRATION (OR) DEREGISTRATION OF HERITAGE PROPERTY

To:

\_\_\_\_\_ You are hereby notified that the land and building located at:  
(name)

\_\_\_\_\_ with Parcel Identification Number (PID) \_\_\_\_\_  
(address)

Municipal Account Number (AAN) \_\_\_\_\_, has been  registered /  de-registered in the Municipal

Registry of Heritage Property with MRHP # \_\_\_\_\_ by resolution adopted at the meeting of

Council on the \_\_\_\_\_ day, \_\_\_\_\_, \_\_\_\_\_.  
(month) (year)

The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing using **Form HPBL-4**, for permission is submitted to council and the application is granted with or without conditions.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date



## Form HPBL-4

### REQUEST FOR ALTERATION/DEMOLITION OF HERITAGE PROPERTY

Applicant Name: \_\_\_\_\_ Applicant Contact Number: \_\_\_\_\_

Civic Address of Heritage Property: \_\_\_\_\_

Parcel Identification Number (PID) \_\_\_\_\_ Municipal Account Number (AAN) \_\_\_\_\_

Municipal Registry of Heritage Property Number: \_\_\_\_\_

Reason and Details for Alteration/Demolition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

*\*All registered owners must provide authorization \**

*\*Please note the Heritage By-Law Committee may contact you for additional information if necessary\**

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**OFFICE USE ONLY:**

Date Application was Received	
Date Application was Reviewed by Heritage Advisory Committee	
Date of Public Notice/Meetings <i>(if applicable)</i>	
Date of <input type="checkbox"/> Approval or <input type="checkbox"/> Non-Approval Notice Sent	





## Form HPBL-5

### NOTICE OF ALTERATION/DEMOLITION OF HERITAGE PROPERTY

To: \_\_\_\_\_ You are hereby notified that your application to  
*(name)*

alter/demolish the land and building located at: \_\_\_\_\_ with Parcel  
*(address)*

Identification Number (PID) \_\_\_\_\_ Municipal Account Number (AAN) \_\_\_\_\_, and Registry  
of Heritage Property with MRHP # \_\_\_\_\_ has been  approved /  denied for the below  
reasons by the Municipality of the District of St. Mary's by resolution adopted at the meeting of council on the  
\_\_\_\_\_ day, \_\_\_\_\_, \_\_\_\_\_.  
*(month) (year)*

Reason:

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\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date