BYLAW 3
MUNICIPAL HERTIAGE PROPERTIES

RESPECTING THE REGISTRATION, DEREGISTRATION AND ALTERATION OR DEMOLITION OF A MUNICIPAL HERITAGE PROPERTY

BE IT ENACTED by the Council of the Municipality of the District of Shelburne, under authority of the *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia 1998, as follows:

1. SHORT TITLE

This bylaw shall be known as Bylaw #3, and may be cited as the "Municipal Heritage Properties Bylaw".

2. DEFINITIONS

a. "Council" shall mean the Municipal Council of the District of Shelburne.

b. "Heritage Advisory Committee" shall mean a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the power and duties prescribed by the Act or incidental thereto. Municipality of the District of Shelburne's Planning and Development Committee is hereby designated as the Heritage Advisory Committee.

c. "Municipal Clerk" shall mean the Municipal Clerk of the Municipality of the District of Shelburne.

d. "Municipal Heritage Property" shall mean a Municipal Heritage Property within the meaning of the Heritage Property Act.

e. "Municipal Registry of Heritage Property" shall mean a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.

3. MUNICIPAL REGISTRY OF HERITAGE PROPERTY

a. There shall be a Municipal Registry of Heritage Property wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Heritage Property Act or this Bylaw shall be filed.

b. The maintenance of the Municipal Registry of Heritage Property shall be the responsibility of the Municipal Clerk.

4. PLANNING AND DEVELOPMENT COMMITTEE

a. There shall be a Planning and Development Committee, which may advise the Municipality respecting:

i) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the Municipal Registry of Heritage Property;

ii) An application for permission to alter substantially or demolish a Municipal Heritage Property;

iii) Building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act;

iv) Any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.

b. The Planning and Development Committee shall be composed of no less than two (2) members of Council and no less than three (3) community members, all of whom shall be residents of the Municipality, appointed by Council for a term of three years.

5. REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

a. The Planning and Development 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 Municipal Clerk in accordance with the Act and, in addition to the requirements of the Act, a copy of the notice shall be filed in the Municipal Registry of Heritage Property.

b. Notice of recommendation by the Planning and Development Committee that a building, public-building interior, streetscape, cultural landscape or area be registered shall be in accordance with the Heritage Property Act.

c. Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the Heritage Property Act.

d. Notice of such registration shall be sent to the registered owner of the Municipal Heritage Property. One copy of the registration shall be filed in the Municipal Registry of Heritage Property.

6. DEREGISTRATION OF MUNICIPAL HERITAGE PROPERTY

a. Council may deregister a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the Heritage Property Act, after holding a public hearing to consider the proposed deregistration. Such a public hearing shall be held not less than thirty (30) days after a notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

b. Notice of such deregistration shall be sent to the registered owner of the Municipal Heritage Property. One copy of the deregistration shall be filed in the Municipal Registry of Heritage Property.

7. ALTERATION OR DEMOLITION OF MUNICIPAL HERITAGE PROPERTY

a. Municipal Heritage Property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of Council.

b. Upon receipt of an application to substantially alter or demolish a Municipal Heritage Property, the Council shall refer the application to the Planning and Development Committee for its recommendation.

c. Council may approve an application for the substantial alteration or demolition of a Municipal Heritage Property in accordance with the Heritage Property Act., either with or without conditions, or may refuse it.

d. Where Council does not approve the application, the registered property owner may make the alteration or carry out the demolition at any time after three years but not more than four years from the date of the application.

8. COUNCIL AUTHORITY

a. Council may from time to time set out or amend the Terms of Reference within which the Planning and Development Committee shall operate. The Planning and Development Committee shall make recommendations on the document.

THIS IS TO CERTIFY that this Bylaw Respecting Municipal Heritage Properties has been duly approved by the Council of the Municipality of the District of Shelburne on the 23rd day of October, 2017.

Warden

Chief Administrative Officer

First Reading: September 25, 2017

Notice of Intent: October 4, 2017

Second Reading: October 23, 2017

Filed 3 certified copies of by-law with Minister of Municipal Affairs: November 14, 2017

*Notice of Passing: February 21, 2018

Effective Date of by-law unless otherwise specified in the text of the by-law.