

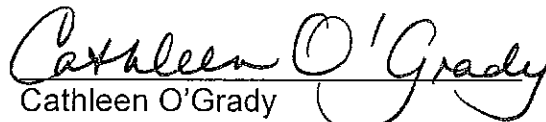
MUNICIPALITY OF THE DISTRICT OF DIGBY

BY-LAW NO. 2006-02

BY-LAW TO AMEND THE HERITAGE PROPERTY BY-LAW NO. 2000-04

ADOPTED BY COUNCIL ON OCTOBER 30, 2006

Recommended for approval with amendments:



Cathleen O'Grady
Departmental Solicitor

This by-law which was adopted at a meeting of Council held on October 30, 2006, is approved with the following amendments to the amendment to Section 3:

- 1) "five (5) members" is changed to "six (6) members", and
- 2) in clause (1), "one (1) member of Council" is changed to "two (2) members of Council".

Dated at Halifax this ²¹7 day of
2007




Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

MUNICIPALITY OF THE DISTRICT OF DIGBY
BY-LAW NO. 2006-02
BY-LAW TO AMEND THE HERITAGE PROPERTY BY-LAW NO. 2000-04

BE IT RESOLVED by the Council of the Municipality of the District of Digby, under the authority of the *Municipal Government Act* that the following by-law be enacted and that the Clerk forward a copy of it duly certified and sealed to the Minister of Service Nova Scotia and Municipal Relations.

BY-LAW TO AMEND THE HERITAGE PROPERTY BY-LAW NO. 2000-04


BE IT RESOLVED that Section 3 of the Municipality of the District of Digby Heritage Property By-law No. 2000-04 be amended as follows:

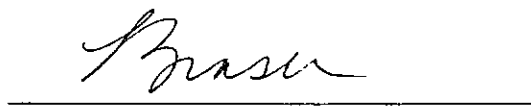
The Committee shall consist of not more than ~~five~~^{six (6)} (5) members, who shall be appointed by Council as follows:

- a) a minimum of one ~~(1)~~² member of Council; and
- b) four (4) residents of the District, who have applied to the Council to act as members and have expressed an interest in heritage preservation.

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 Municipality of the District of Digby, held the 30th day of October 2006.

Given under the hands of the Warden and the Chief Administrative Officer and the seal of the Municipality of the District of Digby this 31st day of October , 2006.


James R. Thurber
Warden


Linda Fraser
Chief Administrative Officer

Date of First Reading: September 25, 2006
Date of Advertisement of Notice of Intent to Consider: October 12, 2006
Date of Second Reading: October 30, 2006
Date of Publishing: November 9, 2006
Date of Forwarding to Minister: November 9, 2006
Effective Date of the By-law: ~~November 9, 2006~~ *March 1, 2007*

BE IT RESOLVED that the following be adopted and enacted as a bylaw of the Municipality of the District of Digby under the authority of the Heritage Property Act, S.N.S. 1989, Chapter 199, as amended from time to time and that the same be forwarded to the Minister for approval.

**MUNICIPALITY OF THE DISTRICT OF DIGBY
BY-LAW NO. 2000-04
HERITAGE PROPERTY BY-LAW**

Definitions:

1. In this By-law,
 - a) "Act" means the Heritage Property Act, R.S.N.S. 1989, Chapter 199, as amended;
 - b) "Committee" means the Heritage Advisory Committee of the Municipality of the District of Digby;
 - c) "Council" means the Council of the Municipality of the District of Digby;
 - d) "Chief Administrative Officer" means the means the chief administrative officer for the Municipality of the District of Digby;
 - e) "District " means Municipality of the District of Digby;
 - f) "Heritage Property" means a building, streetscapes or area registered in the Registry of Heritage Property for the Municipality of the District of Digby;
 - g) "Registry" means the Heritage Property Registry of the Municipality of the District of Digby.

Heritage Advisory Committee:

2. There is hereby created a Heritage Advisory Committee for the District.

Composition of Committee:

3. The Committee shall consist of not more than seven (7) members, who shall be appointed by Council, as follows:

- a) a minimum of three (3) members of Council; and
- b) four (4) residents of the District, who have applied to the Council to act as members and have expressed an interest in heritage preservation.

Term of Office:

4. The members of the Committee shall be appointed for a four (4) year term.

Eligibility for Re-appointment:

5. A member of the Committee shall be eligible for re-appointment.

Deemed Resignation:

6. A member who is absent from three consecutive meetings of the Committee without cause, shall be deemed to have resigned.

Filling of Vacancies:

7. Should a vacancy occur on the Committee, for any reason other than the expiration of the term of a member the Council shall, within 30 days of notification thereof, appoint a person to the vacancy, and the person so appointed shall hold office for the remainder of the term of the member in place of whom she/he was appointed.

Powers of the Committee:

8. The Committee shall, within the limits prescribed by Council or the Act, advise the Council respecting;

- a) the inclusion of buildings, streetscapes and areas in the Registry;

b) the identification of natural and archaeological features which could be considered for protection through the Special Places Protection Act;

c) an application for permission to substantially alter the external appearance of, or to demolish, a Heritage Property;

d) building or other regulations that affect the attainment of the intent and purpose of the Act;

e) the use, administration, and management of registered heritage properties owned by the District;

f) proposals for the erection on heritage properties of monuments, sculptures or plaques

g) the de-registration of heritage properties;

h) the acquisition of heritage properties;

i) the amendment of evaluation criteria, guidelines and standards for municipal heritage properties;

j) any other matter conducive to the effective carrying out of the intent and purpose of the Act.

Meetings:

9. The Committee shall meet at the call of the Chairperson or at the request of one-third of the members of the Committee and a quorum of the Committee shall be fifty percent (50%) of the members plus one.

Procedure

10. The procedure of the Committee shall be governed, where not inconsistent with the Act or this By-law, by the Rules of Order and Procedure of the District.

Meetings Open To Public:

11. All meetings of the Committee shall be open to the public.

Chairperson of Committee:

12. The Committee shall, at its first meeting and thereafter annually, elect from its members a Chairperson for the ensuing year.

Vice-Chairperson:

13. The Committee shall, at its first meeting and thereafter annually, elect from its members a Vice-Chairperson for the ensuing year, who shall act in the absence of the Chairperson, and if both the Chairperson and Vice-Chairperson are absent from any meeting, the Committee shall elect an Acting Chairperson to act at such meeting of the Committee.

Secretary:

14. The Chief Administrative Officer, or a person designated by the Chief Administrative Officer to act in his/her absence, shall act as the Recording Secretary of the Committee.

Notice of Recommendation:

15. Notice of a recommendation by the Committee that a building, streetscape or area be registered as a municipal heritage property shall be in Form "A" and shall be forwarded to the owners of the subject property in the manner, and be registered at the Registry of Deeds and contain such information, as is called for in the Act.

Notice of Registration:

16. Should the recommendation be approved by Council, a Notice of Registration of a Heritage Property shall be in Form B and shall be forwarded to the owners of the subject property in the manner, and be registered at the Registry of Deeds and contain such information, as is called for in the Act.

Notice of Decision Not To Register:

17. In the event that Council, after due consideration of the proposed registration, does not approve the registering of the property in the Registry, a notice in Form C shall be sent to the registered owner of the property.

Notice of De-registration:

18. Notice of De-registration of a Municipal Heritage Property to be sent to any registered owner of a Municipal Heritage Property and to be deposited in the Registry of Deeds shall be in Form D.

Guidelines:

19. Council may, from time to time set out and/or amend such guidelines as it deems fit for the designation of property as Heritage Property and the Committee shall make recommendations in accordance therewith.

Annual Report:

20. The Committee shall submit annually to Council through the Chief Administrative Officer a report of the activities of the Committee for the previous year, such report to be submitted on or before March 31.

Building Inspector

21. The Building Inspector shall inform the Heritage Advisory Committee of any application for exterior alteration or demolition of a registered property.

22. Whenever the Building Inspector of the District makes any finding that a Heritage Property has become a dangerous or unsightly structure or premises the Building Inspector shall immediately advise the Heritage Advisory Committee of the condition of said Heritage Property.

Establishment of Heritage Registry:

23. There is hereby created a Registry of Heritage Property for the Municipality of the District of Digby wherein all prescribed documents relating to the registration of Heritage Property pursuant to the provisions of the Act and this By-law shall be filed.

Registration of Property:

24. Buildings, streetscapes, or areas may be registered in the Registry as Heritage Properties by Council, on the advice of the Heritage Advisory Committee, pursuant to the provisions of the Act and those properties so registered shall be subject to the provisions of the Act.

Previous Heritage Properties Deemed Registered:

25. Buildings, streetscapes, or areas which were and continued to be registered Heritage Properties in the District immediately prior to the coming into force of this bylaw, shall continue to be registered Heritage Properties in the Registry.

Maintenance of Registry:

26. The Chief Administrative Officer shall maintain the Registry which shall:


- a) be properly indexed;
- b) contain data, where, applicable with respect to recommendations, registration, recording particulars of documents to be registered at the Registry of Deeds and true copies of all notices required by the Act or this By-law;
- c) contain particulars of any Heritage Property, under recommendation or registered so as to adequately identify the property; and
- d) be accessible to the public at no charge during regular District office hours.

Repeal of By-laws and Ordinances:

27. The former Heritage Property Bylaw and any amendments thereto of the Municipality of the District of Digby, is hereby repealed.

This is to certify that the foregoing is a true copy of a Bylaw passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 2 day of April, 2001.

Given under the hand of the Chief Administrative Officer and the seal of the Municipality of the District of Digby this 3rd day of January, 2002.



 Brian Cullen
 Chief Administrative Officer

Service Nova Scotia
 and Municipal Relations
 Recommended for
 approval of the Minister


 Department Solicitor
 APPROVED this 18 day
 of January 2002


 Minister of Service Nova Scotia and Municipal Affairs

FORM A
NOTICE OF RECOMMENDATION TO REGISTER
AS A MUNICIPAL HERITAGE PROPERTY

TO:
of-

REGARDING the land and building located at:

YOU ARE HEREBY NOTIFIED THAT:

1. The above land and building have been recommended to be registered in the Registry of Heritage Property for the Municipality of the District of Digby.
2. The reasons for the proposed designation is/are one or more of the following, as indicated (Staff check box or boxes that apply):
 - a) approximate date of erection;
 - b) type of architecture, typical of an era;
 - c) part of a significant streetscapes;
 - d) local historical significance;
 - e) national historical significance.

3. Section 14 (4) of the Heritage Property Act prohibits demolition or any substantial alteration of the appearance of a property described herein for a period of one hundred twenty (120) days from the date and service of this notice, unless the Council sooner refuses to register the property.

4. The effect of recommendation and registration in the Registry of Heritage Property for the Municipality of the District of Digby is that no demolition or substantial alteration in 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 such application is not approved the owner may make the alterations described in the application or carry out the proposed demolition at any time after one year but not more than two 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 this notice:

a) on the _____ day of 20____
(This date must be 21 days after service)

b) at _____ (time),

c) in the Council Chambers at the District of Digby Administration building.

6. Information and particulars concerning the reasons for recommendation are available from the offices of the Municipality of the District of Digby any weekday, other than on a Statutory Holiday, from 9:00 A.M. to 4:30 P.m.

DATED this _____ day of _____ 20__

_____, Chief Administrative Officer

FORM B

NOTICE OF REGISTRATION
AS A MUNICIPAL HERITAGE PROPERTY

TO:

of.

REGARDING the land and building located at:

YOU ARE HEREBY NOTIFIED THAT:

1. The above land and building has been registered in the Registry of Heritage Property for the District of Digby by resolution adopted at a meeting of Council the day of , 20__
2. The effect of this registration 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 Council and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in the application or carry out the proposed demolition at any time after one year but not more than two years from the date of application.

DATED this day of 20__

_____, Chief Administrative Officer

FORM C
NOTICE OF REFUSAL TO REGISTER
AS A MUNICIPAL HERITAGE PROPERTY
TO:
Of.

REGARDING the land and building located at:

YOU ARE HEREBY NOTIFIED THAT:

1. The Council of the Municipality of the District of Digby has on, ____ day of _____, 20__ refused to register the above land and building at this time in the Registry of Heritage Property for the District of Digby.
2. The effect of refusal to register in the Registry of Heritage Property for the Municipality of the District of Digby is that Section 17 of the Heritage Property Act no longer applies to the property and it may now be altered without application to the Municipality of the District of Digby, pursuant to Section 14(4) of the Act.

DATED this _____ day of _____ 20__

_____, Chief Administrative Officer
day, the _____ day of _____ 20__ refused to register

FORM D

NOTICE OF DE-REGISTRATION

AS A MUNICIPAL HERITAGE PROPERTY

TO:

Of.

REGARDING the land and building located at:

YOU ARE HEREBY NOTIFIED THAT:

1. The above land and building has been de-registered as a Heritage Property by the Council of the Municipality of the District of Digby, as of the _____ day of _____ 20____ and thus will be removed from the Registry of Heritage Property for the District of Digby.

2. The effect of de-registration is that the property may be altered without reference to Section 17 of the Heritage Property Act. All other municipal regulations continue to apply.

DATED this _____ day of _____ 20__

_____, Chief Administrative Officer