

MUNICIPALITY OF THE COUNTY OF KINGS

For By-Law information contact the Municipal Clerk

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BY-LAW # 80

HERITAGE PROPERTY BY-LAW

1. Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended by Stats N.S. 1991, c. 10, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 In this By-law:
 - 1.2.1 "Council" shall mean the Council of the Municipality.
 - 1.2.2 "Clerk" shall mean the Municipal Clerk of the Municipality.
 - 1.2.3 "Municipal Registry of Heritage Property" means the Kings County Municipal Registry of Heritage Property under the meaning of the Act.
 - 1.2.4 "Heritage Advisory Committee" means the Heritage Advisory Committee under the meaning of the Act established for the Municipality.
 - 1.2.5 "Municipal Heritage Property" means a building, streetscape or area registered in the Municipal Registry of Heritage Property.
 - 1.2.6 "Heritage Conservation District" means an urban or rural area with historic or architectural value within the Municipality of the County of Kings that is established as a heritage conservation district pursuant to the Act.
 - 1.2.7 "Heritage Conservation District Plan" means a Heritage Conservation District Plan adopted by the Municipality pursuant to this By-law or a Heritage Conservation By-law.
 - 1.2.8 "Heritage Conservation By-law" means a Heritage Conservation By-law within the meaning of the Act.
 - 1.2.9 "Municipality" shall mean the Municipality of the County of Kings.

- 1.2.10 "Registry of Deeds" shall mean the Registry of Deeds serving the Municipality.

2. Heritage Advisory Committee

- 2.1 Council shall appoint a Heritage Advisory Committee which may advise the Council respecting:
- 2.1.1 the inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property;
 - 2.1.2 an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - 2.1.3 the preparation, amendment, revision or repeal of a conservation plan and conservation By-law;
 - 2.1.4 the administration of heritage conservation districts pursuant to the provision of the Act;
 - 2.1.5 an application for a certificate that is required by the Act or the conservation plan and conservation By-law to go to a public hearing;
 - 2.1.6 building or other regulations that affect the attainment of the intent and purpose of the Act; and
 - 2.1.7 any other matter conducive to the effect of carrying out the intent and purpose of the Act.
- 2.2 The Planning Advisory Committee of the Municipality of the County of Kings shall be the Heritage Advisory Committee.
- 2.3 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to committees as contained in the By-laws of Council. The Meeting and Procedure By-law of the Municipality, as amended from time to time, shall apply mutatis mutandis to the Heritage Advisory Committee.

3. Municipal Registry of Heritage Property

- 3.1 The Clerk shall establish and maintain at the business office of the Municipality, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law, shall be filed.

- 3.2 The Municipal Registry of Heritage Property shall:
- 3.2.1 be properly indexed;
 - 3.2.2 contain data with respect to recommendations, registrations, deregistrations, recording particulars of documents required to be lodged at the Registry of Deeds and true copies of all notices required by the Act;
 - 3.2.3 contain particulars of buildings, streetscapes or areas under recommendation of the Heritage Advisory Committee to be Municipal Heritage Property or registered such as to adequately identify such buildings, streetscapes or areas; and
 - 3.2.4 be accessible to the public at no charge during regular business hours of the business office of the Municipality.

4. General Provisions

- 4.1 The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property.
- 4.2 The prescribed notice of such recommendation shall be served by the 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.
- 4.3 Notice of a recommendation by the Heritage Advisory Committee to Council that a building, streetscape or area be registered as a Municipal Heritage Property shall be in Form A.
- 4.4 Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall be in Form B.
- 4.5 Notice of such registration shall be sent to each registered owner of the Municipal Heritage Property.
- 4.6 One copy of the registration shall be deposited in the Registry of Deeds and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.
- 4.7 Council may deregister a Municipal Heritage Property in accordance with the provision of the Act and such deregistration shall be filed in the Municipal Registry of Heritage Property.

- 4.8 Council shall adopt, and may from time to time set out or amend the terms of reference under which the Heritage Advisory Committee shall operate.
- 4.9 The Heritage Advisory Committee shall make recommendations on the terms of reference.

FORM A

NOTICE OF RECOMMENDATION TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

TO: _____ (owner(s) name and address) _____

YOU ARE HEREBY NOTIFIED THAT:

- 1. The land, building or area (herein referred to as "the Property") located at:

Civic Address: _____
P.I.D. No.: _____
Subdivision and Lot No. _____
Registration and Filing Nos. of Plan of Subdivision _____
Approximate Size: _____
Legal Description (Attached as a Schedule)

has been recommended by the Heritage Advisory Committee of the Municipality of the County of Kings to be registered in the Municipal Registry of Heritage Property for the Municipality of the County of Kings.

- 2. The reasons for this proposed designation are: (e.g. approximate date of construction, type of architecture, typical of an era; part of a streetscape with description of streetscape location, rare example of type or style of construction, local historical significance, regional historical significance ...)
- 3. Section 14 (4) of the Heritage Property Act prohibits any substantial alteration to the exterior appearance of, or demolition of, a building, streetscape or area for a period of one hundred and twenty (120) days from the date and service of this notice except where within the one hundred and twenty (120) days, the Municipality refuses to register the Property.
- 4. The effect of registration in the Municipal Registry of Heritage Property of the Property described in paragraph 1 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 of the County of Kings and the approval, with or without conditions, is granted. Where such application is not approved the owner(s) may make the alterations, or carry out the proposed demolition, described in the application at any time after one year but not more than two years from the date of the written application.

5. You are hereby notified that the Council of the Municipality of the County of Kings will give the owner or any other person an opportunity to be heard regarding the recommendation of the Heritage Advisory Committee regarding the Property described in this notice at a Public Hearing to be held on the ___ day of _____ at _____ (time), at the Council Chambers, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia.
6. Information and particulars concerning the recommendation and reasons to support it may be examined at the office of the Department of Community Development Services, Municipality of the County of Kings, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excepting holidays.
7. You are also invited to forward any comments you might wish to make concerning this matter to the Heritage Officer, Municipality of the County of Kings, PO Box 100, Kentville, NS B4N 3W3.

DATED at Kentville, Nova Scotia, this
___ day of _____, 19__.

Municipal Clerk

FORM B

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

(To be filed in the appropriate Registry of Deeds)

TO: _____

WHEREAS the Council of the Municipality of the County of Kings has enacted a Heritage Property By-law pursuant to the provision of the Heritage Property Act of Nova Scotia;

AND WHEREAS the By-law has received the approval of the Minister of Housing and Municipal Affairs for the Province of Nova Scotia;

AND WHEREAS a notice of Proposed Recommendation for Registration of the Property hereinafter more fully described was issued on the ___ day of _____, 19__;

AND WHEREAS the Council of the Municipality of the County of Kings did sit to hear any comments regarding the recommendation of the Heritage Advisory Committee and representation of other persons regarding the Property described in the Notice on the ___ day of _____, 19__; at (time) _____ at (place) _____;

AND WHEREAS the said Council of the Municipality of the County of Kings has, after hearing those appearing at the hearing, has registered the subject Property in the Municipal Registry of Heritage Property.

YOU ARE HEREBY NOTIFIED THAT:

- 1. The land and building located at (civic address, location, legal description or other identification of "the Property)

Civic Address: _____

P.I.D. No.: _____

Subdivision and Lot No.: _____

Registration and Filing Nos. of Plan of Subdivision: _____

Approximate Size: _____

Legal Description (Attached as a Schedule)

has been designated as a Municipal Heritage Property and has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of Council the ___ day of _____, 19__.

2. This Notice of Registration is being sent to you pursuant to the requirements of the Heritage Property Act and a true copy of this Notice of Registration shall be deposited at the Registry of Deeds Office for Kings County, situate at Kentville, Nova Scotia.
3. The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance of the Property may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out a proposed demolition at any time after one year but not more than two years from the date of the application.
4. Registration of the Property includes the following consequences:
 - 4.1 Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Municipality of the County of Kings ("the Municipality").
 - 4.2 An application for permission to substantially alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipality (addressed to the Municipal Clerk).
 - 4.3 Upon receipt of the application, the Municipality shall refer the application to the Heritage Advisory Committee of the Municipality for recommendation and within thirty days of such a referral the Heritage Advisory Committee shall submit a written report and recommendation to the Council of the Municipality whereupon the Municipality may grant the application either with or without conditions or may refuse it.
 - 4.4 The Municipality shall then advise the applicant of Council's decision.
 - 4.5 Notwithstanding items number 4.1 to 4.4, where an application has been made for permission to alter the exterior appearance or to demolish the Property and the application is not approved, the owner of the Property 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.
 - 4.6 The Municipality has the right to place a sign, plaque or other marker on the Property indicating the significance of the Property.
 - 4.7 The Heritage Property Act provides upon contravention of the Act for an offence punishable by a penalty of not more than \$10,000 for an individual and \$100,000 for a corporation and imprisonment upon default, together with other remedies enforcing restraint and/or restoration.

DATED at Kentville, Nova Scotia, this
____ day of _____, 19__.

Municipal Clerk

History of this By-law

Enacted - September 2, 1997