

TOWN OF NEW GLASGOW
BY-LAW #17
HERITAGE PROPERTY BYLAW

RECEIVED

MAY 4 1998

TOWN OF NEW GLASGOW

1. This Bylaw shall be known and may be cited as the *Heritage-Property Bylaw* of the Town of New Glasgow.
2. (1) In this Bylaw:
 - (a) "Act" means the *Heritage Property Act*;
 - (b) "Council" means the Council of the Town of New Glasgow;
 - (c) "Clerk" means the Clerk of the Town of New Glasgow;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this By-law;
 - (e) "Planning Advisory Committee" means the Planning Advisory Committee of the Town of New Glasgow;
 - (f) "Town" means the Town of New Glasgow.
- (2) In so far as applicable and practicable, the other words in this bylaw shall have the same meaning as they do in the Act.
3. (1) The Committee shall be composed of the following members who shall be appointed by the Council as follows:
 - (a) the members of the Planning Advisory Committee, at least two of whom must also be members of Council
 - (b) three members who are not members of Council or the Planning Advisory Committee but who are residents of the Town and are either members of local historical societies or individuals who have in the opinion of Council demonstrated concern for or interest in the preservation of buildings of historic significance.
- (2) Any appointment made pursuant to Subsection 3(1)(b) shall be an annual appointment and shall commence January 1 of each year and shall end December 31 of each year or when a successor appointment is made.
- (3) Any member of the Committee appointed pursuant to Subsection 3(1)(b) shall upon expiration of the term for which he or she was appointed, be eligible for re-appointment.
- (4) A member appointed pursuant to Section 3 (1)(a) who ceases to be a member of the Planning Advisory Committee shall cease to be a member of the Committee.
- (5) A member appointed pursuant to Section 3(1)(b) who ceases to be a resident of the Town shall cease to be a member of the Committee.

- (6) Where a member appointed pursuant to Section 3(1)(b) ceases to be a member of the Committee, the Council shall within two months fill the vacancy and the person appointed shall serve the remainder of the term of office of the person so replaced.
4.
 - (1) The Chair of the Planning Advisory Committee shall be the Chair of the Heritage Advisory Committee.
 - (2) The Vice-Chair of the Planning Advisory Committee shall be the Vice-Chair of the Heritage Advisory Committee.
 - (3) Meetings of the Committee shall be held at such times as deemed necessary and advisable.
 - (4) The Chair shall preside at all meetings, but in the absence of the Chair, the Vice-Chair or in the absence of the Vice-Chair a member chosen by a majority of the other members at the meeting shall preside.
 - (5) All members including the Chair shall have a vote on any question.
 - (6) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Town.
5.
 - (1) The Committee may advise the Council respecting:
 - (a) the inclusion of buildings, streetscapes and areas in the Town registry of heritage property;
 - (b) an application for permission to substantially alter or demolish a Town heritage property;
 - (c) the preparation, amendment, revision, or repeal of a conservation plan and conservation by-law;
 - (d) the administration of heritage conservation districts pursuant to the provisions of this Act;
 - (e) 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;
 - (f) building or other regulations that affect the attainment of the intent and purpose of the Heritage Act;
 - (g) any other matters conducive to the effective carrying out of the intent and purpose of the Act or this Bylaw.
 - (2) The Committee may recommend to the Town that a building, streetscape or area be registered as a Town Heritage property in the Town Registry of Heritage Property;

6. The Clerk shall establish and maintain at the Town Office a Registry of Heritage Property where all prescribed documents relating to the registration of heritage property pursuant to the Act or this Bylaw shall be filed. The Registry shall:
 - (a) be maintained and updated by the Clerk;
 - (b) be properly indexed;
 - (c) be accessible to the public at no charge during regular business hours.

7. The Registry of Heritage Property shall contain:
 - (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
 - (b) the recommendation for registration, all notices pursuant to the registration, particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
 - (c) all applications for permission to make a substantial alteration to the exterior appearance or to demolish a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
 - (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made; and
 - (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

8. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Town Heritage Property shall be in the form specified in Schedule "A", attached hereto.

9. Council may register a building, streetscape or area as a Town Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.

10. Council may from time to time establish, amend and repeal guidelines for the registration of property as a Town Heritage Property, and the Heritage Advisory Committee shall, in making any recommendations, take the guidelines fully into account.

PROVINCE OF NOVA SCOTIA
COUNTY OF PICTOU


ON THIS day of ,AD, 199 , before me the subscriber, personally came and appeared as the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that the Town of New Glasgow, a municipal body corporate, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officer in his/her presence.

A Barrister/Commissioner of the
Supreme Court of Nova Scotia

Schedule "B" must contain the legal description of the property sought to be registered as contained in the deed into the owner.

THIS IS TO CERTIFY that the foregoing is a true copy of the Heritage Property By-law duly passed in the manner prescribed by law at a duly called meeting of the Council of the Town of New Glasgow held on the 20th day of April, 1998

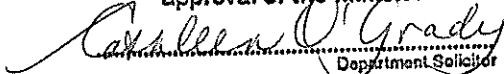
GIVEN under the seal of the Clerk and under the seal of the Town of New Glasgow this 21st day of April, 1998



Town Clerk
Town of New Glasgow

DEPARTMENT OF HOUSING
& MUNICIPAL AFFAIRS

Recommended for
approval of the Minister


.....
Department Solicitor

APPROVED this 28th day

of April, 1998


.....
Minister of Housing & Municipal Affairs

SCHEDULE "A"

NOTICE OF RECOMMENDATION

TO REGISTER A TOWN HERITAGE PROPERTY

TOWN OF NEW GLASGOW

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199 as amended, the Town of New Glasgow hereby gives notice that the property of [insert name of owner], [insert brief description and address], described in Schedule "A" hereto annexed and in a deed recorded in Book at Page in the Registry of Deeds for the County of Pictou, has been recommended for registration in the Registry of Town Heritage Property for the Town of New Glasgow.

The property has been recommended for registration [here set out reasons for recommendation].

The **Heritage Property Act** provides that if a property is registered as a Town heritage property:

- 1) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
- 2) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town and shall be referred to the Heritage Advisory Committee for its comments;
- 3) the Town may grant or refuse the application or attach conditions;
- 4) if the application is not approved the alteration or demolition may take place at least one year but not more than two years after the date of the application;
- 5) penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Town to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after a Notice of Recommendation to Register a Town Heritage Property has been served, unless the Town sooner refuses to register the property.

SCHEDULE "A" continued

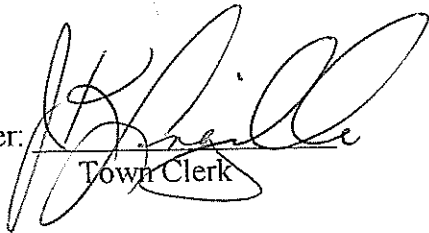
The owner has the right to be heard concerning the recommended registration and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing, and written submissions may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Pictou pursuant to the Act.

DATED at New Glasgow, Nova Scotia, this day of , 199

Town of New Glasgow

Per:


Town Clerk

PROVINCE OF NOVA SCOTIA
COUNTY OF PICTOU

ON THIS day of 199 , before me, the subscriber, personally came and appeared, _____ the subscribing witness to the foregoing Notice, who having been by me duly sworn, made oath and said that the Town of New Glasgow, a municipal body corporate, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officer in his/her presence.

A Barrister/Commissioner of the
Supreme Court of Nova Scotia

Schedule "A" must contain the legal description of the property sought to be registered as contained in the deed into the owner.

SCHEDULE "B"

NOTICE OF REGISTRATION

TOWN HERITAGE PROPERTY

TOWN OF NEW GLASGOW

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S 1989, c. 199 as amended, the Town of New Glasgow hereby gives notice that the property of [insert name of owner], [insert brief description and address, PID number], described in Schedule "A" hereto annexed and in a deed recorded in Book at Page - in the Registry of Deeds for the County of Pictou, has been registered in the Registry of Heritage Property for the Town of New Glasgow.

The **Heritage Property Act** provides that where a property is registered as a Town heritage property:

1. The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
2. An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;
3. The Heritage Advisory Committee shall be given an opportunity to comment on any application;
4. The Town may grant or refuse permission or attach conditions;
5. If the application is not approved the alteration or demolition may take place at least one year but not more than two years after the date of the application;
6. Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Town to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Pictou pursuant to s. 15(3) of the Act.

DATED at New Glasgow, Nova Scotia, this day of , 199

Town of New Glasgow

Per: _____
Town Clerk

**AMENDMENT TO
TOWN OF NEW GLASGOW BYLAW # 17
HERITAGE PROPERTY BYLAW**

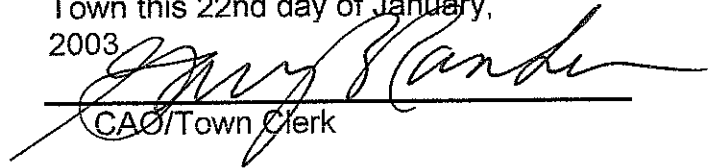
The Heritage Property Bylaw of the Town of New Glasgow (Bylaw No. 17) is hereby amended as follows:

1. Section 3 is repealed and the following is substituted therefor:
 - 3(1) The Committee shall be composed of seven members who shall be appointed by Council as follows:
 - (a) at least two members of Council;
 - (b) at least three members who are not members of Council, but who are residents of the Town and are either members of local historical societies or individuals who have in the opinion of Council demonstrated concerns for or interest in the preservation of buildings of historic significance or the Town's heritage.
 - (2) Any appointment made pursuant to Subsection (1) shall be an annual appointment and shall commence January 1 of each year and shall end December 31 of each year or when a successor appointment is made.
 - (3) Any member of the Committee appointed pursuant to Subsection (1) shall upon expiration of the term for which he or she was appointed, be eligible for re-appointment.
 - (4) A member appointed pursuant to Subsection (1)(a) who ceases to be a member of Council shall cease to be a member of the Committee.
 - (5) A member appointed pursuant to Subsection (1)(b) who ceases to be a resident of the Town shall cease to be a member of the Committee.
 - (6) Where a member appointed pursuant to this Section ceases to be a member of the Committee, the Council shall within two months fill the vacancy and the person appointed shall serve the remainder of the term of office of the person so replaced.
2. Section 4 Subsection (1) and Section 4 Subsection (2) are repealed and the following are substituted therefor:

- 4(1) A Chair and Vice-Chair shall be chosen by the members of the Committee at the first meeting in each year.
- (2) A majority of the members of the Board shall constitute a quorum.

I Gary R. Rankin, CAO/Town Clerk of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw amendment duly passed at a duly called meeting of the Town Council duly convened and held on the 20th day of January, 2003.

Given under the hand of the Town of Clerk and under the seal of the said Town this 22nd day of January, 2003.



 CAO/Town Clerk

1st Reading December 16/02
 Advertisement of Intent to Consider - December 21/02
 2nd Reading - January 10, 2003
 Approval of Service Nova Scotia - MARCH 10, 2003
 Approval of Dept. of Tourism and Culture
 Date of Publication - MARCH 25, 2003

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


 Department Solicitor
 APPROVED this 10 day
 of March 2003


 Minister of Services Nova Scotia and Municipal Relations