



West Hants Regional Municipality Heritage Property By-law

1.0 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 from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
- (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of West Hants Regional Municipality;
 - (d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;
 - (e) "Municipality" means West Hants Regional Municipality;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.



2.0 Registry

- 2.1 The Municipality shall establish and maintain 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.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act.
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.
- 3.2 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 contained in the Council Meeting and Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal 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 the Act;
 - (e) an application for a certificate that is required by this Act or the referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and



- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
- (b) a brief statement of the reasons for the recommendation;
- (c) a summary of the consequences of registration;
- (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
- (e) the location of the property and the extent of the recommendation; and
- (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.



5.0 Registration and Notification

- 5.1 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 Act and notice of the registration shall include all of the information set out in Section 4.2 above.
- 5.2 Notice of such registration shall be:
- (a) served upon each registered owner;
 - (b) deposited with the Land Registry Office; and
 - (c) filed in the Municipal Registry of Heritage Property.
- 5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.
- 5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

- 6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:
- (a) the property has been destroyed or damaged by any cause; or
 - (b) 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 notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.
- 6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.



- 6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.



9.0 General

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Shelleena Thornton, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the 26th day of January, 2021.

S. Thornton
Municipal Clerk



By-Law Adoption	
First Reading:	November 24, 2020
Notice Published:	January 5, 2021
Second Reading & Approval	January 26, 2021
Final Publication	June 29, 2021
Notice to Municipal Affairs	January 28, 2021
Description: Initial approval of the Heritage Property By-law which repeals the Windsor Heritage Property By-law dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**



FORM "A"
WEST HANTS REGIONAL MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, West Hants Regional Municipality hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for West Hants Regional Municipality.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years



- after the date of the application;
- (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses; and
 - (h) a copy of this notice has been recorded at the Land Registry Office.



FORM "B"
WEST HANTS REGIONAL MUNICIPALITY
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, West Hants Regional Municipality hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for West Hants Regional Municipality.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations; and
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.