

Heritage Property By-Law

General:

1. This By-Law is entitled the “Heritage Property By-Law”.
2. This By-Law is made pursuant to the provisions of Section 12 of the *Heritage Property Act*.
3. Nothing in this By-Law is intended to limit or change the application of the Municipality’s Land Use By-Law.
4. Should any section of this by-law be declared by a court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part has been struck out.
5. This By-law does not exempt any person from complying with the requirements of other by-laws or regulations in force within the Municipality.

Definitions:

6. For the purposes of this By-law, the following words shall have the meanings hereby assigned to them:
 - a. “Act” means the Heritage Property Act, R.S.N.S., 1989, chapter 199, as amended from time to time;
 - b. “Clerk” means the Municipal Clerk of the Municipality and shall include anyone designated by the Clerk to carry out the work;
 - c. “Committee” means the Heritage Advisory Committee for the Municipality unless otherwise noted;
 - d. “Council” means the Council of the Municipality;
 - e. “Municipal Heritage Property” means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property;
 - f. “Municipality” means the Municipality of the County of Cumberland;
 - g. “Registry of Deeds” means the Registry of Deeds serving the Municipality.

Heritage Advisory Committee:

7. The Committee of the Whole shall be the Heritage Advisory Committee of the Municipality.
8. The Committee shall have the powers and duties of a heritage advisory committee pursuant to the Act.

9. The Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to committees as are contained in the Municipal Government Act and the By-laws of the Municipality.
10. Notwithstanding Sections 7 to 9, Council may at its own discretion appoint a Heritage Advisory Committee.
 - a. Such committee shall consist of two members of council and three members of the public.
 - b. Such committee shall serve for a term of two years.

Heritage Officer:

11. This By-law shall be administered by the Heritage Officer appointed by Council, who may approve minor alterations, repairs, additions, and demolitions without the approval of the Committee, in accordance with the requirements of this By-law.
12. Types of development for which only the approval of a Heritage Officer is required:
 - a. Work proposed to be carried out on a property registered by the Province of Nova Scotia as a provincial heritage property;
 - b. Minor structures related to a Registered Heritage Property, such as, but not limited to: pet houses, children's play structures, open-sided woodsheds, garden trellises, cold frames, retaining walls, steps not attached to a building, solar collectors, skylights, landscaping, driveways, fences, walkways, historical monuments or markers, and museum-related interpretive displays;
 - c. Repairs to existing foundations, providing the elevation of the foundation is not being changed significantly;
 - d. Roof replacement or repair provided that the pitch or slope of the roof is not being altered;
 - e. Construction of new fences or substantial alterations to existing fences which meet the design guidelines of this By-law;
 - f. Utility structures such as garbage containers, fuel tanks, air conditioning units, compressors, transformers, etc., provided that the utility structure is screened in accordance with the design guidelines of this By-law;
 - g. Repair, reconstruction or restoration of existing buildings, structures, fences and signs where the work and materials are of a similar nature;
 - h. Construction or placement of signs which meet the design guidelines of this By-law;
 - i. Renovations to the interior of any building;
 - j. Colour changes of any kind;
 - k. Temporary structures or signs erected for special occasions and holidays, provided that such temporary structures or signs remain in place for no more than ten (10) days following the termination of the special occasion or holiday.

Registration of Heritage Properties:

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

14. Council may deregister a Municipal Heritage Property in accordance with the provisions of the Act and such deregistration shall be filed in the Municipal Registry of Heritage Property.

Municipal Registry of Heritage Properties:

15. The Clerk shall establish and maintain a Municipal Registry of Heritage Property, where all documents relating to the registration of a municipal heritage property, pursuant to the Act or this By-law, shall be filed.

16. The Municipal Registry of Heritage Property shall:

a. Contain information with respect to recommendations, registrations and deregistrations, and recording particulars of documents required to be lodged at the Registry of Deeds, and true copies of all notices required by the Act;

b. Be accessible to the public at no charge during the regular business hours of the Municipality.

Repeal

1. The following By-laws are hereby repealed and replaced upon the coming into force of this By-law.

a. Municipality of Cumberland By-Law 85-02 - Heritage Property By-law

b. Former Town of Springhill - Heritage Property Bylaw, Adopted June 23, 1992