

Chapter 48
Heritage Property By-law

1.0 DEFINITIONS

In this By-law:

- 1.1 “Act” shall mean the Heritage Property Act, R.S.N.S., Chapter 199, as amended.
- 1.2 “Chief Administrative Officer” shall mean the Chief Administrative Officer for the Town of Trenton.
- 1.3 “Committee” shall mean the Heritage Advisory Committee.
- 1.4 “Council” shall mean the Municipal Council of the Town of Trenton.
- 1.5 “Municipal Heritage Property” shall mean property containing a building, streetscape or significant area that has been registered under the Town’s Registry of Heritage Properties in accordance with this By-law.
- 1.6 “Town” shall mean the Town of Trenton, a body incorporated under the Municipal Government Act, R.S.N.S., 1998.

2.0 HERITAGE ADVISORY COMMITTEE

- 2.1 The Town’s Planning Advisory Committee shall be the Town’s Heritage Advisory Committee.
- 2.2 The Committee may advise the Council with respect to:
 - 2.2.1 the inclusion of buildings, streetscapes, and significant areas in the Town being registered as a Municipal Heritage Property under the Town’s Registry of Heritage Properties;
 - 2.2.2 an application for permission to substantially alter or demolish a registered municipal heritage property;
 - 2.2.3 the adoption or amendment of any municipal building, planning, or other by-law or regulation that may affect the intent and purpose of this By-law or the Act; and/or
 - 2.2.4 any other matters conducive to the effective carrying out or interpretation of this By-law or the Act.
- 2.3 The Committee may recommend to the Council that a building, streetscape or significant area be registered as a Municipal Heritage Property.
- 2.4 In the event that the Council accepts the recommendation of the Committee noted in Subsection 2.3, the Town shall cause notice of the recommendation to be served upon each registered owner of the building, streetscape or significant area that is the subject of the recommendation noted in Subsection 2.3, at least thirty (30) days prior to the registration of the building, streetscape or significant area in the Town’s Registry of Heritage Properties, which notice shall be as in Form “A” attached hereto. Such a notice shall contain:
 - 2.4.1 a statement that the building, streetscape or significant area described in the notice has

- 2.4.2 been recommended for registration in the Town's Registry of Heritage Properties;
 - 2.4.2 a brief statement of the reason(s) for the recommendation;
 - 2.4.3 a summary of the consequence(s) of registration;
 - 2.4.4 a statement that no person(s) shall substantially alter the exterior appearance of, or demolish the building, streetscape or significant area for one hundred and twenty (120) days after a notice is served unless the Town refuses to register the subject property; and
 - 2.4.5 notification of the right of the owner(s) to be heard by the Council, and of the time, date, and place for the hearing.
- 2.5 A copy of the notice outlined in Subsection 2.4 shall be deposited at the Pictou County Registry of Deeds.
- 2.6 At any time, not less than thirty (30) days and not more than one hundred and twenty (120) days after service of the notice pursuant to Subsection 2.4, and on the advice of the Committee, the Town may register the building, streetscape or significant area as a Municipal Heritage Property in the Town's Registry of Heritage Properties, subject to Subsection 2.7.
- 2.7 No building, streetscape or significant area shall be registered in the Town's Registry of Heritage Properties as a Municipal Heritage Property unless all the registered owner(s) of the property containing the subject building, streetscape or significant area have provided their prior consent in writing.

3.0 The Registry of Heritage Properties

- 3.1 The Town shall establish and maintain a Registry of Heritage Properties under the authority and supervision of the Chief Administrative Officer, where all documents relating to the registration of a Municipal Heritage Property pursuant to the Act or this By-law shall be filed.
- 3.2 The Registry of Heritage Properties shall:
- 3.2.1 be properly indexed;
 - 3.2.2 contain information with respect to the recommendations, registration, and other particulars relating to documents to be registered at the Pictou County Registry of Deeds, and true copies of notices required by the Act;
 - 3.2.3 contain information regarding recommendations concerning heritage properties or of registered municipal heritage properties, so as to adequately identify the subject properties; and/or
 - 3.2.4 be accessible to the public at no charge during regular business hours at the Town office.
- 3.3 The Council may register a building, streetscape or significant area as a Municipal Heritage Property in accordance with the provisions of the Act, and the written consent of the owner(s) of the subject property, and the registration shall be in the form specified in Form "B" attached hereto.

4.0 De-registration of Municipal Heritage Property

- 4.1 The Council may de-register a Municipal Heritage Property in accordance with the Act.
- 4.2 On the application of the owner of a Municipal Heritage Property or on its own motion, the Council may de-register a Municipal Heritage Property where:
- 4.2.1 the property has been destroyed or damaged by any cause; and/or
 - 4.2.2 the continued registration of the property appears to the Council to be inappropriate, after holding a public hearing to consider the proposed de-registration.

- 4.3 Such a public hearing shall be held not less than thirty (30) days after a notice is served on the registered owner(s) of the Municipal Heritage Property and published in a newspaper circulating in the area.
- 4.4 Where a Municipal Heritage Property is de-registered, the Council shall cause notice of the de-registration to be sent to the registered owner(s) of the property and a copy thereof to be deposited at the Pictou County Registry of Deeds.

5.0 Approval to Alter or Demolish

- 5.1 A Municipal Heritage Property shall not be substantially altered in its exterior appearance or demolished without the approval of the Council and in accordance with the provisions of the Act.
- 5.2 An application to substantially alter the exterior appearance of, or demolish a Municipal Heritage Property, shall be made in writing to the Town.
- 5.3 Upon receipt of an application noted in Subsection 5.2, the Town shall refer the application to the Committee for its recommendation.
- 5.4 Within thirty (30) days after the application being referred by the Town, the Committee shall submit a written report and recommendation to the Council respecting the application regarding the Municipal Heritage Property.
- 5.5 The Council may grant the application either with or without conditions or may refuse it.
- 5.6 The Town shall advise the applicant of its determination.
- 5.7 Notwithstanding the above, where the owner(s) of a Municipal Heritage Property has made an application for permission to alter the exterior appearance of, or demolish the property, and the application is not approved, the owner(s) may make the alteration or carry out the demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of application.

6.0 Repeal

- 6.1 A Heritage Property By-law No. 41 of the Town of Trenton, passed on November 23, 1989, and approved by the Minister on December 21, 1989, is hereby repealed.

Date of First Reading:	<u>March 10, 2005</u>
Date of Advertisement of Notice of Intent to Consider:	<u>March 26, 2005</u>
Date of Second Reading:	<u>April 14, 2005</u>
Date of Advertisement of By-law Passage and Approval:	
Date of Mailing Certified Copy to SNS & MR:	
I certify that this Heritage Property By-law was adopted by Council and published as indicated above.	
_____	<u>April 22, 2005</u>
Chief Administrative Officer	Date

FORM "A"

**Notice of Proposed Recommendation
for the Registration of Property
in the Municipal Registry of Heritage Properties**

1. You, _____, are hereby notified that the land and building located at _____ (legal description of property, civic address, property identification number 'PID'), has been recommended for registration in the Town of Trenton's Registry of Heritage Properties.
2. The reasons for this proposed designation are:
 - 2.1 approximate date of construction;
 - 2.2 type of architecture, typical of an era;
 - 2.3 part of a streetscape (description of streetscape location); and/or
 - 2.4 local, provincial, national significance.
3. No person shall substantially alter the existing appearance of, or demolish the building, streetscape or significant area for one hundred and twenty (120) days after this Notice is served unless the Council of the Town of Trenton refuses to register the property.
4. The effect of recommendation and registration in the Town's Registry of Heritage of Properties described in Section 1. (above), 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 Town of Trenton, and the application is granted with or without conditions". Where an application is not approved, the owner(s) may make the alteration(s) or carry out the demolition(s) outlined in the application at any time after one (1) year, but not more than two (2) years, from the date of the application.
5. You are hereby notified that the Town Council will hear submissions and representations regarding the recommendation to register this property in the Town's Registry of Heritage Properties on the ____ day of _____, 20____, at ____ AM/PM, at the Trenton Council Chambers. **Please note that no registration of heritage property may occur without the written consent of the owner(s) of the subject property.**

DATED this ____ day of _____, 20_____.

Debbie Kampen, Chief Administrative Officer

FORM "B"

Notice of Registration of Heritage Property

TO: Owner(s) of Registered Heritage Property

You are hereby notified that:

1. The building, streetscape or significant area at or near _____ (address, legal description, property identification number 'PID', civic address, or other identification of property) has been registered in the Town of Trenton's Registry of Heritage Properties by resolution adopted at a meeting of the Trenton Town Council, held on the ____ day of _____, 20____.
2. The effect of registration in the Town's Registry of Heritage Properties is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of the registration unless an application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where an application is not approved, the owner(s) may make the alteration(s) described in the application or carry out the proposed demolition at any time after one (1) year, but not more than two (2) years, from the date of the application.

DATED this ____ day of _____, 20____.

Debbie Kampen, Chief Administrative Officer