

**PICTOU
COUNTY
DISTRICT
PLANNING
COMMISSION**

P.O. BOX 2500
STELLARTON
NOVA SCOTIA
B0K 1S0

BUS: (902) 755-1390
FAX: (902) 752-8960

October 24, 2003

Ms. Joyce Eaton,
Town Clerk and Treasurer
Town of Stellarton
P.O. Box 2200
Stellarton, NS
B0K 1S0

Dear Ms. Eaton:

RE: Approval of Heritage By-law, No 43

Attached please find a copy of a letter from Cathleen O'Grady, Departmental Solicitor, Service Nova Scotia and Municipal Relations, confirming approval of the Town's Heritage By-law, No 43. A notice of approval has already been faxed to the Evening News for publication on Saturday, November 1, 2003 (copy attached). As well, I have e-mailed Ms. O'Grady's assistant, Linda O'Shea, advising her of the publication date, as requested.

I have also made the amended correction in Subsection 2(3), replacing the word "of" with "or" (this was only a typo in the text, and does not affect the intent or application of the by-law) in the by-law. Please contact me should you have any questions. Thank you.

Yours very truly,

Roland Burek,
Senior Planner

Attachments

TOWN OF STELLARTON

NOTICE OF ADOPTION

HERITAGE PROPERTY BY-LAW NO. 43

Notice is hereby given that the Council of the Town of Stellarton adopted its Heritage property By-law, No. 43, during its public meeting on July 14, 2003. The purpose of the by-law is:

- To allow the Town of Stellarton to designate and register significant properties, streetscapes and areas as “municipal heritage property”, but only with the written consent of the property owner(s)
- To provide for regulations respecting the alteration and demolition of registered “municipal heritage property”, and for the de-registration of “municipal heritage property”, subject to the *Heritage Property Act of Nova Scotia*.
- To provide that the Town’s Planning Advisory Committee be the Town’s Heritage Advisory Committee

The Heritage Property By-law has been granted approval by the Minister Responsible for Service Nova Scotia and Municipal Relations. Details regarding the new Heritage Property By-law No. 43 may be read at the Stellarton Town Hall, or the Pictou County District Planning Commission, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding statutory holidays.

Joyce Eaton,
Town Clerk and Treasurer

Date: October 24, 2003

Ad to appear in the Evening News on Saturday, November 1, 2003 (following Ministerial approval)

Invoice: Town of Stellarton



Service Nova Scotia
and Municipal
Relations
Legal Services

14th Fl., Maritime Centre
1505 Barrington St.
PO Box 216
Halifax, Nova Scotia
B3J 2M4

Bus: 902 424-7716
Fax: 902 424-5872
E-mail: cogrady@gov.ns.ca

Our File Number: 07-03-0023

October 22, 2003

Roland Burek, BA. CPT
Senior Planner
Pictou County District Planning Commission
P.O. Box 2500
Stellarton, N.S. B0K 1S0

Dear Mr. Burek:

Re: Town of Stellarton - Heritage Property By-law

This by-law which was adopted at a meeting of the Town Council held on July 14, 2003, has been approved by the Minister of Service Nova Scotia and Municipal Relations on October 21, 2003 with an amendment. Since only one original certified copy was submitted, we are returning a photocopy for your records.

Once the notice stating that the by-law is in effect is published in the newspaper, would you please inform my assistant Linda O'Shea of the newspaper's publication date? You can do so by mail, email (loshea@gov.ns.ca) or telephone 424-4340.

Thank you.

Yours truly,

Cathleen O'Grady
Departmental Solicitor

CO/lo

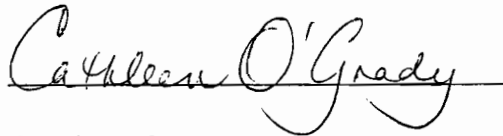
enc.

cc: Peter Newbould, A/Head of Heritage

TOWN OF STELLARTON

AMENDMENT TO HERITAGE PROPERTY BY-LAW

Recommended for approval with amendment:



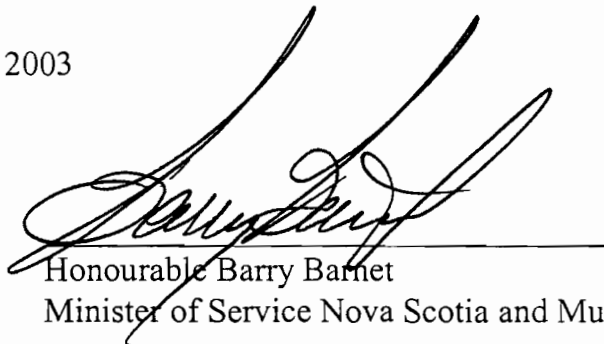
Cathleen O'Grady
Departmental Solicitor

The Heritage Property By-law adopted by Town Council on July 14, 2003 is approved with the following amendment:

Subsection 2(3) is amended in the second line by replacing "of" with "or".

Dated at Halifax, Nova Scotia

October 21, 2003



Honourable Barry Barnett
Minister of Service Nova Scotia and Municipal Relations

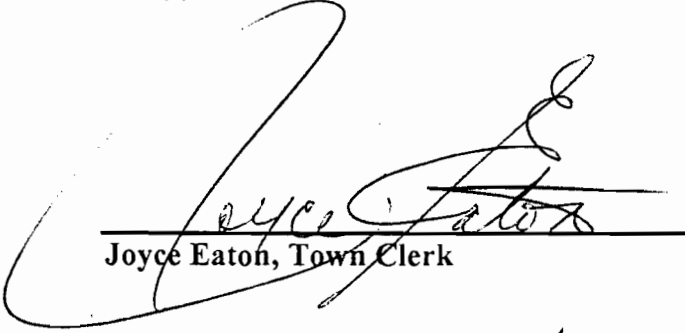
ADOPTING RESOLUTION

BE IT RESOLVED by the Town Council of the Town of Stellarton that it is adopting the Town of Stellarton Heritage Property By-law, No. 43.

This By-law being the same as before Council at the Second Reading held on July 14, 2003.

This is to certify that the Resolution of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of Stellarton held on the 14th day of July, A.D., 2003.

Given under the hand of the Town Clerk and under the seal of the Town of Stellarton this 15th day of July, 2003.


Joyce Eaton, Town Clerk

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

~~Department of~~

~~APPROVED this day~~

~~of 20.....~~

~~Minister of Service Nova Scotia and Municipal Relations~~

Town of Stellarton
Heritage Property By-law
By-Law No. 43

1. *Definitions*

In this By-law:

- (a) “*Act*” shall mean the *Heritage Property Act*, R.S.N.S., chapter 199, as amended;
- (b) “*Clerk*” shall mean the Municipal Clerk for the Town of Stellarton;
- (c) “*Committee*” shall mean the Heritage Advisory Committee;
- (d) “*Council*” shall mean the Municipal Council of the Town of Stellarton;
- (e) “*Municipal Heritage Property*” shall mean property containing a building, streetscape or significant area that has been registered under the Town’s Registry of Heritage Property in accordance with this by-law;
- (f) “*Town*” shall mean the Town of Stellarton, a body incorporated under the *Municipal Government Act*, R.S.N.S., 1998.

2. *Heritage Advisory Committee*

- (1) The *Town’s* Planning Advisory Committee shall be the *Town’s* Heritage Advisory *Committee*.
- (2) The *Committee* may advise the *Council* with respect to:
 - (a) the inclusion of buildings, streetscapes, and significant areas in the *Town* being registered as *municipal heritage properties* under the Town’s Registry of Heritage Properties;
 - (b) an application for permission to substantially alter or demolish a registered *municipal heritage property*;
 - (c) 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*;

- (d) any other matters conducive to the effective carrying out or interpretation of this by-law or the *Act*.
- (3) The *Committee* may recommend to the *Council* that a building, streetscape of significant area be registered as a *municipal heritage property*.
- (4) In the event that the *Council* accepts the recommendation of the *Committee* noted in subsection (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 (3), at least thirty (30) days prior to the registration of the building, streetscape or significant area in the Town's Registry of Heritage Property, which notice shall be as in Form "A" attached hereto. Such a notice shall contain:
 - (a) a statement that the building, streetscape or significant area described in the notice has been recommended for registration in the *Town's* Registry of Heritage Properties;
 - (b) a brief statement of the reasons for the recommendation;
 - (c) a summary of the consequences of registration;
 - (d) 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 the register the subject property; and
 - (e) notification of the right of the owner(s) to be heard by the *Council*, and of the time, date and place for the hearing.
- (5) A copy of the notice outlined in subsection (4) shall be deposited in the Pictou County Registry of Deeds.
- (6) At any time not less than thirty (30) days nor more than one hundred and twenty (120) after service of the notice pursuant to subsection (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, and subject to subsection (7).
- (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 owners of the property containing the subject building, streetscape or significant area have provided their prior consent in writing.

3. *The Registry of Heritage Properties*

- (1) The *Town* shall establish and maintain a Registry of Heritage Properties under the authority and supervision of the *Clerk*, where all documents relating to the registration of *municipal heritage property* pursuant to the *Act* or this by-law shall be filed.
- (2) The Registry of Heritage Properties shall:
 - (a) be properly indexed;
 - (b) 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*;
 - (c) contain information regarding recommendations concerning heritage properties, or of registered *municipal heritage properties*, so as to adequately identify the subject properties;
 - (d) be accessible to the public at no charge during regular business hours at the *Town* office.
- (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. *De-Registration of Municipal Heritage Property*

- (1) The *Council* may de-register a *municipal heritage property* in accordance with the *Act*.
 - (2) On the application of an owner of a *municipal heritage property* or on its own motion, the *Council* may de-register a *municipal heritage property* 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,
after holding a public hearing to consider the proposed de-registration.
-

- (3) Such a public hearing shall be held not less than thirty (30) days after a notice is served on the registered owner of the *municipal heritage property* and published in a newspaper circulating in the area.
- (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 in the Pictou County Registry of Deeds.

5. *Approval to Alter or Demolish*

- (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*.
- (2) An application to substantially alter the exterior appearance of, or demolish *municipal heritage property* shall be made in writing to the *Town*;
- (3) Upon receipt of an application noted in subsection (2), the *Town* shall refer the application to the *Committee* for its recommendation
- (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) The *Council* may grant the application either with or without conditions, or may refuse it.
- (6) The *Town* shall advise the applicant of its determination.
- (7) Notwithstanding the above, where the owner(s) of *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 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. Coming Into Force

This by-law shall come into force on _____, 2003.

This is to certify that the foregoing is a true copy of a By-Law duly passed at a duly called meeting of the Town Council of the Town of Stellarton, held on the ____ day of ____, 2003.

Given under the hand of the Town Clerk and under the seal of the Town of Stellarton, this ____ day of _____, 2003.

Joyce Eaton, Town Clerk

First Reading	-	June 10, 2003
Advertisement of Intent to Consider	-	June 14 and 21, 2003
Second Reading	-	July 14, 2003
Adoption of By-law	-	pending ministerial approval
Date of Publication	-	pending ministerial approval
Effective Date	-	pending ministerial approval

Town of Stellarton

Heritage Property By-law

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, PID number) has been recommended for registration in the Town of Stellarton Registry of Heritage Properties.

2. The reasons for this proposed designation are:
- (a) approximate date of construction;
 - (b) type of architecture, typical of an era;
 - (c) part of a streetscape (description of streetscape location);
 - (d) 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 Stellarton refuses to register the property.

4. The effect of recommendation and registration in the Town's Registry of Heritage of Properties described in Paragraph 1 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 Stellarton, 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 _____, 2003, at _____ p.m., at the Stellarton 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__.

Joyce Eaton, Town Clerk

Town of Stellarton

Heritage Property By-law

FORM "B"

Notice of Registration of Heritage Property

TO: (Owner(s) of Registered Heritage Property)

You are hereby notified that:

1. The building, streetscape of significant area at or near (address, legal description, PID #, civic address, or other identification of property) has been registered in the Town of Stellarton Registry of Heritage Properties by resolution adopted at a meeting of Stellarton 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__.

Joyce Eaton, Town Clerk