

BE IT RESOLVED that the following be and the same is hereby adopted and enacted as a by-law of the Town of Mahone Bay when and if the same has received the approval of the Minister of Municipal Affairs, and that the Town Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

HERITAGE PROPERTY BY-LAW

1.1 This by-law shall be known and may be cited as the "Heritage Property By-Law."

2.1 In this by-law, "Act" means the Heritage Property Act of the Province of Nova Scotia.-

2.2 In this by-law, "Clerk" means the Town Clerk of the Town of Mahone Bay. .

2.3 In this by-law, "Council" means the Town Council of the Town of Mahone Bay.

2.4 In this by-law, "Heritage Advisory Committee" means a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.

2.5 In this by-law, "Town" means the Town of Mahone Bay.

2.6 In this by-law, "Town Heritage Property" means a Municipal Heritage Property within the meaning of the Heritage Property Act.

2.7 In this by-law, "Town Registry of Heritage Property" means a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, S.N.S. 1980, Chapter 8, having all the powers and duties prescribed by the Act or incidental thereto.

3.1 There shall be a Town Registry of Heritage Property wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Heritage Property Act or this by-law shall be filed.

3.2 The maintenance of the Town Registry of Heritage Property shall be the responsibility of the Clerk.

4.1 There shall be a Heritage Advisory Committee which may advise the Town respecting:

- a) the inclusion of buildings, streetscapes and areas in the Town Registry of Heritage Property;
- b) an application for permission to alter substantially or demolish a Town Heritage Property;
- c) building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act;
- d) any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.

4.2 The Heritage Advisory Committee shall be composed of six members, all of whom shall be residents of the Town, appointed by the Council annually for a term of one year. Two members of the Committee shall be members of Council; two shall be members of the Mahone Bay Founders' Society or individuals who have otherwise demonstrated active concern for the preservation of buildings of historic significance; and two members of the Committee shall be appointed at large.

4.3 The Committee shall be governed, where it is not inconsistent with the Act or this By-law, by the Council Procedure By-law, as amended from time to time, and other by-laws of the Town of Mahone Bay as amended from time to time.

4.4 The Heritage Advisory Committee may recommend to

Council that a building, streetscape or area may be registered as a Town Heritage Property in the Town Registry of Heritage Property and the prescribed notice of such recommendation shall be served and filed by the Clerk in accordance with the Act, a copy of the notice shall be filed in the Town Registry of Heritage Property.

4.5 Notice of recommendation by the Town Heritage Advisory Committee that a building, streetscape or area be registered as a Town Heritage Property shall be Form A.

5.1 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 Form B.

5.2 Notice of such registration shall be sent to each registered owner of the Municipal Heritage Property. One copy of the registration shall be deposited in the Registry of Deeds and one copy of the registration shall be filed in the Town Registry of Heritage Property.

6.1 Council may from time to time set out or amend the terms of reference within which the Heritage Advisory Committee shall operate. The Council may set out and amend such guidelines as it sees fit for the designation of property as Heritage Property and the Heritage Advisory Committee shall make recommendations in accordance therewith.

THIS IS TO CERTIFY that the by-law of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Mahone Bay on the 12<sup>th</sup> day of April 1988.

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 18<sup>th</sup> day of April, 1988.

*Wyle Betty*

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister .	
<i>Carol A.W. ...</i>	
APPROVED THIS	17 <sup>th</sup> day
of May	1988
<i>G. H. Stirling</i>	
Minister of Municipal Affairs	