

## **TOWN OF DIGBY**

### **BY-LAW NUMBER # 1993-02**

#### **HERITAGE PROPERTY BY-LAW**

1. This By-Law shall be known as the Town of Digby Heritage Property By-Law.
2. In this By-Law:
  - a) "act" means Heritage Property Act of the Province of Nova Scotia
  - b) "Council" means the Council of the Town of Digby
  - c) "Committee" means a Heritage Property Advisory Committee established pursuant to the Heritage Property Act.
  - d) "Clerk" means the Town Clerk of the Town of Digby
3. There shall be established for the Town of Digby a Municipal Registrar of Heritage Properties wherein all prescribed documents relating to the registration of Heritage Properties pursuant to the provisions of the Heritage Property Act shall be filed.
4. The Municipal Registrar of Heritage Properties shall be maintained by the Town Clerk.
5. The Council of the Town of Digby is empowered to make such expenditures as are necessary to maintain the Municipal Registry of Heritage Properties.
6. The Planning Advisory Committee of the Town of Digby shall be the Heritage Property Advisory Committee of the Town of Digby.
7. The Heritage Advisory Committee may advise the Town Council respecting:
  - a) the inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property;
  - b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
  - c) building or other regulations that may effect the attainment of the intent and purpose of this by-law;
  - d) any other matter conducive to the effective carrying out of the intent and purpose of this by-law;
8. The Heritage Property Advisory Committee may recommend to Council that a building streetscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property and the registration shall be in Form "B" as attached hereto.

**HERITAGE PROPERTY BY-LAW # 1993-02**

- 9. Notice of such registration (Form B) 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 shall be filed in the Municipal Registry of Heritage Property.
- 10. Notice of a recommendation by the Heritage Property Advisory Committee that a building, or area be registered as a Municipal Heritage Property shall be in Form "A" as attached hereto.
- 11. Notice of such registration (Form A) 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 shall be filed in the Municipal Registry of Heritage Property.
- 12. Council may from time to time set out or amend the guidelines for designating Heritage Property 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.
- 13. Notwithstanding the above provisions no property shall be entered in the Municipal Registry of Heritage Properties without the written approval of the registered owner of the property.

**Section 12 & 13 not approved by Minister.**

DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for  
approval of the Minister  
*excepting ss 12 and 13*  
*Ashleen O'Grady*

*excepting ss. 12 and 13*  
APPROVED this *4th* day  
of *October* 19*93*

*A Jolly*  
Minister of Municipal Affairs

I, James Wheelhouse, Clerk of the Town of Digby, do hereby certify that the foregoing by-law is a true copy of the by-law passed by the Council of the Town of Digby at a meeting duly held and convened on the 7th day of September, 1993.

Given under the hand of the Town Clerk and under the corporate seal of the said Town this 13th day of September 1993.

*James Wheelhouse*  
CLERK

**HERITAGE PROPERTY BY-LAW # 1993-02**

TOWN OF DIGBY

MUNICIPAL HERITAGE REGISTRY

NOTICE OF RECOMMENDATION FOR REGISTRATION

To: (name and address)

you are hereby notified that

1. The land and building located at:  
(legal description of property including civic address and/or assessment number where applicable)

has been recommended to be registered in the Town of Digby's Municipal Heritage Registry.

2. The reasons for this proposed designation are:
  - (a) approximate date of erection,
  - (b) type of architecture, typical of an era,
  - (c) part of streetscape (description of streetscape location)
  - (d) local significance, historical significance

3. Section 13 (4) of the Heritage Act prohibits any substantial alteration to the appearance or demolition of a property described herein for a period of one hundred twenty (120) days

4. The effect of recommendations and registration of this property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing, is submitted to the Town of Digby and the application is granted with or without conditions. (When an application is not approved the owner may make the alterations requested in his application, or carry out the proposed demolition at any time after one year but not more than two years from the date of the application).

5. You are hereby notified that the Council of the Town of Digby will sit to hear any objections regarding the recommendations of the described in this notice on the      day of      20      in the Council Chambers of the Town of Digby, Town Hall, 147 First Avenue, Digby (not less than 30 days after date of service)

6. Complete details and particulars concerning the reasons for this recommendation are available from the office of the Town Clerk, Town Hall, 147 First Avenue, Digby, N. S., between the hours of 8:30 AM and 4:30 PM.

Dated this      day of 19

**HERITAGE PROPERTY BY-LAW # 1993-02**

CLERK

**FORM B**

**NOTICE OF REGISTRATION OF HERITAGE PROPERTY**

(to be filed in the Registry of Deeds)

TO:

you are hereby notified that:

1. The land and building located at: (civic address, legal description or other identification of the property) has been registered in the Town of Digby's Municipal Registry of Heritage Property by a resolution adopted at a meeting of the Council of the Town of Digby on the      day of      20
2. The effect of registration in the Municipal Registry of Heritage Property 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 and the application is granted with or without conditions.
3. Where an application is not approved the owner may make the alteration described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

Dated at Digby this      day of 20

\_\_\_\_\_  
TOWN CLERK