

**BE IT RESOLVED** that the following be and the same is hereby adopted and enacted as a By-Law of the Town of Shelburne 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, “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.
- 2.2 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.
- 2.3 In this By-Law, “Town Heritage Property” means a Municipal Heritage Property within the meaning of the Heritage Property Act.
- 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 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. All members will be appointed by the Town Council. Two of these members shall be appointed from within Council. Two shall be members of the Shelburne Historical 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. One member from each of the three categories will be appointed for a period of two years. The remainder for a period of one year.

- 4.3 The Council Procedure By-Law, as amended from time to time, shall apply mutatis mutandis to the Heritage Advisory Committee.
- 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; and, in addition to the requirements of the Act, a copy of the notice shall be filed in the Town Registry of Heritage Property.
- 4.5 Notice of a recommendation b the Town Heritage Advisory Committee that a building, streetscape or area be registered, as a Town Heritage Property shall be in 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 Shelburne held on the 13<sup>th</sup> day of April, A.D., 1982.

**GIVEN** under the hand of the Town Clerk and under the corporate seal of the said Town this 14<sup>th</sup> day of April, A.D., 1982.

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Town Clerk

*Heritage Properties Committee  
Town of Shelburne  
P.O. Box 670  
Shelburne, Nova Scotia  
B0T 1W0*

FORM A

NOTICE OF RECOMMENDATION TO REGISTER  
AS A TOWN HERITAGE PROPERTY

TO:

You are hereby notified that:

1. The land and building located at  
  
has been recommended to be registered in the Town Registry of Heritage Property for the Town of Shelburne.
2. The reasons for the proposed designations are:
3. Section 13 (4) of the Heritage Property Act prohibits any demolition or substantial alterations to the appearance of the property described herein for a period of one hundred twenty (120) days from the date and service of this notice, unless the Town Council sooner refuses to register this property.
4. The effect of this recommendation and registration in the Town Heritage Registry described in paragraph 1 is that no demolition or substantial alterations in exterior appearance may be taken from the date of registration unless application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where such application is not approved, the owner may make the alterations described in his application or carry out the proposed demolitions 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 will sit to hear any objections regarding this notification regarding the recommendation of the property described in this notice on the \_\_\_\_\_ day of \_\_\_\_\_ Information and particulars concerning the reason for recommendation are available from the office of the Clerk for the Town of Shelburne, weekdays from 9 am to 5 pm.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 198 \_\_\_\_\_ .

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Town Clerk

FORM B

(To be filed in the Registry of Deeds for the district in which the property is located in the  
Town Registry of Heritage Property)

**NOTICE OF REGISTRATION OF HERITAGE PROPERTY**

TO:

You are hereby notified that:

1. The land and building located at:

(address, local, legal description or other identification of property)

has been registered in the Town Registry of Heritage Property by  
resolution adopted at a meeting of Council the      day of  
19      .

2. The effect of registration in the Town 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 is granted with or without  
conditions. 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 application.

DATED this      day of      198      .

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Town Clerk

## **SELECTION POLICY THE EVALUATION OF HERITAGE PROPERTY**

### Selection Criteria

Property submitted to the Advisory Council for consideration will be evaluated on the basis of the selection criteria detailed herein. A record of the Council's evaluations will be kept.

There may be occasions when the Council determines that a property is worthy of registration even though it does not meet the selection criteria. These occasions may be most numerous during the first years of the Council's deliberations.

### Criteria for the Selection of Heritage Property

1. Age  
Any extant building, monument, burial grounds or cultural landscape predating 1900 is considered a heritage property.
2. Historicity
  - (a) A property associated with one or more historical personages of local significance is eligible for registration.
  - (b) A property associated with one or more historical events of local significance is eligible for registration.
  - (c) A property associated with groups, organizations or institutions of local historical significance, is eligible for registration.
  - (d) A property associated with major trends or movements in the Town's history, is eligible for registration.
3. Architecture
  - (a) A property that provides an exceptional example of the work of an architect, who has made a significant contribution to the built environment of the Town, is eligible for registration.
  - (b) A property that provides an exceptional example of the work of a master builder or engineer, who has made a significant contribution to the Town, is eligible for registration.
  - (c) A property that provides an exceptional example of an architectural style or building technique that reflects the qualities and standards of a particular era in the Town's history is eligible for registration.
  - (d) A property that has displayed a sustained relevance to the Town and a landmark fundamentally inseparable from the Public's perception of Shelburne's culture, history or lifestyle, is eligible for registration.

## SELECTION GUIDELINES

1. Churches, and other buildings used for religious purposes, are eligible for registration.
2. Burial Grounds are eligible for registration.
3. Reconstructed buildings that display a superior standard of research and craftsmanship are eligible for registration.
4. Relocated buildings are eligible for registration, provided that their relocation has not affected either the historicity or architectural value of the property to an unacceptable extent.
5. A building whose historicity or architectural merit has been concealed by later improvements is eligible for registration. The nature and value of the improvements; the availability of research material to support future restoration, the intrinsic heritage value of the property; and the extent to which the improvements have caused irreversible damage or loss to the original fabric of the property, are important considerations in determining the heritage value of the property.
6. The condition (that is, the state of repair) of a property will not be a bar to the consideration of a property for registration.
7. Extrinsic factors, such as zoning, condition or style of property surrounding a potential heritage property, accessibility, and potential for reuse, do not affect the eligibility of a property for registration.
8. Buildings that are the property of the Crown in right of Canada will be eligible for registration subject to an accord with the Government.
9. Areas, such as community gardens, historical waterways, and historic dykelands, are eligible for registration.
10. Streetscapes and other buildings groups whose historical or architectural merit resists in the relationship of the individual buildings in the group to each other, are eligible for registration.
11. Statues and other monuments are eligible for registration if they possess an intrinsic heritage value separate from the person, place or event that they commemorate.
12. Historic ruins, or the remnants of a factory or mill, are eligible for registration.