

BY-LAW #49

HERITAGE PROPERTY BY-LAW

1. There shall be established for the Municipality of the County of Richmond a Municipal Registry of Heritage Property.

2. (a) The Municipal Registry of Heritage Property shall be kept in such manner and place as the Municipal Council, on advice of the Heritage Advisory Committee shall from time to time determine.

 (b) The Municipal Council is empowered to make such expenditures as are necessary to maintain the Municipal Registry of Heritage Property.

3. There shall be established a Heritage Advisory Committee of the Municipality of the County of Richmond.

4. The Heritage Advisory Committee shall consist of three Municipal Councillors, to be appointed by Municipal Council.

5. (a) The term of service of persons on the Heritage Advisory Committee shall be a term of one year.

 (b) Appointments to the Heritage Advisory Committee shall take place at the annual meeting of the Municipal Council.

 (c) Any member shall be eligible for reappointment to the Heritage Advisory Committee.

6. The Heritage Advisory Committee may advise the Municipal 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 affect the attainment of the intent and purpose of this Act;

 - (d) Any other matters conducive to the effective carrying out of the intent and purpose of this Heritage Property Act.

7. (1) The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property.

(2) The Municipality shall cause notice of the recommendation to be served upon each registered owner of the building, streetscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Property.

(3) The Notice shall contain:

(a) A statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;

(b) A brief statement of the reasons for the recommendation;

(c) A summary of the consequences of registration;

(d) A statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty days after the notice is served unless the Municipality sooner refuses to register the property; and

(e) Notification of the right of the owner to be heard and the time and place for the hearing.

(4) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty days after a notice respecting the building, streetscape or area has been served pursuant to subsection (2) except in those cases where prior to the expiration of one hundred and twenty days, the Municipality refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situated.

8. (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 7 and on the advise of the Heritage Advisory Committee, the Municipality shall register the building, streetscape or area as a municipal heritage property in the Municipal Registry of Heritage Property.

(2) No registration pursuant to subsection (1) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of section 7.

(3) Notice of the registration shall be sent to each registered owner of the municipal heritage property and a copy thereof shall be deposited in the Registry of Deeds for the registration district in which the municipal heritage property is situated.

9. (1) On the application of an owner of a municipal heritage property or on its own motion, the Council may deregister 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 deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the Registry of Deeds for the registration district in which the property is situated.

10. (1) Municipal heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior appearance of or demolish municipal heritage property shall be made in writing to the Municipality.

(3) Upon receipt of the application, the Municipality shall refer the application to the Heritage Advisory Committee for its recommendation.

(4) Within thirty days after the application is referred by the Municipality, the Heritage Advisory Committee shall submit a written report and recommendation to the Municipality respecting the municipal heritage property.

(5) The Municipality may grant the application either with or without conditions or may refuse it.

(6) The Municipality shall advise the applicant of its determination.

11. Notwithstanding Section 10, where the owner 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 year from the date of the application,

provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.

12. The Municipality may cause a sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property.

THIS IS TO CERTIFY that the foregoing By-Law is a true copy of a By-Law duly passed at a duly called meeting of the Municipality of the County of Richmond:

FIRST READING approved by Richmond Municipal Council on March 12, 2001;

SECOND READING approved by Richmond Municipal Council on April 9, 2001.

GIVEN under the hands of the Warden and Clerk and under the seal of the Municipality this 27th day of April, 2001.

WARDEN

CLERK