



## THE CORPORATION OF THE VILLAGE OF BURNS LAKE

### HERITAGE PROCEDURES BYLAW NO. 1045, 2022

*A Bylaw to establish application procedures in respect of bylaws and permits under Part 27 (Heritage Conservation) of the Local Government Act*

The Council for the Corporation of the Village of Burns Lake, in open meeting assembled, enacts as follows:

#### 1. Citation

1.1. This bylaw may be cited for all purposes as *"The Corporation of the Village of Burns Lake Heritage Procedures Bylaw No. 1045, 2022"*

#### 2. Severability

2.1. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the bylaw.

#### 3. Definitions

In this bylaw the following definitions apply:

**"Council"** means the Council of the Corporation of the Village of Burns Lake;

**"CAO"** means the Chief Administrative Officer for the Village of Burns Lake.

**"Heritage Alteration Permit"** means a permit authorizing alterations or other actions in relation to protected heritage property;

**"Building Inspector"** means the Building Inspector for the Village of Burns Lake as appointed under the *Community Charter*.

#### 4. Withholding of Approvals

4.1. The Building Inspector shall withhold the issuance of any building or demolition permit for the following actions where that permit would authorize an alteration inconsistent with the heritage protection of the property:

4.1.1. an alteration to a property that is the subject of a heritage designation bylaw under Section 967 of the *Local Government Act*.

4.2. The Building Inspector shall not withhold the issuance of any building permit in respect of any alteration which is required by an enactment, nor any demolition permit where the demolition is reasonably required to mitigate a hazard to public safety.

4.3. The Village of Burns Lake shall notify the applicant of a permit withheld under this section by registered mail that the matter of the issuance of the permit will be considered by the Council at its next regular meeting after the approval is withheld, the date, time and location of which are stated in the notice, unless the meeting date is within five days of the date on which the notice would be mailed, in which case the notice must be given in person and not mailed.

## **5. Delegation of Authority**

5.1. Council delegates to the CAO the powers, duties and functions of Council in respect of:

5.1.1. heritage inspections under Section 600 of the *Local Government Act*;

5.1.2. a requirement that an applicant provide heritage impact information under Section 602 of the *Local Government Act*.

## **6. Reconsideration**

6.1. Where Council has considered an application that is subject to this bylaw, and that application is denied or defeated, Council shall not give consideration to another application that is the same or similar for a period of one year following Council's consideration of that application.

6.2. The Time limit specified in Section 6.1. may be varied in relation to a specific re-application by an affirmative vote of at least two-thirds (2/3) of Council Members eligible to vote.

## **7. Heritage Alteration Permit**

7.1. Every application for a Heritage Alteration Permit, or an amendment to a Heritage Alteration Permit, must be made by the registered owner or his or her agent in writing.

7.2. An application under Section 7.1. must be made using the application form prescribed by the CAO.

7.3. The procedures set out in "Village of Burns Lake Development Procedures Bylaw No. 994, 2019" for the processing of an application for a Land Use Permit apply to an application for a Heritage Alteration Permit or an amendment to a Heritage Alteration Permit except as modified by this bylaw.

7.4. An application fee shall be paid to the Village of Burns Lake as set out in the current Village of Burns Lake Fees and Charges Bylaw.

**8. Heritage Designation**

- 8.1. The registered owner of real property within the Village of Burns Lake, or his or her agent authorized in writing may apply for Heritage Designation Protection or the removal of Heritage Designation Protection pursuant to Section 611 of the *Local Government Act*.
- 8.2. Every application for Heritage Designation Protection or the removal of Heritage Designation Protection shall be submitted in writing to the Village of Burns Lake and shall be accompanied by the following:
  - 8.2.1. a description of the current use of the property;
  - 8.2.2. photographs of each elevation of the property;
  - 8.2.3. information on the heritage significance and architectural merit of the property;
  - 8.2.4. site plan of the property;
  - 8.2.5. elevation drawings showing the architectural features, characteristics and colours of the exterior of the building;
  - 8.2.6. details of affixed interior building features or fixtures proposed to be subject to protection;
  - 8.2.7. details of any landscape features proposed to be subject to protection.

READ A FIRST TIME this 05 day of April 2022

READ A SECOND TIME this 05 day of April 2022

READ A THIRD TIME this 05 day of April 2022

ADOPTED this 10 day of May 2022

  
MAYOR

  
CORPORATE OFFICER

Certified to be a true copy of the "Village of Burns Lake Heritage Procedures Bylaw No. 1045, 2022."