

DRAFT BY-LAW NO. L-??, A HERITAGE CONSERVATION AREA BY-LAW

Current BY-LAW NO. L-4	Proposed DRAFT BY-LAW
<p align="center">BY-LAW NO. L-4 CITY OF FREDERICTON <u>HERITAGE PRESERVATION BY-LAW</u></p>	<p align="center">BY-LAW NO. L-?? CITY OF FREDERICTON <u>A HERITAGE CONSERVATION AREA BY-LAW</u></p>
<p>PASSED: August 22, 2005</p>	<p>PASSED: xxx xx, 202x</p>
<p>BE IT ENACTED by the Council of the City of Fredericton as follows:</p>	<p>BE IT ENACTED by the Council of the City of Fredericton under the authority vested in it by the <i>Heritage Conservation Act</i>, SNB 2010, c. H-4.05, as amended as follows:</p>
	<p>1. TITLE</p> <p>1.1. This By-law may be cited as the Heritage By-Law.</p>
<p>1. <u>DEFINITIONS</u></p>	<p>2. <u>DEFINITIONS</u></p> <p>2.1. In this By-Law:</p>
	<p>“Abrasive cleaning” means cleaning methods that include all techniques that physically abrade the building surface to remove soils, discolorations or coatings.</p>

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	Such techniques involve the use of certain materials which impact or abrade the surface under pressure, or abrasive tools and equipment; (xxx)
“Act” means the Municipal Heritage Preservation Act, Chapter M-21.1, R.S.N.B., 1973 with amendments thereto; (Loi)	“Act” means the <i>Heritage Conservation Act</i> , Chapter H-4.05, 2010, as amended; (Loi)
	“addition” means the alteration to the envelope of an existing building or structure that results in an increased footprint or profile in a manner that is incidental and subordinate to said building or structure; (<i>ajout</i>)
	“alteration” means to change in any manner, structurally or otherwise, in whole or in part, the exterior of a building or structure and includes to restore, rehabilitate, preserve, renovate, repair, construct or to change in any manner the design of such building or structure; (<i>modification</i>)
“Appeal Board” means the Provincial Planning Appeal Board established under the Community Planning Act; (commission d’appel)	“Appeal Tribunal” means the Assessment and Planning Appeal Tribunal established under the authority of the <i>Local Governance Commission Act</i> ; (<i>Tribunal</i>)
“appurtenances” includes but is not limited to walls, light fixtures and standards, steps, paving and signs; (<i>accessoires</i>)	“appurtenances” includes but is not limited to walls, light fixtures and standards, steps, paving and signs; (<i>accessoires</i>)
“Board” means the Preservation Review Board appointed pursuant to Section 8 of the Act; (<i>comité</i>)	“Board” means the Preservation Review Board appointed pursuant to Section 8 of the Act; (<i>comité</i>)

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“building” means any structure used or intended for supporting or sheltering any use or occupancy; (<i>bâtiment</i>)	“building” means any structure used or intended for supporting or sheltering any use or occupancy; (<i>bâtiment</i>)
“Certificate” means a Certificate of Appropriateness provided for by the Act; (<i>certificat</i>)	“Certificate” means a Certificate of Appropriateness provided for by the Act; (<i>certificat</i>)
“Community Heritage Officer” means the Director of Growth and Community Services for the City of Fredericton or his or her designate; (<i>agent du patrimoine</i>)	“Community Heritage Officer” means the Director of Growth and Community Services for the City of Fredericton or his or her designate; (<i>agent du patrimoine</i>)
“compatible” means a building or structure that blends with, conforms to or is harmonious with the surrounding physical environment; (<i>compatible</i>)	“compatible development” means development that may not necessarily be the same as, or even similar to the existing buildings/development in the municipal heritage conservation area but coexists with existing development without causing any undue, adverse impact on surrounding properties; (<i>compatible</i>)
	“contemporary materials” means any material currently available that was not yet developed, or available for common use, during the era of a building’s or structure’s construction; (<i>matériau moderne</i>)
“Council” means the Mayor and Councillors of the City of Fredericton; (<i>conseil</i>)	“Council” means the Mayor and Councillors of the City of Fredericton; (<i>conseil</i>)
	“dangerous” means attended with risk; perilous; hazardous; or unsafe; (<i>xxx</i>)

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<p>“design” means general appearance including size, shape, exterior surface textures, qualities and types of exterior materials, relationship of building or structure to its site and context, and other matters relating to the nature of the exterior design; (conception esthétique)</p>	<p>“design” includes the general appearance, colour, size, shape and massing, materials, landscaping, and the relationship of a building or structure to its site; (conception esthétique)</p>
<p>“design guidelines” means design principles and standards which are developed by the Board from time to time to guide decision-making regarding renovation and new construction in a preservation area; (lignes directrices de conception esthétique)</p>	<p>“design and planning guidelines” means design and planning principles approved by Council for the issuance of municipal heritage permits by a heritage officer or for the consideration of the Heritage Board under this By-law; (xxx)</p>
<p>“development” means the erecting, placing, relocating, removing, renovating, restoring, demolishing, altering, repairing or replacing of the exterior of a building or structure, in whole or in part, or the erection of any external signage other than traffic control devices or statutory notices, within a preservation area; (aménagement)</p>	<p>“development” means the erecting, placing, relocating, removing, renovating, restoring, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, or statutory notices, within a municipal heritage conservation area; (aménagement)</p>
	<p>“envelope” means all those building elements that comprise the weathertight barrier between the outdoors and interior spaces, including, but not limited to, foundations, exterior wall assemblies, windows, doors and roofs; (enveloppe)</p>
	<p>“façade” means the face of a building or structure, including any dormer, gable or roof that is part of or a projection of that plane; (façade)</p>
	<p>“fluorescent colours” means a type of bright colour that is so saturated that it appears to glow without a light source; (xxx)</p>

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	<p>“Heritage Board” means the members of a municipal heritage board appointed pursuant to the Act for a term not to exceed three (3) years; (<i>comité du patrimoine</i>)</p>
	<p>“Heritage Officer” means an individual appointed by City Council pursuant to the Act.; (<i>agent du patrimoine</i>)</p>
	<p>“maintenance” means routine, cyclical, non-destructive actions necessary to slow or prevent the deterioration of a building, or structure. It entails periodic inspection; routine, cyclical, non-destructive cleaning; minor repair and refinishing operations; replacement of damaged or deteriorated materials with compatible traditional materials and details of similar profiles as the original. It does not include any alteration, design change and/or replacement where such replacement involves a change in design or material. For the purposes of this By-Law, any cleaning that involves the use of force or products that may damage or alter in any way the exterior surface texture or patina, including but not limited to sandblasting, high pressure washing, strong chemical cleaning and other methods that may damage building materials, shall not be considered maintenance; (<i>entretien</i>)</p>
	<p>“massing” means the shape and form of a structure in three dimensions; (<i>masse</i>)</p>
	<p>“Municipal Heritage Conservation Area” includes the municipality, a portion of the municipality or a building or structure in the municipality as determined by City Council”; (<i>secteur de conservation du patrimoine municipal</i>)</p>

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	<p>“Municipal Heritage Permit” means a permit under this By-Law issued by the Heritage Board or the Heritage Officer; (<i>permis de patrimoine</i>)</p>
<p>“Municipality” means the City of Fredericton; (<i>municipalité</i>)</p>	<p>“Municipality” means the City of Fredericton; (<i>municipalité</i>)</p>
	<p>“owner” means the registered owner of real property; (<i>propriétaire</i>)</p>
<p>“preservation” means the act of protecting, maintaining, and/or stabilizing the existing materials, form and integrity of a building; (<i>sauvegarde</i>)</p>	<p>“preservation” means the act of protecting, maintaining, and/or stabilizing the existing materials, form and integrity of a building; (<i>sauvegarde</i>)</p>
<p>“Preservation Area” means a preservation area established under Section 5 of the Act; (<i>secteur sauvegardé</i>)</p>	<p>“Preservation Area” means a preservation area established under Section 5 of the Act; (<i>secteur sauvegardé</i>)</p>
	<p>“rehabilitation” means the action or process of making possible a continuing or compatible contemporary use of lands, buildings and structures of heritage value, or of an individual component, through repair, removal, alterations and/or additions, while protecting its heritage value; (<i>réhabilitation</i>)</p>
	<p>“restoration” means the action or process of accurately revealing, recovering or representing the state of lands, buildings and structures of heritage value, or an individual component as it appeared at a particular period in its history, while protecting its heritage value; (<i>restauration</i>)</p>

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	<p>“setback,” means the distance between the street line and the front building line of a principal building or structure projected to the sideline of the lot; (<i>marge de retrait</i>)</p>
	<p>“siding” means a facing material, or cladding, applied to the outside of a building or structure to make it weatherproof; (<i>bardage</i>)</p>
<p>Standards” means the standards of development set out in this By-Law; (<i>normes</i>)</p>	<p>“Standards” means the standards of development set out in this By-Law; (<i>normes</i>)</p>
	<p>“street line” means the dividing line between a lot and the right-of-way of a street, road, highway, avenue, lane, court, or private easement providing generally the primary access to and egress from the property abutting along its length; (<i>alignement de la rue</i>)</p>
<p>“structure” means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings. (<i>construction</i>)</p>	<p>“structure” means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings. (<i>construction</i>)</p>
	<p>“subordinate” means that which is of a lesser or secondary importance to an existing building or structure by means including, but not limited to, its size, materials and/or detailing; (<i>accessoire</i>)</p>
	<p>“traditional materials” means any material commonly used from the era of a building or structure’s construction; (<i>matériau traditionnel</i>)</p>

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	<p>“Unsafe” means dangerous; not secure; (<i>dangereux</i>)</p>
<p>2. PURPOSES</p> <p>The purposes of this By-Law are:</p> <p>2.1. to promote the economic, educational, cultural and general development of the City of Fredericton through the preservation and protection of the distinctive characteristics of buildings and places in preservation areas, through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith;</p> <p>2.2. to maintain a harmonious outward appearance of structures and settings which is attractive to residents and an enhancement to tourism;</p> <p>2.3. to ensure that construction and renovation of buildings and structures are undertaken in a form compatible with the municipality's traditional architectural styles.</p>	<p>3. PURPOSES</p> <p>3.1. The purposes of this By-Law are:</p> <p>1) ensuring the conservation, which includes the preservation, restoration and rehabilitation of lands, buildings and structures of heritage value, and the development of these lands, buildings and structures;</p> <p>2) ensuring the conservation of cultural landscapes; and,</p> <p>3) ensuring the conservation and improvement of the physical environment.</p>
<p>3. PRESERVATION AREA</p> <p>This By-Law shall apply to the preservation areas established by the municipality in accordance with Section 5 of the Act and described in Schedules “A”, “B” and “C” attached to this bylaw and which forms part hereof. (Original Section (3) Repealed and Replaced/By-Law No. L-4.1/Enacted July 13, 2009)</p>	<p>4. HERITAGE CONSERVATION AREA</p> <p>4.1. This By-Law shall apply to the municipal heritage conservation areas established by the municipality and described in Schedules “A”, “B,” “C,” “D,” “E,” and “F,” attached to this bylaw and which forms part hereof. (Original Section (3) Repealed and Replaced/By Law No. L 4.1/Enacted July 13, 2009) following portion of the City of Fredericton and specific buildings or</p>

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	structures established as a municipal heritage conservation area as depicted and outlined in Schedules A, B, C, D, E and F, attached hereto and forming part hereof.
<p>4. ADMINISTRATION</p> <p>4.1. The Preservation Review Board shall administer this By-Law.</p>	<p>5. ADMINISTRATION</p> <p>Heritage Board</p> <p>5.1. The Heritage Board shall administer this By-Law.</p> <p>5.2. The Heritage Board shall consist of not less than 5 members and not more than 11 members.</p> <p>Appointment of Heritage Board Members</p> <p>5.3. The members of a heritage board shall include:</p> <ol style="list-style-type: none"> 1) one member of the council, to be appointed by the Mayor; 2) at least one property owner resident in the municipality who, in the opinion of the council, has a demonstrated interest in heritage conservation in the municipality, to be appointed by Council; 3) at least one person resident in the municipality who is a member of a local society or organization concerned with heritage conservation in the municipality, to be appointed by Council from a list of nominees submitted by the societies or organizations, but if no society or organization exists, then at least one other person shall be appointed in accordance with paragraph (b);

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	<p>4) at least one person with professional knowledge and work experience in the field of architecture, restoration architecture or historic architecture or, if no such person is available, a person with professional knowledge and work experience in general restoration or renovation work, to be appointed by the council;</p> <p>5) other members that meet any of the following requirements, to be appointed by the council:</p> <ul style="list-style-type: none"> i. have the qualifications referred to in paragraph (b), (c) or (d); ii. have professional knowledge and work experience in community planning, urban planning, archaeology or palaeontology; iii. be a member of a natural or cultural heritage society; iv. be a non-residential user in the municipality, as defined in the <i>Business Improvement Areas Act</i>; v. be a resident of a municipal heritage conservation area established by the municipality; or, vi. be a resident of the municipality who has a general interest in heritage conservation in the municipality. <p>Term of Office and Revocation of Appointment</p> <p>5.4. The member of the Heritage Board appointed from Council shall be appointed until the expiration of his or her term of office as a Councillor.</p>

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	<p>5.5. The other members of the Heritage Board shall be appointed for a term determined by the appointing Council, which shall not exceed 3 years.</p> <p>5.6. A member of a heritage board is eligible for reappointment.</p> <p>5.7. If a person appointed to a Heritage Board ceases to maintain his or her residency within the municipality, and residency is a requirement of his or her appointment, the Heritage Board shall declare his or her position to be vacant.</p> <p>5.8. On the advice of the Heritage Board, Council may revoke the appointment of a member who without good cause consistently fails to attend the meetings of the Heritage Board and, if the appointment is revoked, Council shall declare the member's position vacant.</p> <p>Vacancy</p> <p>5.9. If there is a vacancy on the Heritage Board, the Board shall immediately notify the Council of the vacancy.</p> <p>5.10. Within 30 days after the notification referred to in subsection (1), the vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term.</p> <p>5.11. A vacancy on the Heritage Board does not impair the capacity of the Heritage Board to act if a quorum is maintained.</p> <p>Officers</p> <p>5.12. The Heritage Board shall appoint from among its members a chair and a vice chair to act if the chair is unable to act.</p>

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	<p>5.13. The Heritage Board shall appoint a member or any other person as Secretary of the Board.</p>
<p>4.2. The Secretary of the Board shall keep the minutes of the meetings and a record of all resolutions, proceedings and transactions of the Board.</p>	<p>Records of the Heritage Board</p> <p>5.14. The Secretary of the Heritage Board shall keep the minutes of the meetings and a record of all resolutions, proceedings and transactions of the Heritage Board.</p> <p>5.15. The Heritage Board:</p> <ol style="list-style-type: none"> 1) Shall maintain a file or files containing: <ol style="list-style-type: none"> i. records of all applications, the action(s) taken by the Heritage Board, plans and drawings submitted and any amendments thereto; and, ii. drawings, photographs and other descriptive or pictorial items showing structures, architectural styles, and materials appropriate to the City. <p>5.16. The files referred to in section 5.15 shall form part of the records of the Heritage Board.</p>
<p>4.3. The records of the Board are the property of the City and shall be held in the custody of the Board and be open to public inspection during normal business hours observed by the municipality upon reasonable notice in writing being given to the Secretary.</p>	<p>5.17. The records of the Heritage Board are the property of the City and shall be held in the custody of the Heritage Board and be open to public inspection during normal business hours observed by the municipality upon reasonable notice in writing being given to the Secretary.</p>

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<p>4.4. The Board shall prepare and submit to Council at the appropriate time each year a budget of its estimated expenditures for the next ensuing calendar year. The Council shall include in its budget for the said calendar year the amount shown in the budget of the Board or part hereof as the Council deems sufficient to defray the Board's expenses.</p>	<p>4.4. The Board shall prepare and submit to Council at the appropriate time each year a budget of its estimated expenditures for the next ensuing calendar year. The Council shall include in its budget for the said calendar year the amount shown in the budget of the Board or part hereof as the Council deems sufficient to defray the Board's expenses.</p>
	<p>Practice and Procedure</p> <p>5.18. The Heritage Board may establish its own rules of practice and procedure.</p> <p>Duties and Powers</p> <p>5.19. On the request of Council, the Heritage Board shall investigate and prepare a report respecting the establishment of a municipal heritage conservation area or the making of a By-Law under the <i>Heritage Conservation Act</i>.</p> <p>5.20. The Heritage Board shall carry out the duties assigned to it under this By-Law.</p> <p>5.21. A heritage board may:</p> <ol style="list-style-type: none"> 1) on its own motion investigate and prepare a report respecting the establishment of a municipal heritage conservation area or the making of a By-law under the <i>Heritage Conservation Act</i>; 2) recommend amendments to a municipal By-law under the <i>Heritage Conservation Act</i> or any other Act; 3) engage consultants whose reasonable charges may be paid by the municipality;

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	<p>4) advise Council on municipal heritage resource management, heritage policies and any other heritage conservation matters; and,</p> <p>5) subject to the approval of Council adopt design and planning guidelines for the purpose of the issuance of municipal heritage permits by a Heritage Officer.</p>
<p>4.5. The Board shall prepare an annual report on its activities to be submitted to the Council within 60 days of the end of the City's fiscal year. Without limiting the generality of the foregoing, the report:</p> <ol style="list-style-type: none"> 1) Shall indicate the number of applications reviewed, approved, rejected and approved on amendments; 2) shall report on the number and disposition of appeals; 3) shall provide an appraisal of the effectiveness of the By-Laws; 4) shall set out the expenses of the Board in the previous year; and, 5) shall recommend changes in the municipality's various preservation and other By-Laws for the better attainment of the objectives of the Act. 	<p>5.22. The Heritage Board shall prepare an annual report on its activities to be submitted to the Council within 60 days of the end of the City's fiscal year. Without limiting the generality of the foregoing, the report:</p> <ol style="list-style-type: none"> 1) Shall indicate the number of applications reviewed, approved, rejected and approved on amendments; 2) shall report on the number and disposition of appeals; 3) shall provide an appraisal of the effectiveness of the Heritage By-Laws; and, 4) shall recommend changes in the municipality's various Heritage By-laws and other By-Laws for the better attainment of the objectives of the Heritage By-law Act.
<p>4.6. The Secretary shall provide copies of the Board's annual and other reports to the public on request.</p>	<p>5.23. The Secretary shall provide copies of the Board's annual and other reports to the public on request.</p>

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	<p>Appointment of Heritage Officer</p> <p>5.24. For the purpose of assisting the Heritage Board in carrying out its duties, Council may appoint a Heritage Officer who shall carry out the duties assigned to him or her under this By-Law.</p>
<p>5. GUIDANCE STANDARDS AND POLICIES</p> <p>In order to foster consistent policies in preserving the historic and architectural character of preservation areas and to provide guidance to the public on appropriate standards of design for developments in a preservation area, the Board shall:</p> <p>5.1. Develop and adopt a set of design guidelines which may be amended from time to time to correct any ambiguities and to reflect the specific character of different preservation areas.</p> <p>5.2. Refer and adhere to the established design guidelines when assessing applications for development in a preservation area which involve new construction, renovation or additions to existing buildings.</p> <p>5.3. Maintain a file or files containing:</p> <ol style="list-style-type: none"> 1) records of all applications, the action taken by the Board, plans and drawings submitted and any amendments thereto; and, 2) drawings, photographs and other descriptive or pictorial items showing structures, architectural styles, and materials appropriate to the City. 	<p>6. GUIDANCE STANDARDS AND POLICIES</p> <p>6.1. To foster consistent policies in conserving municipal heritage conservation areas and to provide guidance to the public on appropriate standards of design for developments in a municipal heritage conservation area, the Heritage Board shall:</p> <ol style="list-style-type: none"> 2) Shall refer and consider the established design and planning guidelines approved by City Council when assessing applications for development in a municipal heritage conservation area. <p>6.2. This By-Law shall comply with any regional plan, municipal plan, development scheme or urban renewal scheme in effect in the municipal heritage conservation area.</p>

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5.4. The files referred to in section 5.03 shall form part of the records of the Board.	
6. <u>CERTIFICATE OF APPROPRIATENESS</u>	7. <u>Development in a Municipal Heritage Conservation Area</u>
6.1. Subject to section 6.02, no person shall carry out or cause to be carried out any development within the Preservation Area, whether a building permit or demolition permit has been issued or not, until a Certificate of Appropriateness has been issued by the Board.	<p>Permit required</p> <p>7.1. Subject to section 6.02, No person shall carry out any work or development on a building or structure within a Municipal Heritage Conservation Area without first obtaining a Municipal Heritage Permit. Whether a building permit or demolition permit has been issued or not, until a Certificate of Appropriateness has been issued by the board.</p>
6.2. No development in accordance with the Certificate shall be carried out until every right of appeal under the Act has been exercised in the particular case or until the time prescribed by the Act for the exercise of that right of appeal has expired.	7.2. No person shall carry out work or development in accordance with the Certificate a municipal heritage permit shall be carried out until every right of appeal under the <i>Heritage Conservation Act</i> has been exercised in the particular case or until the time prescribed by the Act for the exercise of that right of appeal has expired.
6.3. An application for a Certificate shall be filed with the Secretary who shall not accept any application that is incomplete or appears to be incomplete.	<p>Application for Permit</p> <p>7.3. A person shall apply to the Heritage Board for a Municipal Heritage Permit on the form provided by the Board.</p>
6.4. An application shall be made by the owner of the property for which the development is proposed in the form prescribed by the Board and shall include:	

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<p>1) in the case of an existing building or structure, development plans and specifications which describe in detail any proposed demolition or alterations to such building or structure of appurtenances related thereto, including additions, deletions and design changes, or</p> <p>2) in the case of new construction, development plans and specifications of the proposed building or structure and appurtenances related thereto.</p>	<p>7.4. An application shall be made by the owner of the property, or their agent for which the development is proposed in the form prescribed by the Board and shall include:</p> <p>1) in the case of an existing building or structure, development plans and specifications which describe in detail any proposed demolition or alterations to the development of such building or structure or and appurtenances related thereto, including additions, deletions and design changes, or</p> <p>2) in the case of new construction, development plans and specifications of the proposed building or structure and appurtenances related thereto.</p>
	<p>7.5. Prior to deciding on an application for a Municipal Heritage Permit, the Heritage Board shall take such action as may be reasonably required to inform notify the applicant and all such other persons as the Heritage Board may deem appropriate that the application is pending. The Board shall pursuant to section 5.2, and give the applicant such persons an opportunity to be heard.</p> <p>1) Notwithstanding the above, a failure of the Heritage Board to provide notice herein failure of any person to receive notice as provided herein or a failure of an applicant to appear to be heard shall not invalidate any action by the Heritage Board.</p>
	<p>7.6. At the request of an applicant or any other person receiving notice under subsection 6.09, or where the Heritage Board deems it necessary, a public hearing on an application may be conducted by the Heritage Board.</p>

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	<p>Issuance of Permit</p> <p>7.7. The Heritage Board shall issue a Municipal heritage permit if the Board considers that this By-law has been complied with.</p> <p>7.8. Evidence of the Heritage Board's approval shall be a Municipal Heritage Permit, which shall be numbered and signed by the Chairperson or their designate, Vice-Chairperson or Board Secretary or a Heritage Officer stating that the proposed development for which application has been made is approved by the Heritage Board, or the Appeal Board on appeal, bearing the date of approval, and any terms or conditions on which approval is granted.</p>
	<p>7.9. A Heritage Officer shall issue a Municipal Heritage Permit if they are satisfied that the application for the permit complies with the standards and guidelines. If the Heritage Officer is not so satisfied, they shall refer the application to the Heritage Board.</p>
	<p>7.10. The Heritage Board shall provide written reasons for refusing to issue a permit.</p>
	<p>Terms and Conditions of Permit</p> <p>7.11. The Heritage Board may impose the terms and conditions on a Municipal Heritage Permit that the Board considers appropriate.</p>
	<p>7.12. The permit holder, and any person working under the authority of the permit holder, shall comply with the terms and conditions prescribed by this By-law</p>

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	and any other terms and conditions that the Heritage Board specifies in the permit.
	<p>7.13. A Municipal Heritage Permit:</p> <ol style="list-style-type: none"> 1) that is issued by a Heritage Officer is valid for up to one (1) year; or, 2) that is issued by a Heritage Board is valid for the period of time specified and may be renewed.
	<p>Cancellation of Permit</p> <p>7.14. The Heritage Board or a Heritage Officer may cancel or refuse to renew a Municipal Heritage Permit if the permit holder has violated or failed to comply with this By-law or the terms and conditions of the permit.</p>
	<p>7.15. When the Heritage Board or the Heritage Officer cancels a permit, the Board or the Officer, as the case may be, shall serve notice with reasons on the permit holder.</p>
<p>6.5. The Board will make every reasonable effort to notify the applicant of its decision within 14 business days of the filing of an application and in no case shall it exceed 30 business days from the date of filing an application.</p>	<p>7.16. The Heritage Board shall provide a written decision to the applicant within will make every reasonable effort to notify the applicant of its decision 14 business days of making the said decision. the filing of an application and in no case shall it exceed 30 business days from the date of filing decision an application.</p>

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<p>6.6. Evidence of the Board's approval shall be a Certificate which shall be numbered and signed by the Chairperson, Vice- Chairperson or Board Secretary stating that the proposed development for which application has been made is approved by the Board, or the Appeal Board on appeal, bearing the date of approval, and any terms or conditions on which approval is granted.</p>	<p>Evidence of the Board's approval shall be a Certificate which shall be numbered and signed by the Chairperson, Vice- Chairperson or Board Secretary stating that the proposed development for which application has been made is approved by the Board, or the Appeal Board on appeal, bearing the date of approval, and any terms or conditions on which approval is granted.</p>
<p>6.7. The Board may issue a Certificate subject to such terms and conditions as it considers necessary for the standards to be met.</p>	<p>The Board may issue a Certificate subject to such terms and conditions as it considers necessary for the standards to be met.</p>
<p>6.8. The Board may refuse to issue a Certificate where, in its opinion, the development plan submitted with the application is incomplete or shows that the proposed development is incompatible with the standards of development prescribed in Sections 7 and 8.</p>	<p>The Board may refuse to issue a Certificate where, in its opinion, the development or site alteration plan submitted with the application is incomplete or shows that the proposed development is incompatible with the standards of development prescribed in Sections 7 and 8.</p>
<p>6.9. Prior to deciding on an application for a Certificate, the Board shall take such action as may be reasonably required to inform the applicant and all such other persons as the Board may deem appropriate that the application is pending. The Board shall, pursuant to section 6.02, give such persons an opportunity to be heard. Failure of any person to receive notice as provided herein shall not invalidate any action by the Board.</p>	<p>Prior to deciding on an application for a Certificate, the Board shall take such action as may be reasonably required to inform the applicant and all such other persons as the Board may deem appropriate that the application is pending. The Board shall, pursuant to section 6.02, give such persons an opportunity to be heard. Failure of any person to receive notice as provided herein shall not invalidate any action by the Board.</p>

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6.10. At the request of an applicant or any other person receiving notice under subsection 6.09, or where the Board deems it necessary, a public hearing on an application may be conducted by the Board.	At the request of an applicant or any other person receiving notice under subsection 6.09, or where the Board deems it necessary, a public hearing on an application may be conducted by the Board.
6.11. If the Board determines that the proposed development is appropriate it shall issue a Certificate.	If the Board determines that the proposed development is appropriate it shall issue a Certificate of Appropriateness.
6.12. If the Board determines that a Certificate should not be issued, it shall place upon its record the reasons for such determination and shall forthwith notify the applicant of such determination. The Board shall also furnish him or her the reasons therefore, and any terms and conditions required by the Board to make the application acceptable.	If the Board determines that a Certificate should not be issued, it shall place upon its record the reasons for such determination and shall forthwith notify the applicant of such determination. The Board shall also furnish him or her the reasons therefore, and any terms and conditions required by the Board to make the application acceptable.
6.13. An appeal from a decision of the Board as to any matter, for which an appeal lies under the Act, may be made in accordance with the provisions of the Act.	An appeal from a decision of the Board as to any matter, for which an appeal lies under the Act, may be made in accordance with the provisions of the Act.
6.14. Notwithstanding the foregoing, the Community Heritage Officer may issue a Certificate where he or she is satisfied that the application complies with the principles embodied by the Design Guidelines adopted by the Board for proposals including but not limited to: 1) Decks 2) Sheds & garages	Notwithstanding the foregoing, the Community Heritage Officer may issue a Certificate where he or she is satisfied that the application complies with the principles embodied by the Design Guidelines adopted by the Board for proposals including but not limited to: 1) Decks 2) Sheds & garages

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<ul style="list-style-type: none"> 3) Replacement of windows; doors; exterior siding; roofing material; general maintenance etc. 4) Repair of steps and front porches 5) Signs 	<ul style="list-style-type: none"> 3) Replacement of windows; doors; exterior siding; roofing material; general maintenance etc. 4) Repair of steps and front porches 5) Signs
<p>6.15. Where the Community Heritage Officer is not satisfied that the application complies with such guidelines, he or she shall refer the application to the Board.</p>	<p>Where the Community Heritage Officer is not satisfied that the application complies with such guidelines, he or she shall refer the application to the Board.</p>
<p>7. <u>STANDARDS OF DEVELOPMENT</u></p>	<p>8. <u>STANDARDS OF DEVELOPMENT</u></p>
<p>7.1. <u>Existing Buildings and Structures</u></p> <ul style="list-style-type: none"> 1) The exterior of any building or structure or any part thereof within a preservation area or any appurtenances related to such structures, shall not be altered, reconstructed or otherwise changed without a Certificate. No Certificate shall be issued for such developments, unless they will maintain, enhance or be compatible with the historical or architectural character of the preservation area. 	<p>8.1. <u>Existing Buildings and Structures</u></p> <ul style="list-style-type: none"> 1) The exterior of any building or structure or any part thereof within a preservation municipal heritage conservation area or any appurtenances related to such structures, shall not be altered, reconstructed or otherwise changed without a Certificate Municipal Heritage Permit. No Certificate Municipal Heritage Permit shall be issued for such developments, unless they will maintain, enhance or be compatible with the historical or architectural character of the preservation area character defining element of the relevant character area of the municipal heritage conservation area.
<ul style="list-style-type: none"> 2) The development of an existing building or structure or any part thereof within a preservation area shall use such materials as would be, or might have been, traditional to its original exterior facade. The Board shall permit 	<ul style="list-style-type: none"> 2) The development of an existing building or structure or any part thereof within a preservation area municipal heritage conservation area shall should use such materials as would be, or might have been, traditional to its original exterior facade. The Board shall permit the use of contemporary materials

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the use of contemporary materials where their appearance is compatible with the appearance of traditional materials and detailing.	where their appearance is compatible with the appearance of traditional materials and detailing may be permitted.
<p>7.2. <u>New Dwellings and Structures</u></p> <p>1) The erecting or placing of a new building or structure within a preservation area shall be of such design and setting upon its lot as will be compatible with other buildings, streets and open spaces in the preservation area to which it is visually related. No Certificate shall be issued for such a development unless it conforms to the standards set out in section 7.02(2).</p>	<p>8.2. <u>New Buildings</u></p> <p>1) The erecting or placing of a new building or structure within a municipal heritage conservation area shall be of such design and setting upon its lot as will be compatible with other buildings, streets and open spaces in the character area or areas to which it is visually related. No Municipal Heritage Permit shall be issued for such a development unless it conforms to the standards set out in section 8.2(2).</p>
<p>2) Within a preservation area a development which is visible to the public shall be regulated by the following standards:</p> <p>a. Where the setbacks for existing buildings constructed prior to 1950 are uniform and a development fronts or is to front upon a street, the setback for the development shall be the same as that for the existing buildings fronting upon the street or streets to which the development is visually related.</p> <p>b. Where the setbacks for existing buildings constructed prior to 1950 are not uniform, and the development fronts, or is to front, upon a street, the setback for the development is to be not less than 80 % and not more than 120 % of the average setback of existing buildings fronting upon the street or streets to which the development is visually related.</p>	<p>2) <u>New buildings or structures shall respect and maintain the average front yard setback of adjacent properties.</u></p> <p>Within a preservation area a development which is visible to the public shall be regulated by the following standards:</p> <p>Where the setbacks for existing buildings constructed prior to 1950 are uniform and a development fronts or is to front upon a street, the setback for the development shall be the same as that for the existing buildings fronting upon the street or streets to which the development is visually related.</p> <p>Where the setbacks for existing buildings constructed prior to 1950 are not uniform, and the development fronts, or is to front, upon a street, the setback for the development is to be not less than 80 % and not more than 120 % of the</p>

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	average setback of existing buildings fronting upon the street or streets to which the development is visually related.
	<p>8.3. Painting</p> <p>1) Buildings and structures in municipal heritage conservation areas shall not be painted fluorescent colours.</p>
	<p>8.4. Fencing and Walls</p> <p>Notwithstanding the provisions of the City of Fredericton Zoning By-law No. Z-5:</p> <p>1) Fences and walls shall complement the architectural design of the principal building.</p> <p>2) Front yard fencing shall be a maximum of 1.2 metres in height to preserve views and ensure natural surveillance, and be semi-permeable, vertical elements with gaps in between rather than solid.</p> <p>3) Front yard walls shall be a maximum of 0.9 metres in height and constructed of high-quality materials compatible with the principal building. Preferred materials include brick and stone. Walls should include a base and robust cap detail.</p> <p>4) Side and rear yard fencing shall be a maximum of 1.8 metres in height.</p> <p>5) Wood, wrought iron, stone piers and other high quality compatible materials are preferred. Plastic and chain link fences are not appropriate.</p>

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7.3. <u>Cleaning</u>	8.5. <u>Abrasive Cleaning</u>
<p>1) No person shall clean or cause to be cleaned any surface of the façade of a building within the preservation area by sandblasting.</p> <p>2) Any person who proposes to clean or cause to be cleaned any surface of the facade of a building within the preservation area by such means as chemical cleaning, high pressure water or other related technique shall apply to the Board for a Certificate. The Board must have issued a Certificate before work commences. For the purposes of the By-Law, the cleaning of a building or structure is deemed to constitute development and is not considered maintenance.</p>	<p>1) No person shall clean or cause to be cleaned any surface of the façade of a building or structure within the municipal heritage conservation area by abrasive methods pressure blasting.</p> <p>2) Any person who proposes to clean or cause to be cleaned any surface of the facade of a building within the preservation area by such means as chemical cleaning, high pressure water or other related technique shall apply to the Board for a Certificate. The Board must have issued a Certificate before work commences. For the purposes of the By Law, the cleaning of a building or structure is deemed to constitute development and is not considered maintenance.</p>
<p>8. <u>DEMOLITION, REMOVAL AND RELOCATION</u></p> <p>8.1. No building or structure within a preservation area or any appurtenances thereto, shall be demolished, removed or relocated and no Certificate for such development shall be issued without the approval of the Board.</p> <p>8.2. No Certificate shall be issued for the demolition, removal or relocation of a building or structure until a plan for the development of the property is approved by the Board.</p>	<p>9. <u>DEMOLITION, REMOVAL AND RELOCATION</u></p> <p>9.1. No building or structure within a preservation municipal heritage conservation area or any appurtenances thereto, shall be demolished, removed or relocated unless a and no Certificate Municipal Heritage Permit for such development has been shall be issued by without the approval of the Heritage Board.</p>

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	<p>9.2. No Certificate Municipal Heritage Permit shall be issued for the demolition, removal or relocation of a building or structure until a plan for the development of the property is approved by the Heritage Board.</p> <p>9.3. Nothing in this By-Law shall be construed so as to affect the demolition of any building or structure that Fredericton City Council has found to be dangerous under By-Law No. S-16, A By-law Respecting Dangerous or Unsightly Premises in the City of Fredericton, as amended.</p>
<p>9. <u>ORDINARY MAINTENANCE</u></p> <p>Subject to section 7.03 nothing in this By-Law shall be construed so as to prevent the ordinary maintenance, painting or repair of any exterior feature of any building or structure which does not involve a change in the design, materials or outer appearance thereof.</p>	<p>10. <u>ORDINARY MAINTENANCE</u></p> <p>10.1. Subject to section 7.03 8.3 and 8.5, nothing in this By-Law shall be construed so as to prevent the ordinary maintenance, painting or repair of any exterior feature of any building or structure which does not involve a change in the design, materials or outer appearance thereof.</p>
<p>10. <u>SAFETY</u></p> <p>10.1. Where the Council requires a development by any Owner or Occupier because of an unsafe or dangerous condition on grounds of public safety, nothing in this By-Law shall operate to prevent such development from taking place.</p> <p>10.2. Any development required by Council shall be carried out within the spirit of this By-Law.</p>	<p>11. <u>SAFETY</u></p> <p>11.1. Where the Council requires a development by any Owner or Occupier because of an unsafe or dangerous condition on grounds of public safety, nothing in this By-Law shall operate to prevent such development from taking place.</p> <p>11.2. Any development required by Council shall be carried out within the spirit of this By-Law.</p>

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	<p style="text-align: center;">ENFORCEMENT</p> <p>12. Inspections</p> <p>Appointment of inspectors</p> <p>12.1. City Council may appoint an inspector for the following purposes:</p> <ol style="list-style-type: none"> 1) to conduct any study, survey and examination respecting municipal heritage conservation areas or places that, in City Council’s opinion, may be so established; 2) to assist City council or the Heritage Board in carrying out its duties and to ensure compliance with the provisions of this Heritage Conservation Act that are within City Council’s jurisdiction. <p>12.2. A heritage officer appointed by City Council shall be deemed to be an inspector within the meaning of section 12.1.</p> <p>Certificate of appointment</p> <p>12.3. City Council shall issue to an inspector a certificate of appointment bearing the signature or a facsimile of the signature of the clerk of the municipality.</p> <p>Inspection</p> <p>12.4. For the purpose of an inspection, an inspector at any reasonable time and on producing a certificate of appointment if so requested, may enter any place referred to in section 12.1 and may do the following:</p>

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	<p>1) be accompanied by and assisted by a person having special, expert or professional knowledge in an area relevant to the inspection;</p> <p>2) observe work and development that are subject to a municipal heritage permit;</p> <p>3) take photographs, video or other visual recordings, make acoustic recordings or make notes of the field, site or building conditions, of the conditions of any other place being inspected or of the artifacts or materials found at the place and take with them the equipment or recording materials required for this purpose;</p> <p>4) make inquiries of a person working at the place being inspected that are relevant to the inspection;</p> <p>5) perform research that the inspector considers necessary to establish the heritage value of the place being inspected; and</p> <p>6) require a person at the place being inspected to produce for inspection any permit required under this By-Law.</p> <p>Obstruction of inspector</p> <p>12.5. No person shall obstruct or interfere with an inspector who is carrying out or attempting to carry out an inspection under the authority of this By-Law or withhold or destroy or conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.</p> <p>False or misleading statement</p>

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	<p data-bbox="1354 334 2378 435">12.6. No person shall knowingly make a false or misleading statement, either orally or in writing, to an inspector while the inspector is engaged in carrying out their duties under this By-Law.</p> <p data-bbox="1309 475 2120 505">13. <u>Order to cease activity and temporary order to cease activity</u></p> <p data-bbox="1309 545 1585 574"><u>Order to cease activity</u></p> <p data-bbox="1354 618 2378 753">13.1. The Heritage Board, or an inspector, may issue an order to cease activity with respect to work or development undertaken in a municipal heritage conservation area in contravention of this By-Law or the terms and conditions of a municipal heritage permit.</p> <p data-bbox="1354 797 2300 826">13.2. An order issued under section 13.1 may provide for any of the following:</p> <ol data-bbox="1413 867 2378 1110" style="list-style-type: none"> <li data-bbox="1413 867 1774 896">1) the cessation of the work; <li data-bbox="1413 937 2247 966">2) the alteration of the work so as to remove the contravention; and <li data-bbox="1413 1006 2378 1110">3) the performance of work to restore the land, building or structure to the condition it was in immediately prior to the activity being carried out that is the subject of the order to cease. <p data-bbox="1309 1154 1720 1183"><u>Temporary order to cease activity</u></p> <p data-bbox="1354 1224 2378 1393">13.3. The Heritage Board, or an inspector, may issue a temporary order to cease activity with respect to a property in the municipality to prevent the alteration of the property, any damage to the property or the demolition or removal of a building or structure on the property, if the Board or inspector is of the opinion that:</p>

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	<p>1) the property is located in an area that is eligible to be designated as a municipal heritage conservation area, and</p> <p>2) the property is likely to be altered or damaged or a building or structure located on the property is likely to be removed or demolished.</p> <p>13.4. A temporary order to cease activity shall direct the owner of the property, or any person in apparent possession of the property, to ensure that any activity that is likely to result in the alteration of or damage to the property or the demolition or removal of any building or structure on the property not be commenced or be discontinued for a period of up to 60 days.</p> <p>13.5. If, before the expiry of the 60 day period, notice is given under paragraph 56(1)(b) of the <i>Heritage Conservation Act</i>, a temporary order to cease activity is extended until a By-Law is adopted under section 55 of the <i>Heritage Conservation Act</i>.</p> <p>Ministerial order issued in a municipality</p> <p>13.6. An order to cease activity or a temporary order to cease activity issued by the Minister, or by an inspector appointed by the Minister, with respect to a property located in a municipality is effective despite any authorization of the alteration, demolition or removal by the municipality.</p> <p>Order to cease activity ineffective</p> <p>13.7. An order to cease activity or a temporary order to cease activity issued by the Heritage Board or an inspector is not effective if the alteration, demolition or</p>

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	<p>removal is undertaken under the authority of another Act or law because of a threat to the health or safety of the public or of an individual.</p> <p>Notice of orders to cease activity</p> <p>13.8. An order to cease activity or a temporary order to cease activity shall:</p> <ol style="list-style-type: none"> 1) be in writing and be signed by the person who issued the order; 2) be served on the owner of the land, building or structure specified in the order; 3) state the grounds for the actions specified in the order; and 4) state the time limit for completing the actions specified in the order. <p>13.9. An order may also be served on the person undertaking the work on the land, building or structure specified in the order.</p> <p>13.10. Despite section 13.8, an order may be given verbally, but an order given verbally shall be followed by a written order within 24 hours.</p> <p>Enforcement and recovery of costs</p> <p>13.11. The owner of property who is ordered to take action under sections 13.1, 13.2, 13.3 and 13.4 shall comply with the order at his or her own expense.</p> <p>13.12. If an order is not complied with, the municipality may cause the ordered action to be undertaken and may recover the costs of the work from the owner in an action before the court.</p>

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	<p data-bbox="1357 370 2378 472">13.13. The costs to the municipality of causing the ordered action to be undertaken under section 13.12 shall constitute a lien on the property concerned until recovered.</p> <p data-bbox="1311 513 1696 542">14. Proceedings and Offences</p> <p data-bbox="1311 583 1634 612">Application for court order</p> <p data-bbox="1357 652 2378 755">14.1. The municipality or a person named by the municipality may make an application to the court for any of the orders described in section 14.2, whether or not a penalty has been provided or imposed under this By-law, if a person:</p> <ol style="list-style-type: none"> <li data-bbox="1419 795 1892 824">1) contravenes or fails to comply with: <ol style="list-style-type: none"> <li data-bbox="1440 865 1811 894">i. a provision of this By-law; <li data-bbox="1440 935 2075 964">ii. an order or demand made under this By-Law, or <li data-bbox="1440 1005 2214 1034">iii. a term or condition of a permit issued under this By-Law; or <li data-bbox="1419 1075 2322 1104">2) obstructs a person in the performance of their duties under this By-Law. <p data-bbox="1357 1144 2214 1174">14.2. In a proceeding under this section, the court may make an order:</p> <ol style="list-style-type: none"> <li data-bbox="1419 1214 2378 1284">1) restraining the continuance or repetition of the contravention, failure or obstruction; <li data-bbox="1419 1325 2378 1395">2) directing the removal or destruction of a building or structure, or a part of a building or structure, in respect of which the contravention or failure has

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	<p>taken place, and that on failure to comply with the order, a person designated by City Council may remove or destroy the building or structure, or part of the building or structure, at the expense of the owner;</p> <p>3) that the court considers necessary to enforce the provision in respect of which the application was made; and</p> <p>4) as to costs and the recovery of the expenses of the removal or destruction.</p> <p>Offences</p> <p>14.3. Every person who violates or fails to comply with a provision this By-Law commits an offence.</p> <p>14.4 Every person charged with an offence under this By-law may make a voluntary payment of One Hundred and Forty dollars (\$140.00), on or before the date a charge pertaining to the offence has been laid in Provincial Court. The voluntary payment may be made to the City as follows:</p> <ol style="list-style-type: none"> 1) in person at the Service Centre, City Hall, 397 Queen Street, Fredericton; or; 2) by placing the voluntary payment in the fine box erected or placed at the York Street Entrance of City Hall; or; 3) by mail to: City of Fredericton, 397 Queen Street, Fredericton, N.B., E3B 1B5, "Attention Service Centre"; or 4) by telephone at the phone number listed on the Municipal by-law ticket. Payment by telephone must be made within the first twenty (20) calendar days from date of issuance of the ticket; or

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	<p>5) online at the website listed on the Municipal By-law ticket. Payment on-line must be made within the first twenty (20) calendar days from date of issuance of the ticket;</p> <p>6) at which time the ticket or ticket number shall be surrendered to the City and such payment shall be deemed payment in full.</p> <p>Continuing offence</p> <p>14.4. If an offence under this By-Law continues for more than one day:</p> <ol style="list-style-type: none"> 1) the minimum fine that may be imposed is One Hundred and Forty dollars (\$140.00) multiplied by the number of days during which the offence continues; and 2) the maximum fine that may be imposed One Thousand One Hundred dollars (\$1,100.00) multiplied by the number of days during which the offence continues. <p>Immunity</p> <p>14.5. No action lies for damages or otherwise against the following persons or entities in relation to anything done in good faith or omitted in good faith by the person or entity, under this By-Law :</p> <ol style="list-style-type: none"> 1) City Council; 2) an inspector;

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	<p>3) the Heritage Board;</p> <p>4) a Heritage Officer;</p> <p>5) a member or former member of the Heritage Board; and</p> <p>6) a person acting under or who has acted on the instructions of a person or entity referred to in paragraphs (1) to (5).</p>
<p>11. <u>CONTRAVENTIONS AND PENALTIES</u></p> <p>Contraventions of this By-Law shall be dealt with and shall incur such penalties as provided by the Act.</p>	<p><u>CONTRAVENTIONS AND PENALTIES</u></p> <p>Contraventions of this By-Law shall be dealt with and shall incur such penalties as provided by the Act.</p>
<p>12. <u>REPEAL PROVISIONS</u></p> <p>12.1. By-Law No. L-4, City of Fredericton Heritage Preservation By-Law, and amendments thereto, given third reading on September 10, 1990, is hereby repealed.</p>	<p>15. <u>REPEAL PROVISIONS</u></p> <p>15.1. By-Law No. L-4, City of Fredericton Heritage Preservation By-Law, and amendments thereto, given third reading on August 22, 2005, is hereby repealed.</p>
<p>12.2. The repeal of By-Law No. L-4, City of Fredericton Heritage Preservation Bylaw, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.</p>	<p>15.2. The repeal of By-Law No. L-4, City of Fredericton Heritage Preservation Bylaw, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.</p>

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<p>(Sgd.) Brad Woodside _____ Brad Woodside Mayor/maire</p>	<p>(Sgd.) Kate Rogers _____ Kate Rogers Mayor/maire</p>
<p>(Sgd.) Melanie D. Alain _____ Melanie D. Alain Assistant City Clerk/secrétaire municipale adjointe</p>	<p>(Sgd.) Jennifer Lawson-Murray _____ Jennifer Lawson-Murray City Clerk/secrétaire municipale</p>

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