

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

**HERITAGE PROPERTY BY-LAW
H-064-84**

Effective Date:
Sep. 12, 1984

1. (1) There shall be established for the Municipality of the District of Yarmouth a Municipal Registry of Heritage Property wherein all perscribed documents relating to the registration of Heritage Property pursuant to the provisions of the Heritage Property Act shall be filed.
- (2) The maintenance of the Municipal Registry of Heritage Property shall be the responsibility of the Municipal Clerk.
2. (1) The Municipal Registry of Heritage Property shall be kept in such manner and place as the Municipal Council, on the advice of the Heritage Advisory Committee shall from time to time determine.
- (2) 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 District of Yarmouth.
4. The Heritage Advisory Committee shall consist of eight members, three of whom shall be appointed from the Municipal Council and the other five of whom shall be appointed by the Municipal Council from the citizens of the Municipality.
5. (1) The term of service of persons on the Heritage Advisory Committee shall be a term of two years.
- (2) Appointment of the members of the Heritage Advisory Committee should take place at the Annual Meeting of the Municipal Council each year.
- (3) Any member shall be eligible for reappointment to the Heritage Advisory Committee from term to term.
- (4) Upon the death or resignation of any member; the Heritage Advisory Committee may function with its existing membership until the next meeting of the Municipal Council where a replacement shall be appointed.
- (5) The Committee shall be governed, where not inconsistent with the Act or this By-Law, by the general rules of procedure applicable to Committees as are contained in the By-Laws of the Municipality of Yarmouth.

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6. (1) 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 regulation 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 Act.
7. 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 and the registration shall be in Form B as attached hereto.
8. (1) 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 of the registration shall be filed in the Municipal Registry of Heritage Property.
 - (2) Notice of a recommendation by the Municipal Heritage Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in Form A as attached hereto.
9. 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.

Approved pursuant to Section 24 of the Municipal Affairs Act with the following amendment:

1. Section 1.1 is amended by adding to the end thereto the following words "shall be filed".

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Dated at Halifax this 11th day of December 1984.

Clerk's Annotation For Official By-Law Book

Date of first reading: _____
Date of advertisement of Notice of Intent to Consider: _____
Date of second reading: September 12, 1984
*Date of advertisement of Passage of By-Law: _____
Date of mailing to Minister a certified copy of By-Law: _____

I certify that this By-Law was adopted by Council and published as indicated above.

William R. Scott
Clerk

September 14, 1984
Date

Date last

reviewed: March 1, 2004

Date of last amendment: December 11, 1984

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FORM A

**NOTICE OF PROPOSED RECOMMENDATION FOR
REGISTRATION IN THE
MUNICIPAL HERITAGE REGISTRY**

_____ are hereby notified that

1. The land and buildings located at _____
Yarmouth, Nova Scotia has been recommended to be registered in the Municipal Heritage Registry for the Municipality of the District of Yarmouth.
2. The reasons for this proposed designation are:
 approximate date of erection,
 type of architecture, typical of an area,
 part of street scape (description of street scape)
 local significance, national significance.
3. Section 14 (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 and twenty (120) days from date of service of this notice unless the Municipal Council refuses to register the property.
4. The effect of recommendation and registration in the Municipal Heritage Registry described in paragraph one is that no **demolition or substantial alterations in the exterior appearance** may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. (Where an application is not approved, the owner may make the alterations in his/her 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 will sit to hear any objections regarding the recommendations of the property described in this notice on the _____ day of _____ **200** in the Council Chambers of the Court House at 7:00 p.m. Information and particulars concerning the reasons for recommendations are available from the office of the Municipal Clerk for the Municipality of Yarmouth from 8:30 a.m. to 4:30 p.m. at Yarmouth.

DATED this _____ day of _____ A. D., 200 ____

Deputy Chief Administrative Officer - Trudy LeBlanc

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FORM B

(To be filed in the Registry of Deeds for the District of Yarmouth in the Municipal Registry of Heritage property.)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO: _____

You are hereby notified that:

1. The land and building located at: _____
Yarmouth, Nova Scotia has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of the Municipal Council of the Municipality of the District of Yarmouth the _____
(Date)
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 Municipality and the application is granted with or without conditions. Where an application is not approved, the owner may take 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 this _____ day of _____, 200__

Deputy Chief Administrative Officer - Trudy LeBlanc