

	<h2>Municipal Heritage Property By-Law</h2> <h3>M-6108-24</h3>	Effective Date: October 17, 2024
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Part 1 Purpose

- 1.1 The purpose of this By-Law is to establish a Heritage Property program, pursuant to the *Heritage Property Act*, for the Municipality of the District of Yarmouth that includes the creation of a registry of Municipal Heritage properties and a Heritage Advisory Committee.

Part 2 Definitions

- 2.1 **“CAO”** means Chief Administrative Officer for the Municipality of the District of Yarmouth;
- 2.2 **“Character-defining elements”** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to *heritage value* and that must be sustained in order to preserve *heritage value*.
- 2.3 **“Council”** means the Council of the Municipality of the District of Yarmouth;
- 2.4 **“Heritage Value”** means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings;
- 2.5 **“Municipality”** means the Municipality of the District of Yarmouth;
- 2.6 **“Streetscape”** means two or more adjacent properties whose collective appearance from the streets has *heritage value*;
- 2.7 **“Substantial Alterations”** means any action that affects or alters the character-defining elements of a property;

Part 3 Registry


- 3.1 The Municipality of the District of Yarmouth shall establish a Municipal Heritage Property Registry where all documents relating to the registration of Heritage Property pursuant to the *Heritage Property Act* shall be filed.
- 3.2 The maintenance of the Municipal Heritage Property Registry shall be the responsibility of the CAO.

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- 3.3 The Municipal Heritage Property Registry shall be kept in such form as *Council*, on the advice of the Heritage Advisory Committee shall from time to time determine.
- 3.4 *Council* is empowered to make such expenditures as are necessary to maintain the Municipal Heritage Property Registry.

Part 4 Advisory Committee

- 4.1 The *Municipality* shall establish a Heritage Advisory Committee.
- 4.2 The Heritage Advisory Committee shall consist of, two Municipal Councillors and citizen representatives. Citizen representatives shall be appointed according to the Heritage Advisory Committee Terms of Reference as approved by *Council* and the Citizen Appointment to Committees, Boards and Authorities Policy C-026-05.
- 4.3 The Committee shall operate in accordance with the *Heritage Property Act*, the Heritage Advisory Committee Terms of Reference as approved by Council, and the Citizen Appointment to Committees, Boards and Authorities Policy C-026-05:
- 4.4 Heritage Advisory Committee may advise *Council* respecting:
 - 4.4.1 The inclusion of buildings, *streetscapes* and areas in the Municipal Heritage Property Registry;
 - 4.4.2 An application for permission to *substantially alter* or demolish a Municipal Heritage Property;
 - 4.4.3 Building or other regulation that affect the attainment of the intent and purpose of this By-law;
 - 4.4.4 Any other matters specifically conducive to the effective carrying out of the intent and purpose of this By-law.
- 4.5 The Heritage Advisory Committee may recommend to *Council* that a building, *streetscape* or area be registered as a Municipal Heritage property in the Municipal Heritage Property Registry and the registration shall be in Form B (Appendix B).

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Part 5 Notices

- 5.1 Notice of such registration (Form B) shall be served upon each registered owner of the Municipal Heritage Property. One copy of the registration shall be registered against the property with the Nova Scotia Registry of Deeds. One copy of the registration shall be filed in the Municipal Registry of Heritage Property.
- 5.2 Notice of a recommendation by the Municipal Heritage Advisory Committee that a building, *streetscape* or area be registered as a Municipal Heritage Property shall be in Form A (Appendix A).

Part 6 Guidelines

- 6.1 *Council* may from time to time set out or amend the guidelines for designating Municipal Heritage Property within which the Heritage Advisory Committee shall operate. *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-with the *Heritage Property Act*.

Part 7 Fees

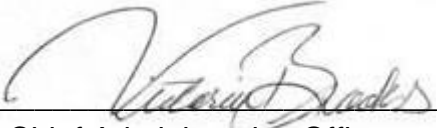
- 7.1 Applications for registration and de-registration shall be subject to an administration fee (see Fees Policy F-044-02)

Part 8 Repeal

- 8.1 This By-law hereby repeals and replaces Heritage Property By-Law H-064-84.

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<p style="text-align: center;">Chief Administrative Officer's Annotation for Official By-Law Book</p>	
Date of First Reading	April 24, 2024
Date of Advertisement of Notice of Intent to Consider	April 25, 2024
Date of Second Reading	May 29, 2024
Date of Advertisement of Passage of By-Law	October 17, 2024
Date of Mailing to Minister a Certified Copy of By-Law	June 6, 2024
<p>I certify that this Heritage Property By-Law H-064-24 was adopted by Council and published as indicated above.</p>	
 <hr/> <p>Chief Administrative Officer</p>	<p style="text-align: right;"><u>October 17, 2024</u> Date</p>

Date last reviewed: May 29, 2024

Date last amended: May 29, 2024

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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**APPENDIX A
FORM A**

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

_____ are hereby notified that

1. The land and buildings located at _____, Nova Scotia has been recommended to be registered in the Municipal Heritage Property Registry for the Municipality of the District of Yarmouth.
2. The reasons for this proposed designation are (see attached):
 - () 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 *Nova Scotia Heritage Property 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 Property Registry described in paragraph one (1) 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 three (3) years but not more than four (4) 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 _____ 20____ in the Council Chambers of the Municipal Building (932 Highway 1, Hebron) at _____. Information and particulars concerning the reasons for recommendations are available from the administration office of the Municipality of Yarmouth from 8:00 a.m. to 5:00 p.m.

DATED this _____ day of _____, 20

Chief Administrative Officer

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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**APPENDIX B
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: _____, Nova Scotia has been registered in the Municipal Heritage Property Registry 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 Heritage Property Registry 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 three (3) years but not more than four (4) years from the date of the application.

DATED this _____ day of _____, 20____

Chief Administrative Officer
