TOWN OF AMHERST
HERITAGE PROPERTY BY-LAW

(Consolidated Version, September 2009)

1.1 This by-law shall be known and may be cited as the “Heritage Property By-law”.

2.1 In this by-law, “Town Registry of Heritage Property” means a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, S.N.S. 1980, Chapter 8, having all the powers and duties prescribed by the Act or incidental thereto.

2.2 In this by-law, “Heritage Advisory Committee” means a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.

2.3 In this by-law, “Town Heritage Property” means Municipal Heritage Property within the meaning of the Heritage Property Act.

3.1 There shall be a Town Registry of Heritage Property wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Heritage Property Act or this by-law shall be filed.

3.2 The maintenance of the Town Registry of Heritage Property shall be the responsibility of the Clerk.

4.1 There shall be a Heritage Advisory Committee which may advise the Town respecting:

(a) the inclusion of buildings, streetscapes and areas in the Town Registry of Heritage Property;
(b) an application for permission to alter substantially or demolish a Town Heritage Property;
(c) building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act;
(d) any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.

4.2 Council shall appoint members of the Heritage Advisory Committee by resolution

(a) Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.

(b) The term for public members shall be three years, and members may be re-appointed to the Committee. Public members’ terms shall be by fiscal year, with one member appointed each year.

(c) In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper.

(d) At the beginning of the first meeting of the fiscal year the Committee shall elect a Chairperson as well as a Vice-Chairperson. Terms for such shall be one year. The Chairperson and Vice-Chairperson will be eligible for re-election.

4.3 The Heritage Advisory Committee may recommend to Council that a building, streetscape or area may be registered as a Town Heritage Property in the Town Registry of Heritage Property and the prescribed notice of such recommendation shall be served and filed by the Clerk in accordance with the Act; and, in addition to the requirements of the Act, a copy of the notice shall be filed in the Town Registry of Heritage Property.

4.4 Notice of a recommendation by the Town Heritage Advisory Committee that a building, streetscape or area be registered as a Town Heritage Property shall be in Form A.

5.1 Council may register a building, streetscape or area as a Town Heritage Property in accordance with the provisions of the Act and the registration shall be in Form B.

5.2 Notice of such registration 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 coy of the registration shall be filed in the Town Registry of Heritage Property.

6.1 Council may from time to time set out or amend the terms of reference 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.

FORM A

NOTICE OF RECOMMENDATION TO REGISTER
AS A TOWN HERITAGE PROPERTY

TO:

You are herby notified that:

1. The land and building located at (address location, legal description or other identification of property) has been recommended to be registered in the Town Registry of Heritage Property for the Town of Amherst.
2. The reasons for this proposed designation are: (approximate date of erection; type of architecture, typical of an era; part of a streetscape with description of streetscape location; local historical significance; national historical significance.)
3. Section 13(4) of the Heritage Property Act prohibits demolition or any substantial
4. The effect of recommendation and registration in the Town Heritage Registry described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be taken from the date of registration unless an application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where such application is not approved the owner may make the alterations 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.
5. You are hereby notified that the Council will sit to hear any objections regarding the recommendation of the property described in this notice on the _____ day of _____, 20 ____ at (time), at (place). (This date must be 21 days after service).

Information and particulars concerning the reasons for recommendation are available from the office of the clerk for the Town of Amherst weekdays from a.m. to p.m.

DATED this _____ day of _____ , 20 _____ .

_____

Chief Administrative Officer

FORM B

(To be filed in the Registry of Deeds
for the district in which the property
is located in the Tow Registry of Heritage Property)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO:

You are hereby notified that:

1. The land and building located at: (address, local, legal description or other identification of property) has been registered in the Town Registry of Heritage Property be resolution adopted at a meting of Council the date of 200 .

2. The effect of registration in the Town 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 Town and the application is granted with or without conditions. Where an application is not approved, the owner may make 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 _____, 20 ____ .

_____

Chief Administrative Officer

(seal)