

TOWN OF LUNENBURG

BY-LAW NO. 43

HERITAGE PROPERTY BY-LAW

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 a 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 The Heritage Advisory Committee shall be composed of six members, all of whom shall be residents of the Town, appointed by Council annually for a term of one year. Two members of the Committee shall be members of Council; two shall be members of the Lunenburg Heritage Society or individuals who have otherwise demonstrated active concern for the preservation of buildings of historic significance; and two members of the Committee shall be appointed at large.

4.3 The Council Procedure By-law, as amended from time to time, shall apply mutatis mutandis to the Heritage Advisory Committee.

4.4 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 recommendations 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.

4.5 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 copy 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 hereby 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 Lunenburg

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 any substantial alteration to the appearance of a
property described herein for a period of one hundred twenty (120)
days from the date and service of this notice, unless the Town
Council sooner refuses to register the property.

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 19____ 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 Lunenburg weekdays from 8:30 a.m. to 4:30 p.m.

DATED this _____ day of _____ 19____

Town Clerk

FORM B

(To be filed in the Registry of Deeds
for the district in which the property
is located in the Town 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 by
resolution adopted at a meeting of Council the day of
19

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 19

Town Clerk