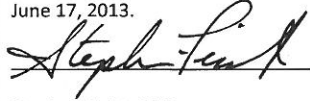




**Town of Antigonish
Heritage Property By-law**

I hereby certify that this is a true copy of amendments to the
Heritage Property By-law approved by the Town of Antigonish on
June 17, 2013.


Stephen Feist, CAO


Date

Title

1. This By-law shall be known and may be cited as the "Heritage Property By-law".

Definitions

2. In this By-law:
 - a) "Act" means the *Heritage Property Act*, R.S.N.S., 1989, c.199;
 - b) "business hours" means between 8:30 a.m. and 4:30 p.m. from Monday to Friday, except statutory holidays or other closures as deemed by the Chief Administrative Officer (or designate) and/or the Mayor of the Town of Antigonish;
 - c) "Committee" means the Heritage Advisory Committee for the Town of Antigonish, unless otherwise noted;
 - d) "Council" means the Town Council of the Town of Antigonish;
 - e) "municipal heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property;
 - f) "Town" means the Town of Antigonish.

Heritage Advisory Committee

3. The Heritage Advisory Committee shall be comprised of all members of the Town of Antigonish Planning Advisory Committee.
4. The Committee shall have the powers and duties of a heritage advisory committee pursuant to the *Act*.
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 *Municipal Government Act* and the By-laws of the Town of Antigonish.
6. (1) The Committee may recommend to Council that a building, streetscape or area be registered as a municipal heritage property in the Municipal Registry of Heritage Property.

(2) The Town shall cause notice of the recommendation, described in section 6(1) of this By-law, to be served upon each registered owner of the building, streetscape or area that is the subject of the recommendation, and the notice shall be as in Form "A", attached hereto.
7. No building, streetscape or area shall be registered as a municipal heritage property unless all the registered owners of such building, streetscape or area have given their prior consent in writing.

Municipal Registry of Heritage Property

8. The Town shall establish and maintain a Municipal Registry of Heritage Property, where all documents relating to the registration of a municipal heritage property pursuant to the *Act* or this By-law shall be filed.

10. The Municipal Registry of Heritage Property shall:

- a) be properly indexed;
- b) contain data with respect to recommendations, registration, if applicable, recording particulars of documents required at the Antigonish County Registry of Deeds Office and true copies of all notices required by the Act;
- c) contain particulars of the heritage property under recommendation or registered so as to adequately identify the property;
- d) be accessible to the public at no charge during regular Town Hall business hours.

11. Council may register a building, streetscape or area as a municipal heritage property in accordance with the provisions of the Act and the registration shall be as in the Form "B", attached hereto.

12. The Council may deregister a municipal heritage property in accordance with the Act.

Repeal

13. The Heritage Property By-law of the Town of Antigonish is hereby repealed and replaced upon the coming into force of this By-law.

Date of First Reading: **May 21, 2013**

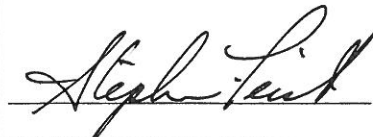
Date of Advertisement of Notice of Intent to Consider: **May 27, 2013 to May 31, 2013**

Date of Second Reading: **June 17, 2013**

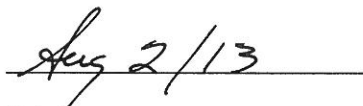
Date of Advertisement of By-law Passage and Approval: July 3, 2013

Date of Mailing Certified Copy to SNS & MR: August 2, 2013

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



Chief Administrative Officer



Date

Form "A"

Notice of Recommendation to Register as a Municipal Heritage Property

1. Under the Heritage Property By-law, the Town of Antigonish hereby gives notice that the property of *(insert name of owner)* located at *(insert brief description and address)* has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Antigonish.
2. The property has been recommended for registration for the following reasons:
(insert a brief statement of the reasons for recommendation)
3. The *Heritage Property Act, R.S.N.S., 1989, c.199*, provides that if a property is registered as a municipal heritage property:
 - a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;
 - c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - d. the Town may grant or refuse permission to substantially alter in exterior appearance or to demolish and/or attach conditions;
 - e. if the application is not approved, the alteration or demolition may take place at any time after three years from the date of the application but not more than four years after the date of application;
 - f. a person who contravenes the provision of the *Heritage Property Act* is guilty of an offence and to a penalty under the *Act*;
 - g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
4. The *Heritage Property Act*, prohibits any substantial alteration to the exterior appearance or demolition of a Municipal Heritage Property for a period of one hundred and twenty (120) days after the notice is served unless Town Council sooner refuses to register the property.
5. Under the *Heritage Property Act*, you have the right to be heard concerning the recommended registration. This hearing shall take place in Council Chambers at Town of Antigonish Town Hall, 274 Main Street, Antigonish, Nova Scotia on *(insert date)* at *(insert time)*. You may make an oral or written submission prior to or at the hearing.

Form "B"

Notice of Registration of Municipal Property

1. Under the Heritage Property By-law, the Town of Antigonish hereby gives notice that the property of *(insert name of owner)* located at *(insert brief description and address)* has been registered in the Municipal Registry of Heritage Property for the Town of Antigonish.
2. The *Heritage Property Act, R.S.N.S., 1989, c.199*, provides that where a property is registered as a municipal heritage property:
 - a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;
 - c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - d. the Town may grant or refuse permission to substantially alter in exterior appearance or to demolish and/or attach conditions;
 - e. if the application is not approved, the alteration or demolition may take place at any time after three years from the date of the application but not more than four years after the date of application;
 - f. a person who contravenes the provision of the *Heritage Property Act* is guilty of an offence and to a penalty under the *Act*;
 - g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. Pursuant to the *Heritage Property Act*, a copy of this notice has been deposited at the Antigonish County Land Registration Office.