

THE TOWN OF THE CITY OF DAWSON

BYLAW #09 – 05

A bylaw to authorize the establishment of a Heritage Fund for the receipt of money or property in order to support the conservation and management of heritage resources in the City of Dawson.

WHEREAS Section 244 of the *Municipal Act*, (R.S.Y. 2002) provides that Council may by bylaw establish one or more reserve funds in the name of the municipality;

WHEREAS Section 58 (1) of the *Historic Resources Act*, (R. S. Y. 2002) provides that a municipality may receive from any person money by way of gift or bequest, and other personal property or real property by way of gift, devise, bequest, loan, lease, or otherwise, for the purposes of Part 5 of the Act, and shall use any money or property so received in any manner as the municipal council thinks best, subject to any directions or conditions imposed by the donor, lender, or lessor;

WHEREAS Section 245 of the *Municipal Act*, (R. S. Y. 2002) provides that Council may by bylaw provide grants, gifts, or loans of money or municipal property including grants for property taxes or service charges or fees as Council considers expedient to any person, institution, association, group, government, or body of any kind;

WHEREAS the Heritage Bylaw #09-04 provides that Council may by bylaw establish a heritage fund, for which the City may receive by donation, public subscription, devise, bequest or otherwise, money or property (personal or real); and

WHEREAS Council wishes to establish a heritage reserve fund to set aside funding for the conservation and management of heritage resources in the City of Dawson.

NOW THEREFORE the Council of the municipality of the City of Dawson in open meeting assembled hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the “Heritage Fund Bylaw”.

DEFINITIONS

2. In this bylaw,

“**City**” means the City of Dawson.

“**Council**” means the Council of the City of Dawson.

“Heritage Inventory” means a listing of the heritage resources in the City of Dawson, as adopted by Council.

“Heritage Resource” means a historic site, historic object, or any work or assembly of works of nature or human endeavour listed in the Heritage Inventory.

“Municipal Historic Site” means an area or place, parcel of land, building or structure, or the exterior or interior portion of a building or structure that is by itself, or by reason of containing a heritage resource, designated by Council as a Municipal Historic Site.

HERITAGE FUND

3. There shall be established a heritage reserve fund (the “Heritage Fund”) to assist with any of the following purposes within the City of Dawson:
 - (1) Restoration, enhancement or renovation of Municipal Historic Sites;
 - (2) Acquisition of Municipal Historic Sites by the City;
 - (3) Provision of financial assistance to owners or lessees of Municipal Historic Sites for restoration, enhancement or renovation of the Site;
 - (4) Increasing public awareness of heritage resources and heritage management in the City;
 - (5) Other heritage purposes as specified by resolution of Council.
4. For the purposes of this bylaw, only those sites designated as Municipal Historic Sites under the City of Dawson Heritage Bylaw are eligible for funding save and except for those Sites which, in the opinion of Council, have sufficient historic significance as contemplated in the Heritage Bylaw, and which the City wishes to purchase and so designate.

FUNDING OF HERITAGE FUND

5. The Heritage Fund, which shall be interest bearing, in addition to transfers budgeted for this purpose by Council, may be funded by donations of money or property (personal or real) from any person.
6. Any such money received by council that is subject to any directions or conditions imposed by the donor, is acceptable provided that each of the following requirements is fulfilled to the satisfaction of the City:
 - (1) No benefit accrues to the person making the donation;
 - (2) The directed donation does not benefit any person not dealing at arm’s length with the person making the donation; and
 - (3) The decisions regarding utilization of the donation within the Heritage Fund or the program rest exclusively with the Council
7. The City of Dawson shall pursue the status required, including charitable, so that it may issue official income tax receipts for all money donations to the Heritage Fund.

WITHDRAWALS FROM THE HERITAGE FUND

- 8. The Heritage Fund shall be administered by the Development Officer and any applications for funding shall be submitted to the Development Officer.
- 9. An application for funding from the Heritage Fund shall be for one or more of the following purposes:
 - (1) Grants or incentive loans to provide partial funding to property owners for renovations to meet City of Dawson bylaw requirements, restorations or enhancements to Municipal Historic Sites, which shall be approved in advance through a Historic Resource Permit;
 - (2) Grants for property taxes or service charges or fees;
 - (3) Purchase of heritage resources by the City on such terms and conditions as may be approved by City Council;
 - (4) Expenditures to increase public awareness of heritage issues; and
 - (5) Any other heritage item recommended by Council.

HERITAGE ADVISORY COMMITTEE

- 10. The Heritage Advisory Committee established by the Zoning and Heritage Management Bylaw shall, in addition to the duties assigned to it under that bylaw and the Heritage Bylaw, consider and make recommendations to Council on applications for withdrawal from the Heritage Fund.
- 11. Council shall determine if an application, or any part thereof, should be:
 - (1) Fully approved;
 - (2) Partly approved; or
 - (3) Denied.

ACCOUNTING

- 12. The Heritage Fund shall be broken down into such specific account allocations, as Council deems appropriate.
- 13. The City of Dawson shall account for those monies in the Heritage Fund by way of a schedule to the annual audited financial statements of the City of Dawson.

COMING INTO FORCE

- 14. This bylaw shall come into full force and effect upon the _____ DAY OF _____, 2009.

READ A FIRST TIME THIS ____ DAY OF _____, 2009.

READ A SECOND TIME THIS ____ DAY OF _____, 2009.

READ A THIRD TIME AND FINALLY PASSED THIS ____ DAY OF _____, 2009.

ORIGINALS SIGNED BY:

John Steins
MAYOR

Eldo Enns
CAO