

# **CITY OF WHITEHORSE**

## **BYLAW 2002-28**

A bylaw to authorise the establishment of a Heritage Fund for the receipt of money or property in order to support the preservation, restoration, and enhancement of heritage properties in the City of Whitehorse.  
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WHEREAS Section 244 of the *Municipal Act* (1998) provides that Council may by bylaw establish one or more reserve funds in the name of the municipality; and

WHEREAS Council wishes to establish a heritage reserve fund to set aside funding for the preservation, restoration, and enhancement of heritage properties in the City of Whitehorse;

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

### **SHORT TITLE**

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

### **HERITAGE FUND**

2. There shall be established a heritage reserve fund (the “Heritage Fund”) to assist with any of the following purposes within the City of Whitehorse:
  - (1) Restoration of heritage properties;
  - (2) Enhancement of heritage properties;
  - (3) Renovation of heritage properties to meet code requirements;
  - (4) Increasing public awareness of heritage issues; and
  - (5) Other purposes as specified by Council.
3. For the purposes of this bylaw, a heritage property eligible for funding shall be designated as a Municipal Historic Site under the *City of Whitehorse Heritage Bylaw*. However, the City will have the ability to access the fund in support of a property not yet designated, should the City wish to purchase the building and/or property in question.

### **FUNDING OF HERITAGE FUND**

4. The Heritage Fund, in addition to transfers budgeted for this purpose by Council, may receive donations of cash from individuals, corporations, and other governments. The fund shall be interest bearing.
5. The City may, at its sole discretion, decline any donation.

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6. The method for calculating contributions to the Heritage Fund shall be by way of entering the amount of each donation and the name of the donors.
7. Any donation that is subject to a condition that the donation be used in a particular manner, or for a particular purpose or program operated by the City, 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; and
  - (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 City of Whitehorse.
8. The City of Whitehorse shall issue official income tax receipts for all donations to the Heritage Fund.

## **WITHDRAWALS FROM THE HERITAGE FUND**

9. An application for a withdrawal 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 code requirements, restorations or enhancements to heritage buildings; such renovations, restorations or enhancements shall be approved in advance through a Municipal Historic Resource Permit.
  - (2) Purchase of heritage lands or buildings by the City on such terms and conditions as may be approved by City Council.
  - (3) Expenditures to increase public awareness of heritage issues.
  - (4) Any other item recommended by Council.
10. The Designated Officer appointed to administer the Heritage Bylaw shall administer applications for a 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.

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13. The City of Whitehorse shall account for those monies in the Heritage Fund by way of a schedule to the annual audited financial statements of the City of Whitehorse.

### **BYLAW REPEAL**

14. Bylaw 99-65, including any amendments thereto, is hereby repealed.

### **COMING INTO FORCE**

15. This bylaw shall come into full force and effect upon the final passing thereof.

**FIRST READING:** December 9, 2002

**SECOND READING:** January 13, 2003

**THIRD READING and ADOPTION:** January 13, 2003

ORIGINAL BYLAW SIGNED BY:

"Ernest J. R. Bourassa", Mayor

"R. Fendrick", City Clerk