



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2014-100

HERITAGE PROPERTY GRANT PROGRAM BY-LAW

WHEREAS Section 8 (1) of the Municipal Act, 2001 provides that the powers of a municipality under any Act shall be interpreted so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11 (3) 5 of the Municipal Act, 2001 provides that a municipality may pass by-laws within the following sphere of jurisdiction: culture, parks, recreation and heritage;

AND WHEREAS Section 39 (1) and 45 of the Ontario Heritage Act authorize a municipality to pass by-laws providing for the making of a grant to an owner of property designated under Part IV of the Act or located in a Heritage Conservation District designated under Part V of the Act for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as Council may prescribe;

AND WHEREAS Section 227 of the Municipal Act, 2001 provides that it is the role of officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;

AND WHEREAS the Council of The Township of King wishes to create a heritage grant program whereby landowners can obtain grants to assist with offsetting the costs associated with the care and maintenance of properties designated under Part IV of the Ontario Heritage Act or found in Heritage Conservation Districts designated under Part V of the Act.

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

TITLE

1. This By-law may be referred to as the "Heritage Property Grant Program By-law"

DEFINITIONS

2. For the purposes of this By-law:
 - a) "**Act**" means the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended from time to time;
 - b) "**Alter or Alteration**" means to change in any manner and includes to restore, renovate, repair, or disturb;
 - c) "**Council**" means the elected Council of the Township of King;
 - d) "**Director**" means the Township's Director of Planning;
 - e) "**Heritage Attribute**" means, the principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property or heritage conservation district, and if there are specific attributes listed in a designation by-law for a property or area, those attributes shall be considered Heritage Attributes;
 - f) "**Heritage Grant**" means a grant given to a Property Owner pursuant to this By-law and the Heritage Property Grant Program;
 - g) "**Preservation**" means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property;

- h) **“Property”** means land, buildings or structures, which have been designated under Part IV or are located in a Heritage Conservation District designated under Part V of the Act;
- i) **“Property Owner”** means the person registered on title in the proper land registry office as owner of the property; and
- j) **“Restoration”** means the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

HERITAGE PROPERTY GRANT PROGRAM

- 3. The Township hereby establishes a Heritage Property Grant Program.
- 4. The Heritage Property Grant Program shall continue at the discretion of Council and may be terminated at any time, without prior notice by the passage of a duly enacted by-law by Council.
- 5. This By-law and the Heritage Property Grant Program shall only apply to Properties that have been designated under Part IV of the Act or are located in a Heritage Conservation District designated under Part V of the Act, and are being altered pursuant to the Act.
- 6. Only a Property for which all municipal taxes and other charges, if any, levied against the Property for which the Heritage Grant is sought are paid in full to date and in good standing and free of any orders on the Property is eligible to receive a Heritage Grant under this By-law and the Heritage Property Grant Program.
- 7. The amount allowable for a Heritage Grant shall not be less than Five Hundred Dollars (\$500.00) and shall not exceed Six Thousand Dollars (\$6,000.00). The Heritage Grant amount provided under the Heritage Property Grant Program must be matched by an equal contribution by the Property Owner.
- 8. The costs of all labour, materials and equipment related to application will be considered, provided proof of such costs can be verified by invoices. Any donated labour and materials are not considered part of the costs or part of the Property Owner's matching contribution.

APPROVAL PROCESS

- 9. An Owner of a Property designated under Part IV of the Act or located in a Conservation District designated under Part V of the Act, seeking to obtain a Heritage Grant shall submit an application for a Heritage Grant in writing to the Director and shall supply any information as required by the Director.
- 10. All applications for a Heritage Grant must be accompanied by a complete Heritage Permit application and are conditional upon obtaining the Heritage Permit.
- 11. All applications for a Heritage Grant accepted by the Director shall be forwarded to the Township's Heritage Advisory Committee for review.
- 12. After the applications have been reviewed by the Heritage Advisory Committee, the Heritage Advisory Committee shall make a recommendation to Council for approval or rejection of the application for a Heritage Grant.
- 13. After receiving the recommendation from the Heritage Advisory Committee, Council shall approve the application for a Heritage Grant, with or without terms and conditions, or reject the application for a Heritage Grant.
- 14. It is within the discretion of Council to set the amount of any Heritage Grant given between the minimum and maximum amounts as set out in this By-law.

APPROVAL CRITERIA

15. The following criteria shall be used by the Heritage Advisory Committee and Council in determining whether an application for a Heritage Grant should be approved:

- a) Whether the application seeks to preserve, maintain, or stabilize existing heritage attributes which are significant to the cultural heritage value of the Property, including but not limited to doors, windows, verandahs, parapets, cornices, bargeboard, siding, original roofing, and any other features that may be described in the designation by-law.
- b) Whether the application seeks to reconstruct heritage attributes which are significant to the cultural heritage value of the Property which still exist but are beyond repair. The proposed repaired attributes would have to be in the same size, material, and configuration as the original architectural attribute.
- c) Whether the application seeks to restore heritage attributes of the Property which no longer exist, but would contribute to the cultural heritage value of the Property, for which documentation is provided of the attributes for the Property and which those attributes can be reproduced in the same size, material, and configuration as the original architectural attribute.
- d) Whether the application seeks to restore or renovate the original structure to structural soundness.
- e) Whether a property in a Heritage Conservation District contributes to the cultural heritage value of the Heritage Conservation District.
- f) Whether any interior alterations proposed are elements specifically identified within a designation by-law as being significant to the cultural heritage value of the Property.
- g) Whether the application meets the *Standards and Guidelines of Historic Places in Canada*, or the appropriate Heritage District Plan if applicable.

GENERAL

16. A Property Owner shall have no more than one Heritage Grant per calendar year.

17. A Property Owner shall allow Township Heritage staff to enter onto the Property or inside any affected buildings and carry out an inspection as required to verify that any and all terms and conditions of the Heritage Grants have been complied with.

18. A Property Owner must supply the Township with all invoices for the work described in the approved application by such a date as prescribed by the Director for the awarded Heritage Grant.

19. The amount determined by Council to be given as the Heritage Grant will be provided to the Property Owner approved for the Heritage Grant after all of the work under the approved application has been completed and all of the necessary documentation has been supplied.

20. A Property Owner must complete all work identified in their approved application within two (2) years of approval to remain eligible for the Heritage Grant.

21. Heritage Grants are subject to the availability of sufficient funding for the Heritage Property Grant Program and the quality of the Heritage Grant application. Not all Heritage Grant applications will be successful.

22. An application for a Heritage Grant shall not be accepted by the Director if the work or construction forming the subject matter of the application has commenced prior to the submission of the application was submitted.

23. A Property Owner shall not commence any work or construction forming the subject matter of an application for a Heritage Grant until an initial inspection of the Property has been carried out by Township Heritage staff.

24. An approved Heritage Grant is not transferable upon sale of the property.

VALIDITY

25. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

THAT THIS By-law shall come into force and effect on the day it was passed by the Council of the Township of King where no notice of appeal has been filed with the Township Clerk in accordance with the requirements and within the time prescribed under Section 34(19) of the Planning Act.

READ a FIRST and SECOND time this 25th day of August, 2014.

READ a THIRD time AND FINALLY PASSED this 25th day of August, 2014.

Steve Pellegrini, Mayor

Kathryn Smyth, Clerk