

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 3989-05**

A BY-LAW TO PROVIDE FOR THE MAKING OF GRANTS AND  
LOANS TO THE OWNERS OF PROPERTIES DESIGNATED  
UNDER PART IV OF THE ONTARIO HERITAGE ACT AND TO  
RESCIND BY-LAW 3959-05

**WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake is authorized by Section 39 of the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended, to pass by-laws providing for the making of a grant or loan to the owner of a property designated under Part IV of the Ontario Heritage Act;

**AND WHEREAS** the above noted grant or loan is for the purpose of paying the whole or any part of the costs of alteration of the above noted types of properties on such terms and conditions as the Council of the Corporation of the Town of Niagara-on-the-Lake may prescribe;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake, by way of Planning Report PDS-05-071, has determined that it wishes to create a program for grant/loaning money to qualifying land owners to encourage the restoration and renovation of building designated under Part IV of the Ontario Heritage Act in By-law 3989-05.

**NOW THEREFORE THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:**

1. For purposes of this By-law:
  - (a) "Act" shall mean the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended from time to time;
  - (b) "Alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning. For the purposes of this by-law "altering" has the same meaning;
  - (c) "Council" shall mean the elected Council of the Corporation of the Town of Niagara-on-the-Lake,
  - (d) "Municipality" shall mean the Corporation of the Town of Niagara-on-the-Lake;
  - (e) "Property" shall mean land, buildings or structures, which have been individually designated under Part IV of the Ontario Heritage Act;
2. (a) The Municipality hereby established a "Heritage Grant/Loan Program" and authorizes the Director of Corporate Services to administer the program in accordance with the terms of this By-law.

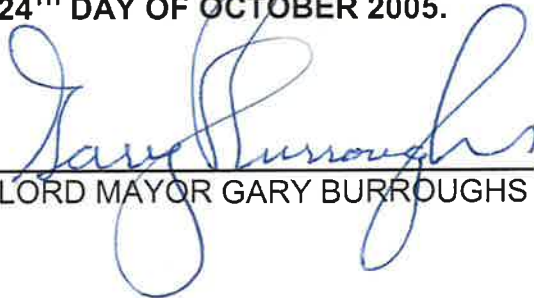
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- (b) The Heritage Grant/Loan Program shall continue at the discretion of Council and may be terminated at any time, without prior notice, by the passage of a duly enacted by-law by Council.
  - (c) All Heritage Grants/Loans made prior to the termination of the Heritage Grant/Loan Program shall be paid in accordance with the terms and conditions set out in this By-law.
  - (d) All Heritage Loans outstanding prior to the termination of the Heritage Grant/Loan Program shall be paid in accordance with the terms and conditions set out in this By-law until repaid in full.
3. This By-law and the Heritage Grant/Loan Program shall only apply to buildings, structures and lands that have been individually designated under Part IV of the Ontario Heritage Act. (Schedule B attached)
4. (a) Any owner of property desiring to obtain a Heritage Grant/Loan shall make application in writing to the Municipality.
- (b) No Heritage Grant/Loan shall be made by the Municipality unless all of the following conditions have been satisfied or complied with, namely:
- (i) The alteration for which the Heritage Grant/Loan is sought has been recommended by the Municipality's Municipal Heritage Committee and approved by the Municipal Council or staff designate if delegated;
  - (ii) The owner of the property has signed a written acknowledgement, in the form of a grant agreement, Schedule 'A' attached to this By-law, being a sample agreement, that proceeds of the Heritage Grant/Loan shall be used solely for the purpose of altering the heritage features of a specific property to which this By-law applies;
  - (iii) That Council grant authority to the Lord Mayor and Town Clerk to sign the Heritage Grant agreement.
  - (iv) All municipal taxes and other charges, if any, levied against the property for which the Heritage Grant/Loan is sought are paid in full to date and in good standing.
5. (a) The maximum amount of the Grant or principal of any one Loan shall not exceed Five Thousand Dollars (\$5,000.00) for residential properties and Twenty Thousand Dollars (\$20,000.00) for commercial properties.
- (b) Every Heritage Loan shall be interest free, repayable in five (5) equal annual instalments.

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- (c) The amount of every Heritage Loan made pursuant to this By-law shall be added to taxes and collected in like manner as municipal taxes over a period of five (5) years and such amount shall be a lien or charge upon the land in respect of which the loan is made, until payment thereof is made in full. Any overdue unpaid amounts are subject to penalty and interest at the current rate of 1.25%.
6. If any term or provision of this By-law or the application thereof to any person shall to an extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
7. This By-law shall come into force and take effect upon final passing hereof.
8. That By-law 3959-05 is hereby rescinded in its entirety.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
24<sup>TH</sup> DAY OF OCTOBER 2005.**

  
LORD MAYOR GARY BURROUGHS

  
TOWN CLERK HOLLY DOWD