



THE CITY OF DAWSON

Heritage Bylaw

Bylaw No. 2025-xx

WHEREAS section 265 of the *Municipal Act*, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

WHEREAS section 265 of the *Municipal Act*, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes;

WHEREAS section 37(1) of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council may, by bylaw, designate as a municipal historic site, any site in the municipality that, in the opinion of the council, has sufficient historic significance in accordance with section 15 of the Act;

WHEREAS section 15 of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council designate any site as a historic site when satisfied that the site is, whether in itself or because of

- a) historic resources or human remains discovered or believed to be at the site, an important illustration of the historic or pre-historic development of the Yukon or a specific locality in the Yukon, or of the peoples of the Yukon or locality and their respective cultures; or
- b) the natural history of the Yukon or a specific locality in the Yukon,

and has sufficient historic significance to be so designated;

WHEREAS section 179 of the *Municipal Act*, RSY 2002, c. 154, section 48(f) of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council may establish a committee to advise council on heritage matters; and

WHEREAS section 245 of the *Municipal Act*, RSY 2002 c. 154 and amendments thereto, provides that council may by bylaw provide grants as council considers expedient to any person, institution, association, group, government, or body of any kind;

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the ***Heritage Bylaw***.



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2.00 **Purpose**

2.01 The purpose of this Bylaw is to outline:

- (a) the duties and responsibilities of the Heritage Advisory Committee;
- (b) the requirements for a complete application;
- (c) the designation, conservation, and protection of municipal historic resources;
- (d) mechanisms and process for enforcement;
- (e) specific guidelines for heritage conservation work; and
- (f) the framework of a Heritage Fund program.

3.00 **Administration**

3.01 The administration of this bylaw shall be under the management and control of the Planning and Development Manager or delegate.



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4.00 Definitions

4.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (c) "city" means the City of Dawson;
- (d) "council" means the Council of the City of Dawson;
- (e) "designation" means a process of choosing an area or place, parcel of land, building or structure, the exterior or interior portion of a building or structure that is by itself, or by reason containing a historic resource to be a Municipal Historic Site;
- (f) "The Planning and Development Manager or delegate" means the Planning and Development Manager or their delegates appointed by the Chief Administrative Officer (CAO);
- (g) "HAC" means the Heritage Advisory Committee;
- (h) "Heritage Inventory" means a listing of historic resources within the Dawson City that is reviewed by the Heritage Advisory Committee and approved by the council;
- (i) "Historic Townsite" means the combined area of the Downtown Heritage Management Area and the Residential Heritage Management Area as defined by the *Zoning Bylaw*;
- (j) "Historic Resource" means a historic site, historic object, or any work or assembly of works of nature or human endeavor listed in the City of Dawson's Council-adopted Heritage Inventory;
- (k) "Minister" means the Minister of the Yukon Legislative Assembly responsible for the *Historic Resources Act*;
- (l) "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 historic resource, designated by Council as a Municipal Historic Site;
- (m) "Municipal Historic Sites Inventory" means a listing of the Municipal Historic Sites designated by Council;



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- (n) "Registered Owner" means the individual(s) listed as the owner on the current Certificate of Title for the property.

PART II – APPLICATION

5.00 Application

- 5.01 This Bylaw shall apply to those lands under the jurisdiction of the City of Dawson. It does not apply to lands under the jurisdiction of the Tr'ondëk Hwëch'in Government.
- 5.02 The Downtown and Residential Heritage Management Areas are those areas specifically identified within the Zoning Bylaw. Appendix A to this bylaw provides specific guidelines for these areas.

6.00 Heritage Advisory Committee Structure and Proceedings

- 6.01 The Heritage Advisory Committee is established pursuant to section 179(1) of the *Municipal Act*.
- 6.02 Council shall, by resolution, appoint a minimum of three (3) and a maximum of five (5) non-professional voting members to the Heritage Advisory Committee.
- (a) A call for membership applications should be triggered if HAC membership falls below five (5) members;
 - (b) A call for membership applications shall be advertised until committee membership exceeds four (4) members;
 - (c) Methods of public advertisement may include the City of Dawson website, local newspapers, the City and Post Office Bulletin Boards;
 - (d) Members shall be residents of, or be the registered owner of property/properties in Dawson City but are not required to be Canadian citizens; and
 - (e) The selection of appointees shall be from self-nominated applications, according to three criteria:
 - I. Commitment to the heritage of the Dawson City
 - II. Talent and skill or willingness to obtain talent and skill required to facilitate the purposes of the HAC
 - III. Demonstrated ability to be team players
 - (f) Terms for non-professional voting members shall coincide with the term of the Council that has made the appointment. Council may, by resolution as and when



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required to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term. Members may be reappointed to succeeding terms.

- (g) HAC members shall not represent the City of Dawson in a formal or informal capacity unless requested and/or approved by council.
- 6.03 Council shall, by resolution, appoint up to three (3) heritage professional advisory members to HAC, with one (1) each invited from Tr'ondëk Hwëch'in, Parks Canada, and Government of Yukon.
- (a) Each professional advisory member may appoint an alternate who may participate on their behalf should they be unavailable to attend a meeting. Professional advisory members who cannot attend can also provide written comments within 1 day in advance of the meeting to both the Chair and the Planning and Development Manager or delegate.
- (b) Individuals not affiliated with one of the organizations listed in 6.03 may serve as professional advisory members under the following conditions:
- I. There are currently less than three (3) professional advisory members appointed by Council; and
 - II. The number of voting members appointed to HAC has already reached the maximum of five (5) members.
- 6.04 Professional advisory members shall:
- (a) Be voting members of HAC with participation in all HAC meetings;
 - (b) Be appointed to a term coincide with the term of the Council that has made the appointment, and may be reappointed to succeeding terms; and
 - (c) Serve at the pleasure of Council.
- 6.05 Council may by resolution at any time and from time to time at its sole discretion remove any voting member from the Committee, as it deems advisable.
- 6.06 Where a member of HAC has failed to attend three (3) consecutive HAC meetings without the consent of the chair, HAC may, by resolution, recommend to Council that Council revoke the appointment of such member.
- 6.07 The HAC members shall be appointed by Council within 2 months of taking office. During this period, all applications are delegated to the Planning and Development Manager or delegate who may act without HAC consultation.
- 6.08 At its first meeting, HAC shall, by resolution, appoint a chair and deputy chair.



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- (a) Members may volunteer their names for consideration. If no volunteers come forward, chair and deputy chair shall fall to the two longest-standing members of HAC. If all HAC members are newly appointed or if there are more than 3 long-standing members, appointments shall be based on alphabetical order of surname starting with A.
- (b) A chair and/or deputy chair may serve for more than one successive term.
- 6.09 Unless otherwise specified in this Bylaw, conduct at meetings shall be in accordance with section 11 the *Council Proceedings Bylaw*, and amendments thereto.
- 6.10 Three (3) voting members of HAC shall constitute a quorum at any meeting.
- (a) If quorum is not present within 30 minutes after the time fixed for a regular or special meeting of HAC, the Planning and Development Manager or delegate shall ensure the names of members present are recorded and the meeting shall be deferred to the next meeting. If quorum is not met at the following meetings, the Planning and Development Manager or delegate proceed with the matter directly to Council.
- (b) If a member arrives late, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.
- 6.11 Voting Members who are in conflict of interest must declare the conflict and step down from the table during discussion and voting for the related agenda item(s).
- (a) Members are in conflict where they are or may be perceived as unable to make an unbiased assessment of the matter at hand due to monetary or other tangible benefits relating to:
- I. The member or the member's immediate family;
 - II. A corporation in which the member is a shareholder, director, or officer;
 - III. A society in which the person is a member, officer or employee; or
 - IV. A partnership or firm of which the person is a member.
- (b) The withdrawal and return of the member shall be recorded in the minutes.
- 6.12 Each non-professional voting member of the Heritage Advisory Committee will be compensated with a monthly honorarium of \$200.00. Committee members shall be reimbursed for any expenses authorized and preapproved by the Planning and Development Manager or delegate.
- 7.00 **Heritage Advisory Committee Responsibilities**
- 7.01 The Heritage Advisory Committee shall undertake the following:



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- (a) Consider and make recommendations to the Planning and Development Manager or delegate on the heritage aspects of all development permit applications referred to the committee by the Planning and Development Manager or delegate as stipulated in the provisions of the *Zoning Bylaw*. In the event that the committee recommends amendments to the development permit application, the application may be referred back to the applicant for revision and Planning and Development Manager or delegate, in consultation with the applicant, may determine whether the application needs to be resubmitted to the committee for another review or whether it can be considered by the Planning and Development Manager or delegate only. If a matter is referred back to HAC, and after two meetings, HAC is unable to make a decision on any matter once all information has been received, HAC shall refer the matter to council.
 - (b) Consider and make recommendations to the Planning and Development Manager or delegate regarding nominations for designation of a Municipal Historic Site;
 - (c) Provide feedback and input to the Planning and Development Manager or delegate to assist with the development and maintenance of heritage policies and processes to provide a consistent framework for decision making;
 - (d) Review the Heritage Inventory annually and refer it to council for approval; and
 - (e) Other duties as delegated to it by council from time to time.
- 7.02 HAC members will be required to attend orientation and ongoing training as recommended by the Planning and Development Manager or delegate. Training in the *Standards and Guidelines for the Conservation of Historic Places in Canada* is mandatory. The budget for such orientation and/or training shall be submitted and approved by Council on an annual basis.
- 8.00 **Heritage Advisory Committee Agendas and Minutes**
- 8.01 At the last meeting of each calendar year, the Planning and Development Manager or delegate, in consultation with HAC, shall establish the regular HAC meeting dates for the following year. Meeting dates, and due dates for applications, shall be posted on the City's website.
- 8.02 All regular meetings shall be scheduled from 7:00pm to 9:00pm. HAC may, by resolution, extend the hours of a regular meeting, not exceeding two periods of thirty (30)



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- minutes. If the regular meeting, after extension, has not addressed all matters, another meeting shall be scheduled within one week.
- 8.03 The Planning and Development Manager or delegate may cancel a regular meeting if there are no matters for HAC to address.
- 8.04 Meetings shall be attended in person wherever possible. A member may participate by electronic means if it is not feasible to attend in person. Electronic participation contributes to the quorum of the meeting.
- 9.00 **Heritage Advisory Committee Agendas and Minutes**
- 9.01 Notice for each meeting shall be given in the form of an agenda and meeting package distributed electronically not less than two (2) working days prior to the time of the meeting.
- 9.02 All matters to be considered at a meeting, including development permit and historic resources permit applications, shall be submitted to the Planning and Development Manager or delegate at least ten (10) business days prior to the time of the meeting.
- 9.03 No business other than that stated in the regular meeting agenda shall be heard at that meeting unless all members present pass a resolution unanimously to accept a time-sensitive item.
- 9.04 Upon the meeting being called to order, the following shall be the order of business unless otherwise determined by unanimous consent of the members present at the meeting:
- (a) Call to Order
 - (b) Adoption of Agenda
 - (c) Delegations
 - (d) Business Arising from Delegations
 - (e) Adoption of Minutes
 - (f) Business Arising from Minutes
 - (g) Applications
 - (h) Reports
 - (i) Unfinished Business
 - (j) New Business
 - (k) Correspondence
 - (l) Adjournment
- 9.05 Delegates may register an interest in a specific topic, in advance, in order to address HAC about the topic, with a speaking time not to exceed ten (10) minutes.



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- 9.06 Notwithstanding s. 9.05 above, delegations on standalone topics that are not associated with an application shall be no longer than ten minutes, and may only be accepted if time permits, at the discretion of the Planning and Development Manager or delegate.
- 9.07 All recommendations shall be approved by a resolution. Reasons and explanations for a resolution shall be outlined in the minutes.
- 9.08 The Chair, or any two members, may call special meetings as deemed necessary, provided that five (5) working days notice be given to all members and the Planning and Development Manager or delegate prior to the meeting.
- 9.09 HAC may, by resolution, close a meeting to the public if the matter to be discussed is a matter contemplated by section 213(3)(b) of the *Municipal Act*.
- 9.10 The Planning and Development Manager or delegate shall ensure that minutes of all proceedings are legibly recorded and approved as accurate by resolution at the next regular meeting.
- (a) When approved as accurate, the Planning and Development Manager or delegate shall forward the minutes to Council as information.
- 10.00 **Municipal Historic Sites**
- 10.01 Council may either, on its own motion, or upon nomination by any person or group of persons, designate any site within the municipal boundaries as a Municipal Historic Site when it has determined, in its opinion, that the site is an important illustration of the historic development of the Dawson City and/or the natural history or peoples and cultures of the City.
- 10.02 Designation of a site as a Municipal Historic Site must be in compliance with the requirements listed in Part 5 of the *Historic Resources Act* and amendments thereto.
- 10.03 When a person or group of persons wishes to designate a site as a Municipal Historic Site, they shall complete a nomination form and submit it to the Planning and Development Manager or delegate with the prescribed fee as per the *Fees and Charges Bylaw*.
- 10.04 When the Planning and Development Manager or delegate receives a nomination to designate a Municipal Historic Site, they shall:
- (a) Assess the application for completeness and accuracy;
- (b) Present the nomination to HAC for evaluation and recommendation; and
- (c) Prepare a report for Council including:
- I. the recommendations of HAC;



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- II. A statement of permission from the property owner;
 - III. whether the site meets the requirements of this Bylaw and of the *Historic Resources Act*;
 - IV. A history of the property including a land tenure search;
 - V. A draft Statement of Significance and list of proposed character defining elements; and,
 - VI. an overall assessment of the nomination.
- 10.05 Prior to passing a bylaw to designate a Municipal Historic Site under s. 10.01 above, Council will give full consideration of the recommendations provided in the report provided under s. 10.04(c). Council may modify the draft Statement of Significance and/or list of character defining elements following the public meeting.
- 10.06 A bylaw to designate a Municipal Historic Site shall include, at minimum:
- (a) A legal description of the land to be designated, if available, and/or a written description of the land to be designated;
 - (b) A map delineating the land to be designated;
 - (c) A Statement of Significance and list of protected character defining elements; and
 - (d) Any specific protection measures or prohibitions as determined necessary by Council.
- 10.07 The designation of a Municipal Heritage Site shall be completed in accordance with the requirements of the *Historic Resources Act* including section 39 and section 47.
- 10.08 All transfers or sales of Municipal Historic Sites shall be completed in accordance with sections 51 and 52 of the *Historic Resources Act*.
- 11.00 **Heritage Inventory**
- 11.01 Council will maintain and adopt an inventory of
- (a) all designated Municipal Historic sites in compliance with S. 55 of the *Historic Resources Act*;
 - (b) Sites identified/designated by other levels of government and Tr'ondëk Hwëch'in First Nation; and
 - (c) historic resources within the Dawson City, reviewed by the Heritage Advisory Committee (Heritage Inventory).
- 11.02 Council may add or remove properties onto the Heritage Inventory based upon the recommendations of staff and HAC.



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12.00 Development Permit Application Requirements

12.01 Infill, Redevelopment and Major Renovations

- (a) Applicants for any infill, redevelopment or major renovation of properties within the Downtown and Residential Heritage Management Areas shall use the Dawson City Design Requirements and Guidelines in the development of their application, hereto attached as Appendix XXXXX

12.02 Reconstruction of Historic Buildings

- (a) Development Permits for Reconstruction of Historic Buildings Projects shall use the Dawson City Design Requirements and Guidelines in the development of their application, hereto attached as Appendix XXXXX as well as the following:
 - I. Description of deviation from the City's Place Brief.

12.03 Major Projects

- (a) A Major Project is defined as projects which:
 - I. Have a project Gross Floor Area exceeding 1,800 square meters;
 - II. Include Lot consents which merge building lots into a total street-facing dimension greater than 15.24m (50 ft);
 - III. Are determined to have the potential to adversely impact the historic nature of the City of Dawson, historic buildings or archaeological sites within it, as determined by the Director of Planning or Delegate;
- (b) Applicants for Major Projects are required to complete a Heritage Impact Assessment to the satisfaction of the municipality, and present the proposal to the Heritage Advisory Committee.

13.00 Protection of Historic Sites

13.01 Any person who contravenes the provisions of this bylaw is guilty of an offence.

13.02 Council must, within its decision-making process, ensure that the heritage values and character-defining elements of a heritage resource are conserved. Council shall not authorize work that will impact the character defining elements of a heritage resource.

13.03 The Planning and Development Manager or delegate may enforce the provisions of this bylaw in accordance with the *Municipal Act*. As per S. 48, 49, and 50 of the *Historic Resources Act*, the Planning and Development Manager or delegate is appointed by this bylaw to serve as an inspector for the enforcing of this bylaw and the *Historic Resources Act*.



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- 13.04 No person shall make, demolish, move, or make alterations to a Municipal Historic Site and/or a site listed on the Heritage Inventory unless such alteration is carried out in accordance with a valid development permit.
- 13.05 No person shall allow a Municipal Historic Site and/or a site listed on the Heritage Inventory to be in contravention of Bylaw #07-03 (A Bylaw to regulate the proper maintenance of property and the abatement of nuisances, including property or things that: (a) Affect the safety, health and welfare of people in the neighborhood; or (b) Affect the amenity of a neighborhood.)
- 13.06 In addition to s. 13.01, 13.03 and 13.04 above, no person shall carry out an activity that will, in the opinion of the Planning and Development Manager or delegate, HAC, and/or Council alter the character defining elements of a Municipal Historic Site, without permission.
- 13.07 Upon receipt of an application for a development permit or an activity that may alter the historic character of a non-designated site listed on the Heritage Inventory, HAC may recommend that the Planning and Development Manager or delegate bring the application forward to determine if Council wishes to commence the process for designation as a Municipal Historic Site.
- 13.08 Any person who does the following commits an offence:
- (a) contravenes, causes, or permits a contravention of this bylaw;
 - (b) neglects or omits anything required under this bylaw;
 - (c) fails to comply with an order, direction, or notice given under this bylaw; or
 - (d) fails to provide entry for inspection under this bylaw.
- 13.09 The Planning and Development Manager or delegate finds that a person is committing an offence under this bylaw, the Planning and Development Manager or delegate may require the person responsible for the offence to remedy it through a notice of offence order.
- 13.10 The Planning and Development Manager or delegate may issue a notice of offence order to:
- (a) the owner of the property;
 - (b) the person in possession of the land or buildings; or
 - (c) the person responsible for the offence.
- 13.11 The notice of offence order must be delivered in person, by registered mail, or by posting the notice in a conspicuous location on the site.
- 13.12 A notice of offence order shall:



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- (a) describe the nature of the violation;
 - (b) describe the actions or measures required to remedy the violation, including the removal or demolition of a structure that has been erected or placed;
 - (c) state a time within which the person must comply with the directions or the order;
- 13.13 Where Council or the Planning and Development Manager or delegate has reason to believe that irreparable or costly damage is likely to result if the breach continues, require the person to remedy the breach forthwith upon the service of the order.
- 13.14 If the corrective measures described in a notice of offence are not completed within the specified time, or if development continues after a permit has been revoked or a fine has been issued, the person to whom the order was issued may be issued an offence ticket by the Planning and Development Manager or delegate.
- 13.15 All offence tickets shall be prepared and served in accordance with part 3 of the *Yukon Summary Convictions Act*.
- 13.16 An offence ticket shall be served by registered mail or in person.
- 13.17 Set fines under this section include the following:
- (a) Failure to comply with permit conditions - \$1000.00
 - (b) Failure to comply with permit conditions (second or subsequent offence) - \$2000.00
 - (c) Failure to comply with notice of offence order - \$1000.00
 - (d) Failure to comply with notice of offence order (second or subsequent offence) - \$2000.00
 - (e) Failure to grant right of entry - \$1000.00
 - (f) Failure to grant right of entry (second or subsequent offence) - \$2000.00
- 13.18 In addition to the penalties provided for in this bylaw, a person convicted of an offence may be ordered to remove such development and reclaim the site at that person's own expense.
- 13.19 Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Planning and Development Manager or delegate may inform such person in default that the charges shall be added to, and shall form part of, the taxes payable in respect of that real property as taxes in arrears if unpaid on December 31 of the same year.
- 13.20 When the Planning and Development Manager or delegate is satisfied that there is a continued contravention of this bylaw and it appears the contravention will not be corrected in a timely manner, the Planning and Development Manager or delegate may report such a contravention to Council.



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- 13.21 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:
- (a) direct the Planning and Development Manager or delegate to act on the matter;
 - (b) suspend or revoke a development permit with respect to such contravention; and/or
 - (c) apply to the Court for an injunction to restrain such contravention.
- 13.22 If a person who is required by an order to remedy a breach fails to obey the order, Council may also, upon notice to the person, apply to a judge of the Supreme Court for an order authorizing employees of the City to enter the affected municipal historic site and there take such steps as may be necessary to remedy the breach effectively, including the removal of any workers, materials, or equipment found on the municipal historic site, and/or undertaking the work required to be done.
- 13.23 Where Council believes that the delay to obtain an order under this section is likely to result in irreparable damage to historic resources or human remains, Council may, without such an order and with no further notice to the owner or lessee of the municipal historic site, enter the municipal historic site and there take or cause to be taken such of the steps to which reference is previously made as may be necessary to halt the damage, but shall not take or cause to be taken any other steps except pursuant to and in accordance with the order of a judge.
- 13.24 Where Council takes steps under this section to remedy a breach committed by any person, the City may recover from the person the costs and expenses necessarily incurred by the City in taking those steps, and the amount of any past grant or funding made to the person by the City under this Bylaw by way of assistance. The costs and expenses incurred by the City in carrying out a notice of offence order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.
- 13.25 A person who fails or refuses to comply with a notice of offence order is liable to occur sanctions as described in section 343 of the *Municipal Act*.
- 13.26 In serious cases, or to recover the costs identified in Section 13.17, Council may considered expropriation of the property.
- 13.27 A person aggrieved by an order made or action taken by the City in enforcing the terms of this bylaw may appeal to a Judge of the Supreme Court within 30 days from the making of the order or the taking of the action.
- 14.00 Heritage Fund**
- 14.01 As per the *Reserves Fund Bylaw Appendix A*, the Heritage Fund may be used to assist with the following:



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- (a) Restoration, enhancement, or renovation of Municipal Historic Sites and sites listed on the Heritage Inventory;
 - (b) Acquisition, by the City of Dawson, of Municipal Historic Sites and sites listed on the Heritage Inventory for heritage conservation/restoration purposes;
 - (c) Provision of financial assistance to owners or lessees of Municipal Historic Sites and sites listed on the Heritage Inventory for restoration, enhancement, or renovation of the site;
 - (d) Research to aid with interpretation of the culture and history of the Dawson City and Klondike Valley Cultural Landscape;
 - (e) Development of interpretive media such as signage, panels, or tours;
 - (f) Increasing public awareness of historic resources and heritage management of the City; and
 - (g) Other heritage purposes as specified by the resolution of Council.
- 14.02 Council shall transfer revenues from Municipal Historic Site nominations to the Heritage Fund.
- 14.03 The Heritage Fund may be accessed by two project types:
- (a) Municipal projects, not exceeding a value of \$15,000 per fiscal year, that have been identified by HAC but have not been allocated budget funding; and
 - (b) Private projects that have proceeded through the Heritage Incentive application process as outlined in s. 15 of this bylaw not exceeding a value of \$15,000 per fiscal year.
- 14.04 Where HAC wishes to propose a project that meets the requirements for withdrawal from the Heritage Fund as per s. 14.01 and s. 14.03(a) above, HAC shall work with the Planning and Development Manager or delegate to devise a scope of work to be considered by Council. Municipal projects accessing the Heritage Fund will only be considered after the Heritage Incentive intake each year.
- 14.05 With respect to s. 14.03 above, Council shall hear project proposals for the Heritage Fund and may decide to:
- (a) Approve the project and transfer the full requested amount out of the Heritage Fund;
 - (b) Approve the project with minor changes transfer a full or partial amount out of the Heritage Fund;
 - (c) Request that changes are made to the project scope and returned with an updated proposal; or
 - (d) Decline the project because it is not eligible and/or is not deemed a project priority.



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15.00 Heritage Incentives

15.01 Registered owners or lessees (with written authorization from the registered owner) of a Municipal Historic Site or a site listed on the Heritage Inventory may apply to the Heritage Fund as per s. 14.01 above.

15.02 Eligible restoration, enhancement, or renovation costs for incentives include the following:

- (a) Repair or replacement of roofs or foundations;
- (b) Sealing to weather;
- (c) Stabilization and/or installation of additional bracing;
- (d) Repair or reproduction of doors and windows;
- (e) Repair or replacement of cladding;
- (f) Returning the exterior to its original appearance as per photographic evidence or other research as appropriate;
- (g) Painting, where it can be demonstrated as a conservation activity;
- (h) Interpretive signage, public art, and/or other publicly available interpretive media;
- (i) Alterations that bring a structure into compliance with current bylaws in order to resolve a legal non-conforming status but do not impact the heritage values or character defining elements;
- (j) Climate adaptation and/or renewable energy (solar panel, small scale wind generator) projects;
- (k) Procurement of materials to undertake any of the above; and
- (l) Procurement of skilled labour to undertake any of the above.

15.03 Non-eligible projects include the following:

- (a) Projects where a government is the applicant;
- (b) Cyclical repair such as cosmetic repainting and landscaping (unless the landscaping is a character defining element);
- (c) Private purchase of land or structures;
- (d) Projects that have already commenced or are already complete unless the work was required for an emergency repair to protect identified character defining elements and completed to the satisfaction of the Planning and Development Manager or delegate;
- (e) Projects on properties that have received funding under this bylaw within the last three (3) calendar years;
- (f) Works completed contrary to an approval granted by the City and/or does not conform with the requirements of any City bylaw, including this bylaw, Bylaw #07-03 (A Bylaw to regulate the proper maintenance of property and the abatement of



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- nuisances, including property or things that: (a) Affect the safety, health and welfare of people in the neighborhood; or Affect the amenity of a neighborhood.), or the *Zoning Bylaw*. Exceptions may be made for structures that are demonstrated to be legal non-conforming and meet the criteria for alterations to a legal non-conforming structure as per the *Municipal Act*.
- (g) Projects on properties with outstanding property tax or compliance infractions with respect to any municipal bylaw.
- 15.04 Owners or lessees of a Municipal Historic Site are eligible for funding to a maximum of \$15,000.
- 15.05 Owners or lessees of a site listed on Historic Inventory are eligible for funding to a maximum of \$7,500.
- 15.06 The total grants provided an annual basis shall not exceed half of the Heritage Reserve Fund.
- 15.07 Applications for Heritage Incentives will be considered complete when the following information is submitted to the Planning and Development Manager or delegate by April 15 of each year and shall include the following:
- (a) Details as required in the application form outlined in Section 12.00 of this bylaw;
 - (b) Additional Project Proposal details including:
 - (c) Work plan and timeline;
 - (d) Rationale for the project;
 - (e) Explanation of how the project advances the goals of the heritage conservation and conserves the heritage values and/or character defining elements of the site; and
 - (f) Project budget
 - (g) Written approval from the registered owner of the site (where applicable).
- 15.08 Applications that do not meet the criteria listed in s. 15.02 and 15.07 above will not be assessed.
- 15.09 Applications for a heritage incentive will be assessed against the following criteria:
- (a) Whether the application is for a Municipal Heritage property or not, with Municipal Heritage Properties given priority;
 - (b) The degree of deterioration and necessity of restoration;
 - (c) The clarity, accuracy, and credibility of the project proposal;
 - (d) The overall potential for success and benefit of the heritage conservation project to the site, specifically how it protects the identified heritage values and character defining elements of the site;
 - (e) The degree of community benefit; and



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- (f) Demonstration of commitment to applying heritage conservation best practice approaches.
- 15.10 Applicants may, upon request to the Planning and Development Manager or delegate, speak as a delegate to HAC to explain and get feedback on their proposal prior to formal submission of an application for a Heritage Incentive.
- 15.11 Council shall, upon the recommendation of HAC, determine by resolution whether an application, or any part thereof, should be:
- (a) Fully approved;
 - (b) Partially approved;
 - (c) Approved with additional conditions; or
 - (d) Denied.
- 15.12 Successful applications will be required to enter into a Contribution Agreement with the City of Dawson, detailing at minimum, the following conditions:
- (a) The proposed project shall not commence until the proponent has obtained a valid development permit as applicable;
 - (b) Funds will be released upon the completion of the project based on a site visit conducted by the Planning and Development Manager or delegate to confirm that the work has been completed to the specifications detailed in the plans submitted;
 - (c) Confirmation that any applicable territorial permits have been approved and closed;
 - (d) The applicant must remain in compliance with all relevant municipal and territorial legislation;
 - (e) The Contribution Agreement may be terminated if, in the opinion of the City of Dawson, the applicant fails to comply with any conditions of the Agreement;
 - (f) Any project-specific conditions as identified by the Planning and Development Manager or delegate, HAC, or Council.
- 15.13 Receipt of an incentive through another funding opportunity does not change the eligibility of a project under this program.
- 16.00 **Exempt from Fees**
- 16.01 Owners of Municipal Heritage Resources shall be exempt from Landfill tipping fees, development permit fees, and zoning amendment fees.



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PART III – FORCE AND EFFECT

17.00 Severability

17.01 If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

18.00 Enactment

18.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

18.02 This bylaw shall be reviewed every 5 years.

19.00 Bylaw Readings

Readings	Date of Reading
FIRST	
SECOND	
THIRD and FINAL	

Stephen Johnson, Mayor
Presiding Officer

David Henderson, CAO
Chief Administrative Officer