

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 6180-09

BEING A BY-LAW TO ESTABLISH THE LACAC HERITAGE WHITBY

WHEREAS, Section 28 (1) of the Ontario Heritage Act R.S.O. 1990, c O. 18 as amended 2005 provides “The council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to Part IV, matters relating to Part V and such other heritage matters as the council may specify by by-law”;

AND WHEREAS, Section 28 (2) of the Ontario Heritage Act R.S.O. 1990, c O. 18 as amended 2005 provides that “The committee shall be composed of not fewer than five members appointed by the council”;

AND WHEREAS, Section 28 (3) of the Ontario Heritage Act R.S.O. 1990, c O. 18 as amended 2005 provides that “Every local architectural conservation advisory committee established by the council of a municipality...is continued as the municipal heritage committee of the municipality, and the persons who were members...become the members of the municipal heritage committee”;

AND WHEREAS, the Local Architectural Conservation Advisory Committee (LACAC) by the motion of July 19th, 2005

“That the Committee be officially known as LACAC Heritage Whitby”

Be renamed “LACAC Heritage Whitby”;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

General

1. A local advisory committee to be known as LACAC Heritage Whitby is hereby established as a continuum of Whitby LACAC, in keeping with changes to the Ontario Heritage Act R.S.O. 1990 as amended 2005.
2. The Committee shall consist of a minimum of eleven members one of which shall be the Mayor or the Mayor's designee.
3. The Committee members shall hold office for a term of one to three years depending on the needs of the Committee.
4. The Council may, by resolution, replace members as terms of membership expire or, from time to time, appoint such new members as the Council deems desirable.
5. The Council may, by resolution, declare the seat of a member of LACAC Heritage Whitby vacant if the member absents himself or herself from the meetings of the Committee for three successive months without being authorized to do so by a resolution of the Committee entered upon its minutes.
6. A quorum of the Committee shall consist of the majority of the members of the Committee.
7. Questions before the Committee shall be determined by a simple majority vote of the members present at the meeting.
 - a. The Committee may vote or comment on issues via electronic (i.e. e-mail), telephone, or other means of communication when deemed necessary by a majority of members, and when further information is required than has been presented at a meeting of the committee. In the event that a vote or comments

are forwarded post meeting, individual comments will be circulated to all committee members as if they were made in a meeting of the committee. In the event of a vote post meeting, the final outcome of the vote will be circulated to all members of the committee on the day immediately following the final day for committee members to cast their vote.

8. The Committee shall elect a chair and vice-chair from its membership, at the first meeting of the Committee in each calendar year.
 - a. The chair shall not be entitled to vote on any motion except in the event of a tie when the chair shall cast a vote against the motion.

9. The Committee shall,
 - a. Establish criteria for the evaluation of properties of cultural heritage value or interest using Ontario Regulation 9/06 of the Ontario Heritage Act 1990 as amended 2005, as a guide.
 - b. Prepare and maintain a register of properties of cultural heritage value or interest and areas worthy of conservation;
 - c. Advise the Council on means of conserving heritage properties and areas;
 - d. Advise and assist Council on current heritage conservation legislation;
 - e. Implement programs and activities to increase public awareness and knowledge of heritage conservation issues;
 - f. Advise and assist Council on matters related to Parts IV and V of the Ontario Heritage Act 1990 as amended 2005 and on such other matters relating to the

designation and conservation of properties that are of cultural heritage value or interest;

- g. Prepare before the end of November in each year a report of the previous year's expenditures and a projected budget for the succeeding year;
- h. Prepare before the end of February in each year a report of the previous year's activities; and
- i. Meet as often as it deems necessary.

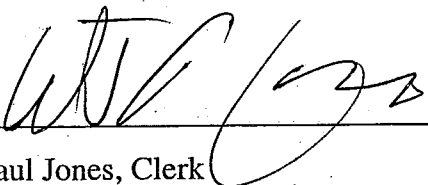
Repeal of Existing By-law

10. By-law No. 2683-89 is repealed.

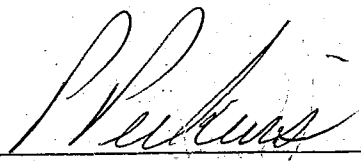
Effective Date

11. The provisions of this By-law shall come into force and take effect on the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF APRIL, A.D., 2009.



Paul Jones, Clerk



Patricia Perkins, Mayor

LACAC Heritage Whitby

PURPOSE AND EFFECT

The purpose of By-law 6180-09 is to replace the by-law that established the Whitby Local Architectural Conservation Advisory Committee and outlined its Terms of Reference with an updated by-law, in keeping with changes to the Ontario Heritage Act R.S.O. 1990, c O. 18, as amended 2005.

The effect of the change is to change the name of the Local Architectural Conservation Advisory Committee to LACAC Heritage Whitby and to change the committee's mandate, responsibilities, membership, structure and term.

