

At a Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, December 11, 2023, at 8:00 p.m. at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Mitch Kujavsky, B. Comm.

Councillor Andee Shuster

**ALSO PRESENT:**

Me Jonathan Shecter, City Manager

Florine Agbognihoue, Assistant City Clerk, acting as secretary of the meeting.

City of Côte Saint-Luc

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WHEREAS a notice of motion was given, and a first draft by-law was adopted at a Regular Meeting of Council held on August 14, 2023;

WHEREAS following the adoption by resolution of the first draft by-law no 2616, the City of Côte Saint Luc held a public consultation meeting on September 6, 2023 in the Council Chamber at the City Hall;

WHEREAS a second draft by-law 2216 was adopted at a Regular Sitting of the City Council held on October 16, 2023;

WHEREAS after public notice was given, no valid request was received for the by-law to be submitted for the approval by way of referendum of the qualified voters in the concerned zone or any contiguous zones;

IT IS ENACTED AND ORDAINED by By-Law 2616 entitled “By-Law on Conditional Uses.”, as follows:



**BY-LAW ON CONDITIONAL USES NO. 2616**

**CITY OF CÔTE SAINT-LUC**

BY-LAW ON CONDITIONAL USES NO. 2616

| ADOPTION PROCESS                |            |
|---------------------------------|------------|
| Steps                           | Dates      |
| Notice of Motion                | 2023-08-14 |
| Adoption of first draft by-law  | 2023-08-14 |
| Public Consultation             | 2023-09-06 |
| Adoption of second draft by-law | 2023-10-16 |
| Adoption of by-Law              | 2023-12-11 |
| Effective Date                  |            |

| AMENDMENTS    |                |        |
|---------------|----------------|--------|
| By-Law Number | Effective Date | Object |
|               |                |        |
|               |                |        |
|               |                |        |
|               |                |        |

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## **CHAPTER 1. DECLARATORY, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS**

### **1.1 DECLARATORY PROVISIONS**

#### **1.1.1 TITLE OF THE BY-LAW**

The present by-law is entitled: "BY-LAW ON CONDITIONAL USES".

#### **1.1.2 PURPOSE OF THE BY-LAW**

The purpose of this By-law is to allow a person to submit an application to authorize a use that is eligible for the current procedure and that is not authorized in the zone concerned in the *Zoning By-law*. It allows City Council, after receiving an opinion from the Planning Advisory Committee, to evaluate the appropriateness of authorizing this use with respect to the evaluation criteria set out in this By-law and to subject this authorization to the conditions that it determines.

#### **1.1.3 SCOPE OF THE BY-LAW AND APPLICABLE TERRITORY**

This By-law, whose provisions are binding on natural persons as well as legal persons under public or private law, is applicable to the entire territory of the City of Côte Saint-Luc

#### **1.1.4 LEGISLATIONS AND BY-LAWS**

None of the provisions in this By-law shall be construed to exempt any individual from the enforcement of the applicable legislation or statutes of the provincial or federal government.

#### **1.1.5 TABLES, GRAPHS, AND SYMBOLS**

All tables, graphs, symbols, illustrations as well as all forms of expression other than the actual text, herein contained or to which this By-law refers to, are an integral part of this By-law.

#### **1.1.6 STRUCTURE OF THE BY-LAW**

This By-law is divided into chapters, identified by a whole number (ex: Chapter 1).

Each chapter is divided into sections represented by a number followed by a period and a second number (ex: 1.1)

The sections include articles consisting of the first number of the chapter followed by the number of the section and lastly by a digit in numerical order (example 1.1.1). In some sections, an additional division with four digits appears to refer to a common article (example 1.1.1.1). These are subsections.

#### **1.1.7 ADOPTION**

The Council adopts this By-law in its entirety as well as chapter by chapter, section by section, article by article, clause by clause, paragraph by paragraph, subparagraph by subparagraph, and subsection by subsection so that if any chapter, section, article, clause, paragraph, subparagraph, or subsection should be deemed null and void by a court of competent jurisdiction, all other provisions of this By-law shall remain valid and fully applicable.

### **1.2 ADMINISTRATIVE PROVISIONS**

#### **1.2.1 ADMINISTRATION AND ENFORCEMENT OF THE BY-LAW**

The application and enforcement of this By-law is the responsibility of the Director of Urban Development, or any other person as may be designated as "designated civil servant" by resolution of City Council.

The individual or the individuals assigned to this function shall be known as the "designated civil servant or civil servants".

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**1.2.2 POWERS OF THE DESIGNATED CIVIL SERVANT**

The designated civil servant shall exercise all powers identified in this By-law. In particular, he or she shall:

- 1° Upon presentation of a proof of identification, visit and examine, between 7 a.m. and 7 p.m., any movable or immovable property, as well as the interior or exterior of any house, building or structure of any kind, to ascertain whether the present by-law is being complied with. The owner, tenant or occupant of the property examined shall allow the authority to enter;
- 2° Issue a notice to the owner, tenant, occupant, or to his or her legal representative or to any other individual who violates a provision of this By-law, ordering the correction of the situation;
- 3° Issue a statement of offence to the owner, tenant, occupant or to his or her representative or to any other individual who violates a provision of this By-law and commits an offence;
- 4° Institute penal proceedings on behalf of the City for any infringement to this By-law;
- 5° Issue any permits or certificates provided for in the current construction by-law;
- 6° Order any owner, tenant, occupant, or his or her legal representative to suspend dangerous work and practices which do not comply with this By-law;
- 7° Require testing of materials to be used or that have already been used in any construction;
- 8° Take proper measures to stop all infringements of this By-law;
- 9° Give notice to stop or correct work when the result of a test shows that the provisions of this By-law are not being complied with;
- 10° Order the temporary evacuation of any building that could endanger the lives of anyone;
- 11° Give notice to carry out any repair work that he or she deems appropriate for the stability of a structure and the safety of persons, and recommend any emergency measure to Council;
- 12° Order the fencing of a lot or part of a lot, or of a construction presenting a danger for the public.

**1.2.3 MEASUREMENT UNITS**

All dimensions, areas or other units of measurement set out in this By-law shall be expressed in the international metric system.

**1.2.4 REFERRALS**

All referrals to another by-law mentioned in the present by-law remain open, which means that they apply to all amendments of the by-law, even if such amendments are made after the coming into force of this By-law;

**1.3 INTERPRETATIVE PROVISIONS****1.3.1 INCOMPATIBILITY OF PROVISIONS**

In case of incompatibility between two provisions of this By-Law or between a provision of this By-Law and a provision contained in another by-law, a specific provision shall prevail over a general provision;

In case of incompatibility between restrictive or prohibitory provisions contained in this By-Law or in case of incompatibility between a restrictive or a prohibitory provision contained in this By-Law and a provision contained in another regulation, the most restrictive or prohibitory provision prevails, unless otherwise indicated.

**1.3.2 ORDER OF PRECEDENCE OF PROVISIONS**

In this document, unless otherwise specified, the following rules shall apply:

- 1° In the event of a contradiction between the text and the title, the text shall take precedence;



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- 2° In the event of a contradiction between the text and any other form of expression, the text shall take precedence;
- 3° In case of a contradiction between the data in a table and a graph, the data in the table shall take precedence.

**1.3.3 INTERPRETATION OF THE TEXT**

The following rules of interpretation shall apply to this by-law:

- 1° The singular includes the plural and vice versa;
- 2° The masculine gender includes the feminine gender;
- 3° The use of the words “SHALL” and “MUST” implies an absolute obligation;
- 4° The use of the word “MAY” implies an option;
- 5° The use of the words “ANYONE” and “WHOEVER / WHOMEVER” includes individuals, legal entities or associations.

**1.3.4 TERMINOLOGY**

Unless otherwise indicated or unless the context suggests a different meaning, the expressions, terms and words shall have the meaning and application attributed to them in the definitions contained in the current zoning by-law.

## CHAPTER 2. PROCESSING AN APPLICATION

### 2.1 TRANSMISSION AND CONTENTS OF AN APPLICATION

#### 2.1.1 TRANSMISSION OF THE APPLICATION

An application for approval of a conditional use must be submitted by the applicant or his or her representative to the designated civil servant. The application must be in writing, with two hard copies and an electronic version (PDF), and contain the information and documents set out in this by-law.

#### 2.1.2 CONTENT OF THE APPLICATION

An application for conditional use must include the following information and documents, when required:

- 1° The name, surname, mailing address, email, and telephone numbers of the applicant and his or her representative, where applicable.
- 2° Where applicable, the power of attorney granted to any authorized individual to act on behalf of the owner;
- 3° A written summary of the reason for the application and a detailed description of the project;
- 4° An explanatory text demonstrating the integration of the proposed interventions into the surrounding environment in accordance with the criteria set out in this by-law;
- 5° A certificate of location of the land and the buildings prepared by a land surveyor;
- 6° A plan showing the current condition of the land described in the application (uses, buildings, constructions, and property development) and the occupancy of neighbouring properties. Neighbouring properties refer to all properties located on either side of all property limits of the property for which authorization is requested;
- 7° Recent photographs of the building and/or the property described in the application and of neighbouring properties;
- 8° An assessment of heritage value by an architect of the building described in the project, whenever such a building represents a heritage value duly recognized in the current urban planning by-laws;
- 9° For an application requiring works to be undertaken: plans, specifications, drawings, sketches, elevations, cross sections, or other drawings, in colour and to scale, showing construction work to be performed, signed and sealed, where required under any legislation governing professional practice, by an authorized qualified professional within the meaning of the *Professional Code* (L.R.Q., c.C-26);
- 10° Samples of materials and colours that have been chosen for construction work, buildings, or other structures;
- 11° A plan illustrating the development proposals for exterior spaces, as well as the enhancement and protection of existing landscape, vegetation, and green spaces;
- 12° Vehicular access, parking spaces and barrier-free access;
- 13° Where required and relevant, impact assessment studies shall be provided with respect to sunshine, wind, and traffic, and where applicable, noise and fumes.
- 14° A detailed schedule of work, describing all key phases;
- 15° Any other information relevant to understand the nature of the work in question and the assessment of such work in accordance with the criteria set out in this by-law;
- 16° Any other additional information or document dealing with any aspect of the project required by the designated civil servant.

### 2.1.3 STUDY OF COMPLIANCE WITH CONSTRUCTION AND SECURITY STANDARDS

Where applicable pursuant to Chapter 3 of this by-law, the applicant for a conditional use must, in addition to the information and documents provided for in this section, submit a study of compliance with the Building Code, the Safety Code and with all other applicable Safety and Construction Standards.

Such a study must be performed and signed by a qualified member of a professional order in the relevant field and contain at least:

- 1° An assessment of the work required for the exercise of the use in question, considering a specified number of persons, to ensure compliance with the applicable standards considering the current state of the building.
- 2° An opinion regarding the feasibility of the work, considering the assessment referred to in paragraph 1. The opinion must describe the construction or renovation work that will be required to carry out the use for which the application is made, considering a specified number of persons, as well as if demolition work will be required.
- 3° A cost estimation of the work involved based on the opinion set out in paragraph 2. Notwithstanding paragraph 2, the cost assessment may be made by a construction contractor or a specialist based on the type of work required.

If the feasibility of the work described in the opinion on paragraph 2 above is confirmed by a member of a professional order, the applicant must submit to the designated civil servant a written and signed undertaking confirming that he or she understands the study of compliance, including the work and associated costs.

The application for conditional use will not be eligible for the assessment and approval process in the following cases:

- 1° In the absence of the compliance study confirming the feasibility of the work and of the written undertaking of the applicant referred to in paragraphs 1 and 2 above;
- 2° If the compliance study concludes that demolition is required within the meaning of the *By-law governing Building Demolition*.

### 2.1.4 TARIFFS

The fees for the review of an application for conditional use are set out in the By-law concerning tariffs of the City of Côte-Saint-Luc.

The applicant must pay the fees at the time that his or her application for conditional use is submitted to the designated civil servant. These fees are not refundable.

### 2.1.5 VERIFICATION OF APPLICATION BY THE DESIGNATED CIVIL SERVANT

The designated civil servant shall ensure that all information, documents, and fees associated with the application have been submitted.

If the application is incomplete, the designated civil servant shall so inform the applicant. The application for conditional use shall be suspended until all required documents have been submitted.

## 2.2 APPLICATION EVALUATION AND APPROVAL PROCESS

### 2.2.1 REVIEW OF THE APPLICATION BY THE PLANNING ADVISORY COMMITTEE

The conditional use application shall be referred to the Planning Advisory Committee, who shall review it based on the criteria set out in the present by-law.

The committee may:

- 1° Request any other information that may be required to assess the application based on the applicable criteria;
- 2° Suggest any modification concerning the eligibility of the application based on the applicable criteria;

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- 3° Recommend to Council any conditions for approval of the application.

After reviewing the application, the Planning Advisory Committee shall submit its recommendation to the City Council.

**2.2.2 DECISION OF COUNCIL**

After consulting with the Advisory planning committee, the City Council must either grant or refuse an application for authorization of conditional use that has been submitted in compliance with this by-law.

The resolution adopted by the City Council approving a conditional use must state any conditions, having regard to the City's jurisdiction, which must be fulfilled concerning the establishment or exercise of the use. Without limitation and by way of example, such conditions may include the following:

- 1° Time guarantee (e.g., completion within maximum timeframe, etc.)
- 2° Financial guarantee (e.g., financial deposit to cover the work, etc.);
- 3° Infrastructure work (e.g., aqueduct, sewers, sidewalks, etc.);
- 4° Operations and activities on and adjacent to the site (e.g., hours of operation, etc.).
- 5° Signage and displays (e.g., placement, lighting, materials, etc.).
- 6° Exterior work/Landscaping (e.g., trees, hedges, fences, lighting, etc.);
- 7° Architecture and volumetry (e.g., exterior covering, fenestration, etc.);
- 8° Parking and traffic (e.g. traffic study, access, routing, etc.);
- 9° Cleanliness and safety (e.g., cleanliness of property, safety measures, etc.);
- 10° Environmental monitoring (e.g., annual activity report, etc.);
- 11° Nullification of resolution (e.g., failure to submit the permit application within a given timeframe, etc.).

The resolution by which the Council refuses the application must specify the grounds for rejection.

**2.2.3 PUBLIC NOTICE AND ONSITE SIGNAGE**

The City Clerk shall, at least 15 days prior to the meeting at which City Council is to consider the conditional use application, cause a notice to be published in accordance with the Act governing the municipality, and have the notice posted on the location indicated in the application.

The notice and the sign shall indicate the date, time and place of the sitting and the nature of the application. They must also designate the building to which the application relates using street names and the street number of the building or, if the immovable has no street number, the cadastral number, and mention that any person interested may be heard by the City Council concerning to this application.

**2.2.4 TRANSMISSION OF THE DECISION TO THE APPLICANT**

As soon as possible after the adoption of the resolution, the City Clerk must issue a certified true copy to the applicant.

**2.2.5 ISSUE OF PERMIT OR CERTIFICATE**

Upon presentation of the certified copy of the resolution by which the City Council authorized the conditional use, the designated civil servant shall issue the permit or certificate, if the following conditions are met:

- 1° An application for permit or certificate which complies to current by-laws is filed by the applicant;
- 2° The application meets the standards set out in current urban planning by-laws applicable, which are not in contradiction with the provisions of the resolution relating to the authorized use;
- 3° All conditions set out in the resolution authorizing the conditional use and required to be met at the time the permit or certificate is issued are met.

**2.2.6 RESPONSIBILITY OF THE APPLICANT**

The applicant must fully comply with all conditions linked to the authorization granted in the adopted resolution.

**2.2.7 MODIFICATION OF CONDITIONS RELATED TO THE USE**

If the applicant wishes to change the conditions related to the use approved by resolution, the applicant shall submit a new conditional use application in accordance with the present by-law.

**2.2.8 DEADLINE TO SUBMIT AN APPLICATION FOR AN EXISTING NON-CONFORMING USE**

On the effective date of the present by-law, if there is an existing non-conforming use, the owner of the property will have one hundred and eighty (180) days to file a conditional use application.

## CHAPTER 3. ELIGIBLE USES AND ASSESSMENT CRITERIA

### 3.1 USES FOR PURPOSE OF WORSHIP

#### 3.1.1 ELIGIBLE USES

A conditional use application is eligible for the following uses:

- 1° A place of worship, with or without a gathering space related to worship and religion.
- 2° A place of instruction related to worship and religion, with or without accommodations for those receiving instruction for a specified period.
- 3° A combination of the uses described in paragraphs 1° and 2°.

Eligible uses may be carried out as a principal use, an accessory use or a temporary use.

#### 3.1.2 ELIGIBILITY REQUIREMENTS OF AN APPLICATION

A conditional use application is eligible under the following conditions:

- 1° The use is carried out inside an existing building.
- 2° The building is in one of the zones identified in the table of this article.
- 3° The total number of uses that may be permitted or carried on in the zone shall be as set out in the table of this article.

| Eligible Zones:   | Maximum number of uses per zone: |
|---|----------------------------------|
| 1° RU-1 (Predominantly “single-family dwelling” residential zone):  | 1 use                            |
| 2° RU-21 (Predominantly “single-family dwelling” residential zone): | 1 use                            |
| 3° RU-32 (Predominantly “single-family dwelling” residential zone): | 1 use                            |
| 4° RB-7 (Predominantly “two-family dwelling” residential zone):     | 1 use                            |

#### 3.1.3 REVIEW OF COMPLIANCE WITH CONSTRUCTION AND SAFETY STANDARDS

A review of compliance with construction and safety standards, as defined in Chapter 2 of this by-law, is required for any application for conditional use referred to in the present section.

#### 3.1.4 ASSESSMENT CRITERIA

Assessment of the application for conditional use will be based on the following criteria:

- 1° The use is consistent with the objectives of the City’s Master Plan;
- 2° The compatibility and integration of the use with the surrounding environment. This criterion is evaluated by considering, but not limited to, the following elements:
  - a) Demonstration by the applicant that all ongoing or time-limited operations and activities are performed inside the main building;
  - b) The intensity of the use in terms of the area of floor space to be occupied;
  - c) The intensity of the use in terms of the number of employees, resources or individuals that benefit from the services provided;
  - d) Operational hours of activities open to the public, such as events, celebrations, or other similar activities, which must be compatible with the hours that are typically associated with the surrounding residential environment (e.g., mainly during the day);
  - e) Maximum capacity of the building during peak hours, which allows for the accommodation of all employees, resources or persons who can benefit from the services provided inside the building

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- and without creating an overflow outside. To this end, the applicant may propose specific measures, for example, to stagger the hours of admittance;
- f) Access to the building for employees, resources or individuals that benefit from the services, must be configured in a location that will not disturb the peace of the neighbours;
  - g) Measures must be in place to ensure the reduction of noise that can be heard outside the building (e.g., adequate soundproofing of doorways, etc.). The applicant must demonstrate that the existing building is sufficiently sound proofed to avoid continuous or occasional noise arising from the use of the building;
  - h) All other measures to ensure the compatibility and integration of the use with the surrounding environment and to preserve the privacy of neighbouring buildings.
- 3° The proposal will not generate any significant increase in the number of motor vehicles, in vehicular traffic in the surrounding area or in the occupancy of off-street parking spaces in the area. To this end, the applicant must demonstrate that measures of active and public transport have been promoted and made available for employees, resources or individuals that may benefit from the services provided;
- 4° The proposal will in no way compromise the purpose of the building, considering the environment in which it is located. This criterion is evaluated by considering mainly, but not exclusively, the following factors:
- a) If the proposal requires any renovation work or extensions to the building, such work must maintain the architectural character and nature of the building (main doorway, front facade, volumetry, etc.);
  - b) If the proposal entails the addition of new parking spaces on the property, the number of spaces must remain minimal and proportional to the vocation (e.g., residential) of the surrounding environment and the building in which the project is inserted;
  - c) All yards must be landscaped with plants and vegetation. Particular attention must be given to the landscaping of the front yard;
  - d) If the proposal entails a sign, the total area of the sign must be of minimal size and must be displayed directly on the building. The sign is discrete and not illuminated;
  - e) All other measures aimed at preserving the building's vocation (e.g., residential), considering the environment in which it is located.
- 5° The project proposes measures that contribute to the universal accessibility of the building, such as reducing the height between the public thoroughfare and a floor of the building, promoting safe and lighted pathways between a building and a public thoroughfare, providing designated parking spaces for persons with mobility impairments near accesses.

## CHAPTER 4. FINAL PROVISIONS

### 4.1 PROVISIONS CONCERNING INFRINGEMENTS AND PENALTIES

#### 4.1.1 INFRINGEMENT

No one shall infringe or allow the infringement of any provision of this by-law.

#### 4.1.2 INFRACTION

Any person who infringes or allows the infringement of any provision of this by-law, maintains construction without a permit or maintains a condition that requires a certificate of authorization without having obtained one, is guilty of an offence and is liable to a fine in the amount of:

- 1° For a first infraction, a minimum of \$500 and a maximum of \$1,000 for an individual or a minimum of \$1,000 and a maximum of \$2,000 for a legal entity;
- 2° For a repeat offence within two years of the first infraction, a minimum of \$1,000 and a maximum of \$2,000 for an individual or a minimum of \$2,000 and a maximum of \$4,000 for a legal entity.

In each case of infraction, the costs will be added to the fine.

The penalties are applicable beginning on the 180<sup>th</sup> day following the entry into force of the present by-law.

#### 4.1.3 ONGOING INFRACTION

If an infraction is continuous, the ongoing infraction will be calculated on a day-to-day basis and each day shall represent a separate infraction. A fine may be issued each day for as long as the infraction lasts.

#### 4.1.4 ENTRY INTO FORCE

This by-law shall come into force in accordance with the law.

(s) Mitchell Brownstein

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MITCHELL BROWNSTEIN  
MAYOR

(s) Florine Agbognihoue

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FLORINE AGBOGNIHOUE  
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



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FLORINE AGBOGNIHOUE  
ASSISTANT CITY CLERK



**BY-LAW NO. 2616**

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**BY-LAW ON CONDITIONAL USES**

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ADOPTED ON: DECEMBER 11, 2023

IN FORCE ON: \_\_\_\_\_

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