



PUBLIC NOTICE
APPLICATION TO OPEN A REGISTER IN VIEW OF APPROVAL BY WAY OF REFERENDUM
SECOND DRAFT OF BY-LAW 1605

PUBLIC NOTICE is hereby given of the following:

1. Following the public consultation meeting on the first draft of By-law 1605, held on October 25, 2023, the Municipal Council adopted the second draft of by-law 1605 entitled "*BY-LAW TO FURTHER AMEND BY-LAW 1303 RESPECTING ZONING*" by resolution, at its regular sitting held on January 15, 2024.
2. The object of the second draft by-law is to correct issues of interpretation, consistency and understanding, as well as to better control the installation of certain structures.

The sections of this second draft by-law listed below contain provisions that may be requested, by interested persons, that a by-law containing them be submitted for their approval in accordance with the *Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2):

- Sections 4 to 7 - provisions to modify the space required between stairs or a gallery in the front yard and the front lot line;
- Section 19 - provisions to modify the space required between a pool in a secondary front yard and the front lot line;
- Section 25 - provisions to govern the establishment of a hot tub.

In addition to this brief description, a copy of the second draft of By-law 1605 may be obtained on the City of Westmount's website at the following address:

https://westmount.org/wp-content/uploads/2023/11/Reglement-1605_projet-2.pdf

3. Any interested person may sign an application to open a register in view of submitting the second draft By-law 1605, subject to approval by way of referendum, to the approval of certain qualified voters.

An application requiring that By-law 1605 be submitted to the approval of qualified voters may originate from all zones on the territory of the City of Westmount.

The map of the zones may be consulted on the City of Westmount's website at the following address:

<https://westmount.org/en/zoning-map/>

4. In order to be deemed valid, an application to open the register must:
 - a) indicate clearly the title of the by-law or the zone number as well as the name, address and capacity of the person entitled to vote who transmits it;
 - b) be signed by at least 12 interested persons of the zone from which it originates or by a majority of them if their number does not exceed 21;
 - c) state clearly the provision to which it refers and the zone from which it originates;



d) be received by the Office of the City Clerk, no later than **January 31, 2024, at 4:30 p.m.:**

In person at the following address:

4333 Sherbrooke Street West
Westmount (Québec) H3Z 1E2

By mail with the subject line indicating
"Application to open a register – By-law 1605"
to the attention of:

City Clerk's Office
4333 Sherbrooke Street West
Westmount (Québec) H3Z 1E2

By email with the subject line indicating
"Application to open a register – By-law 1605",
to the following address:

legal@westmount.org

5. Is an interested person:

- a) Any person who is not disqualified from voting and who fulfils the following conditions as of January 15, 2024:
 - is domiciled in the zone from which the application may originate;
 - has been domiciled in Québec for at least six months; or
- b) Any sole owner of an immovable or sole occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of January 15, 2024:
 - has been, for at least 12 months, owner of an immovable or occupant of a business establishment situated in the zone from which the application may originate;
 - has filed or files at the same time as the application, a document signed by the owner or the occupant requesting to be entered on the referendum list, as the case may be.
- c) Any undivided co-owner of an immovable or co-occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of January 15, 2024:
 - has been, for at least 12 months, undivided co-owner of an immovable or co-occupant of a business establishment situated in the zone from which the application may originate;
 - is designated, by way of a power of attorney signed by the majority of persons who have been co-owners or co-occupants for at least 12 months, as the person having the right to sign the application in their name and to be entered on the referendum list, as the case may be. The power of attorney must have been filed or be filed with the application.



In the case of a natural person, he or she must be of full age, a Canadian citizen and not be under curatorship.

In the case of a legal person, one must:

- have designated by resolution, from amongst its members, directors or employees, a person who, as of January 15, 2024, is of full age, a Canadian citizen, who is not under curatorship and who is not disqualified from voting;
- have filed or file at the same time as the application, the resolution designating the person authorized to sign the application and to be entered on the referendum list, as the case may be.

Except in the case of a person designated as the representative of a legal person, no one may be considered an interested person in more than one capacity, in accordance with Section 531 of the *Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2).

6. The provision in respect to which no valid application is received, may be included in a by-law that is not required to be submitted to the approval of qualified voters.

GIVEN at Westmount, this January 23, 2024.

Julia Levitin
City Clerk