

**MUNICIPALITY OF SHAWVILLE**  
**BY-LAW NUMBER 458**  
**RELATING TO THE DEMOLITION OF BUILDINGS**

**WHEREAS** the Municipality is required BY section 148.0.2 of the Land Use Planning and Development Act (R.S.Q., c. A-19.1) and sections 141 and 142 of the Cultural Heritage Act (R.S.Q., c. P-9.002) to adopt a by-law concerning the demolition of buildings;

**WHEREAS** Act 69 entitled An Act to amend the Cultural Heritage Act and other legislative provisions, came into force on April 1, 2021

**WHEREAS** under Bill 69, the Municipality must ensure the protection of heritage Building;

**WHEREAS** the Municipality wishes to protect buildings and sites that may constitute a cultural asset or represent a heritage value;

**WHEREAS** by virtue of Bill 69, the MRC Pontiac must carry out, by April 1, 2026, an inventory of the heritage buildings and sites present on the territory;

**WHEREAS** under Bill 69, the Municipality must send the Minister of Culture and Communications a notice of its intention to issue a demolition permit for a building built before 1940, as long as the inventory of heritage buildings and sites of the MRC is not adopted;

**WHEREAS** it is required for the municipal council to establish a demolition committee in order to be able to render decisions on requests, in accordance with the Act respecting land use planning and development (RLRQ, c. A-19.1);

**WHEREAS** Notice of Motion of this by-law was given by Bill Hobbs at the regular meeting of Council held March 14<sup>th</sup>, 2023.

**THEREFORE**, it is proposed by Bill Hobbs and unanimously resolved that the following draft By-law 458 Relating to the Demolition of Buildings be adopted on March 14, 2023. Carried unanimously.

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

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

This by-law is entitled "By-law #318 relating to the demolition of buildings". The interpretation and administrative rules of the present by-law are defined in the Administration and Interpretation of the Planning By-Laws in force.

### **1.2 OBJECTIVES**

The purpose of this by-law is to control the demolition of buildings and to protect heritage buildings in accordance with the Act respecting land use planning and

Development (R.S.Q., c. A-19.1) and, Act 69 entitled An Act to amend the Cultural Heritage Act and other legislative provisions.

### **1.3 TERRITORY AFFECTED**

This by-law applies to the entire territory under the jurisdiction of the Municipality of Shawville.

### **1.4 LAWS AND OTHER**

Nothing in the by-law shall be interpreted to exempt any person from the application of any law or regulation of the Provincial or Federal Government or from any

### **1.5 INTERPRETATION OF THE TEXT**

In this regulation, unless otherwise specified, the following rules apply:

1. In the case of a contradiction between the text and a heading, the text shall prevail;
2. In the event of a contradiction between the text and any other form of expression, the text shall prevail.
3. The masculine includes both genders unless the context indicates otherwise.
4. The use of verbs in the present tense includes the

future tense;

5. Words written in the singular include the plural and the plural includes the singular, whenever the context lends itself to this extension;
6. Where any provision of this by-law is found to be inconsistent or in conflict with any other by-law or with any other provision of this by-law, the more restrictive or prohibitive provision shall apply.

## **1.6 APPENDIX**

Any appendix attached to this by-law shall form part of this by-law for all purposes.

## **1.7 TABLES, CHARTS AND SYMBOLS**

A table, chart, symbol or any other form of expression other than the actual text, contained in or referred to in the by-law, forms part of the by-law.

## **1.8 UNITS OF MEASUREMENT**

All dimensions and measurements used in the regulation are expressed in the International System of Units (SI).

## **1.9 REFERENCES**

All references in this by-law to another by-law shall be open, that is to say they extend to any amendments that may be made to another by-law that is the subject of the reference after the coming into force of this by-law.

## **1.10 VALIDITY**

Council enacts this by-law as a whole and also chapter by chapter, section by section, subsection by subsection and paragraph by paragraph so that if any chapter, section, subsection or paragraph of this by-law is or becomes void by a court of competent jurisdiction, the remaining provisions of this by-law shall continue to apply.

## **1.11 TERMINOLOGY**

For the purpose of interpreting the by-law, the following words and phrases shall have the following meanings:

**"Committee"** means the demolition committee established pursuant to this by-law;

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**"Council"** means the Municipal Council of the Municipality of Shawville;

**"Demolition"** means an intervention that results in the destruction of more than 50% of the volume of a

building, regardless of the foundation, and includes moving or relocation;

**"Building"** means a building, structure or work of a permanent nature and anything that forms an integral part of it. -

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**"Heritage immovable"** a heritage immovable may be any of the following or a combination of them:

- An immovable cited in accordance with the Cultural Heritage Act (RLRQ, c. P-9.002);
- An immovable situated in a heritage site cited in accordance with the Cultural Heritage Act (RLRQ, c. P-9.002);
- An immovable listed in the heritage inventory of the MRC Pontiac, provided for in the first paragraph of section 120 of the Cultural Heritage Act (R.S.Q., c. P 9;002);

**"Applicant"** means the owner of the property for which the demolition permit is requested or his duly authorized representative.

**"Cleared land"** means the cleared land where the demolished building was located.

For the purpose of interpreting the by-law, unless the context indicates otherwise, any other word or expression shall have the meaning assigned to it in the current Administration and Interpretation of the Planning By-laws. If a word or expression is not specifically defined in this chapter, then the common meaning defined in the dictionary must be referred to.

## **1.12 ADMINISTRATION AND ENFORCEMENT**

The administration, enforcement and supervision of this by-law shall be the responsibility of any designated officer appointed by resolution of Council. The administering authority shall be responsible for the administration and enforcement of this by-law. The competent authority may exercise the powers provided for in this By-law and may issue infraction in the name of the Municipality for any violation of a provision of this by-law.

## **1.13 POWERS AND DUTIES OF THE DESIGNATED OFFICER**

The powers and duties of the designated officer are those assigned to him or her in the Administration and Interpretation of the Planning By-Laws in force.

## **1.14 CONTRAVENTIONS, PENALTIES, REMEDIES AND PROSECUTIONS**

Every person or corporation who fails to comply with any provision of this by-law is guilty of an offence. Where a violation of this by-law is detected, the Municipal Officer may send to the person concerned any written notice or order necessary to inform the person of the violation. The provisions relating to a contravention, penalty, recourse or legal proceedings with respect to the

by-law are those set out in the current By-law respecting the Administration and Interpretation of Planning By-Laws and those set out in Chapter 8 of this by-law.

## **CHAPTER 2 - PROVISIONS RELATING TO THE DEMOLITION COMMITTEE**

### **2.1 MANDATE OF THE COMMITTEE**

The mandate of the Committee is to:

- 1) to review applications for building demolition to be submitted for consideration by the Committee in accordance with this by-law;
- 2) to accept or refuse applications for a demolition certificate of authorization;
- 3) to set the conditions necessary for the issuance of a certificate of authorization for demolition.

### **2.2 COMMITTEE FORMATION**

Council shall establish a committee, to be known as the Demolition Committee, to evaluate demolition applications and to exercise any other powers conferred on it by the Act respecting Land Use Planning and development (R.S.Q., c. A-19.1).

This Committee is made up of three members from among the members of council and appointed by them. A substitute member is also appointed to replace one of the three members when the latter cannot attend a Committee meeting.

Council may also, by resolution, assign to itself the functions conferred on the Committee by this By-law.

### **2.3 TERM OF OFFICE**

The term of office for members of the Committee shall be one (1) year and shall be renewable.

### **2.4 RESIGNATION, INCAPACITY OR CONFLICT OF INTEREST**

A member of the Committee shall cease to be a member of the Committee if

If he or she ceases to be a member of the Council

- (a) If he or she is temporarily unable to act or refuses to perform his or her duties
- (b) has a direct or indirect personal interest in the matter before the Committee
- (c) If he or she changes his or her status to that of a municipal employee or non-resident.

In such case, Council may by resolution appoint another member to complete the term of office of the

vacated position, or for the duration of his or her incapacity, or for the duration of the hearing of the matter in which he or she has an interest, as applicable.

## 2.5 **QUORUM**

The quorum for meetings of the Committee shall be two members or a majority of the members present.

Decisions are made by majority vote, each member has one vote and may not abstain.

## 2.6 **PRESIDENCY**

The Chair of the Committee shall be appointed from among the members of the Committee by resolution of the Board upon the suggestion of the members. The term of office of the Chair shall be one year. The Chairperson shall direct the deliberations of the Committee, representing the Committee as necessary, outside of its meetings. In the event of the absence or inability to act of the Chair, the members may appoint one of their members to act at that meeting.

## 2.7 **CONTACT INFORMATION**

The Committee may appoint any "resource person" it deems necessary for the proper conduct of its work and the development of its decisions, who shall not have the right to vote.

## 2.8 **SECRETARY**

The Director General shall act as Secretary to the Committee, prepare agendas, take minutes of Committee meetings after each meeting, receive correspondence, and act on decisions of the Committee.

## 2.9 **MEETING**

The meetings of the committee shall be open to the public

## 2.10 **CONVOCATION**

Any meeting of the Committee shall be convened by notice given by the Committee Secretary at least forty-eight (48) hours in advance. The Committee shall meet as required when applications for demolition permits are submitted to the Municipality.

## 2.11 **VOTING RIGHTS**

All members of the Committee shall have one vote. Each member has one vote. The resource persons and the Mayor do not have a vote.

## 2.12 **MINUTES**

The studies, recommendations and opinions of the Committee shall be in the form of a written report signed by the Secretary and the Chairman substitutes

## **CHAPTER 3 - APPLICATION FOR CERTIFICATE OF AUTHORIZATION**

### **3.1 PROHIBITION OF DEMOLITION**

The demolition of an immovable located on the territory of the Municipality of Shawville is prohibited unless the owner has first obtained a certificate of authorization to that effect in accordance with this By-Law.

### **3.2 EXCEPTION**

Except for an immovable cited in accordance with the Cultural Heritage Act (R.S.Q., C.P9.002) or located in a heritage site cited in accordance with that Act, the following demolition applications are not subject to the application of this By-Law:

- 1) the demolition of a temporary building as defined in the current Administration and Interpretation of Planning By-laws;
- 2) the demolition of a secondary building as defined in the Administration and Interpretation of the Planning By-laws in force;
- 3) the demolition of a farm building as defined in the Administration and Interpretation of the Urban Planning By-laws in force;
- 4) the demolition of a mobile home, trailer or hunting camp as defined in the Administration and Interpretation of the Planning By-laws;
- 5) the demolition required by the Municipality of a building that would have been built in contravention of a planning by-law or the demolition of a building for which a demolition order has been issued by a competent court;
- 6) the demolition of an immovable that has been burned or otherwise damaged to the extent that it has lost more than one-half (50%) of its value on the assessment roll in effect at the time of the fire or damage ;
- 7) a demolition of a building owned by the Municipality or for the purpose of carrying out a project for municipal purposes or an infrastructure or public utility project
- 8) the demolition of a building in an emergency situation for reasons of public safety or health.

The fact that the building is not subject to this by-law by virtue of section 3.2. Does not relieve the applicant of the obligation to obtain a demolition permit required before proceeding with the demolition of a building as defined in the Administration and Interpretation of the Planning By-laws in force.

### **3.3 FILING OF THE REQUEST**



The application for demolition authorization shall be submitted on the form provided for that purpose by the owner of the building to be demolished, or by his or her designated agent. The application shall be delivered to the designated officer.

### **3.4 CONTENT OF THE APPLICATION**

All applications for the demolition of a building must be accompanied by the documents required to obtain a demolition permit as prescribed in the By-law, respecting the administration of the planning by-laws of the municipality and by the completed and signed application form.

For demolitions of buildings subject to this by-law, the application must also be accompanied by the following documents relevant to the decision of the Demolition Committee

- a) the current occupancy and use of the building or, if vacant, the date since which the building has been vacant;
  - b) photographs of the interior and exterior of the building for which the application is made;
  - c) photographs of the land on which the building to be demolished is located;
  - d) the reasons for the demolition;
  - e) a schedule of demolition and reconstruction, if applicable;
  - f) a description of the demolition and construction waste management methods to be used;
  - g) If the building has residential units, the applicant shall provide the number of units, the occupancy status at the time of application and the measures planned to relocate the tenants. Evidence that tenants have been notified of the demolition application must also be provided
  - h) The proposed land reclamation project, including a description of the proposed cleared land use, a site plan and preliminary construction plan of any proposed building and development, and a construction schedule;
  - i) In the case of an application to demolish a heritage building, the application shall also be accompanied by a report prepared and signed by an architectural or engineering professional or person qualified in the field, describing in detail the condition of the building and demonstrating the alternatives that were considered before arriving at the ultimate solution of demolition;
- The document shall contain detailed justification that demolition is the only feasible alternative, including an assessment of the costs of restoring the building;
- j) Any other documentation deemed necessary by the Committee to assess the application for authorization against the evaluation criteria set out in this by-law.

### **3.5 STUDY COST**

The fee for the review of an application for demolition authorization to be submitted to the Demolition Committee is \$750.00, to cover the cost of review and public notice. This fee is non-refundable regardless of the decision of the Committee.

### **3.6 COMPLETED APPLICATION**

An application for demolition authorization is considered complete when all required documents and plans have been filed with the designated officer and the study fees have been paid.

The designated officer shall verify the contents of the application and may require the applicant to provide any additional information necessary to understand or clarify the application.

When the verification of the application is complete, the application is forwarded to the Demolition Committee.

## **CHAPTER 4 - REVIEW OF THE APPLICATION BY THE COMMITTEE**

### **4.1 POSTING AND PUBLIC NOTICE**

When the Demolition Committee is presented with an application for demolition approval, it shall, no later than the tenth day before the public meeting:

Post a notice on the building to which the application relates that is readily visible to passers-by;

Post a public notice of the application to be published in the manner prescribed by the Municipality.

The poster and public notice shall include the following:

1. The date, time and place of the meeting at which the application will be heard by the Committee;
2. The address of the property, or if there is no address, the cadastral number
3. The following text:

*Any person who wishes to object to the demolition must, within 10 days of the publication of the public notice or, failing that, within 10 days of the posting of the notice on the immovable concerned, make known in writing his or her reasoned objection to the clerk-treasurer of the Municipality.*

For a demolition request for a heritage immovable, a copy of the public notice must be sent without delay to the Minister of Culture and Communications.

### **4.2 APPLICATION EVALUATION CRITERIA**

Before deciding on an application for demolition authorization, the Committee shall: if the demolition request concerns a heritage building, consult the local heritage Council of the municipality if such council exist;

Consult the Planning Advisory Committee if it deems it appropriate; consider any objections received;

The committee shall evaluate the demolition application according to the following criteria:

1. The general condition of the building involved in the application;
2. The deterioration of the architectural appearance, the aesthetic character of the building involved in the application and the quality of life of the neighbourhood;
3. The cost of restoration in the case of a heritage building;
4. The historical or heritage value of the building, including its contribution to local history, its degree of authenticity and its contribution to a neighborhood to be preserved;
5. The proposed use of the cleared land and its compliance with the applicable By-Law;
6. Where the building includes one or more dwelling units: the prejudice to tenants, the need for housing in the vicinity and the possibility of relocation of tenants;
7. Any other relevant criteria required for the analysis of the application.

#### 4.3 PUBLIC MEETING

Demolition Committee meetings, are open to the public, in the case of a heritage building they must include a public hearing. At this meeting:

1. The Committee shall explain, the purpose of the meeting and how it will be conducted;
2. The applicant for authorization or the designated official in the absence of the applicant, explains the reasons for the request, the conclusions of the reports submitted and the proposed use of the cleared land;
3. Any person shall then have the right to be heard, whether or not such person has filed a written objection;
4. The Committee may direct questions to the applicant and to any person who has spoken;

In closed session, the Committee shall continue its consideration of the application.

#### **4.4 POSSIBILITY OF ACQUIRING THE BUILDING**

Where the immovable covered by the application includes one or more dwellings, a person who wishes to acquire the immovable in order to preserve its residential rental character may, as long as the Committee has not rendered its decision, intervene in writing to the clerk of the Municipality to request a delay in order to undertake or pursue steps to acquire the immovable.

Such intervention may also be made by a person who wishes to acquire a heritage immovable for which demolition authorization has been requested in order to preserve its heritage character.

If the Committee considers that the circumstances justify it, it shall postpone its decision and allow a period of up to two (2) months from the end of the hearing to allow negotiations to be completed. The Committee may postpone the decision for this reason only once.

### **CHAPTER 5 - COMMITTEE DECISION**

#### **5.1 DECISION**

The Demolition Committee shall render its decision in a public meeting. The Committee's decision must be reasoned. The Committee shall grant permission if it is satisfied that the demolition is in the public interest.

The Committee may decide to postpone its decision to a subsequent public meeting if it deems it appropriate, or if it deems it necessary for the applicant to provide, at its expense, any additional clarification, information or professional report.

The decision shall be transmitted without delay to any party involved by registered mail.

#### **5.2 CONDITIONS**

When the committee authorize the demolition, it may impose any conditions relating to the demolition of the building or the reuse of the cleared land. It may also set time limits within which the demolition work must be undertaken and completed. It may also determine the conditions for the relocation of a tenant, when the building includes one or more dwellings.

In the case of an authorization to demolish a building containing at least one dwelling unit, the owner must refer to the Reggie du Lodgement in order to know the conditions that apply to the eviction and compensation of tenants.

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The municipality requires that all demolition waste be collected, sorted and disposed of at an acceptable sorting center before the expiry date of the demolition permit

### **CHAPTER 6 - REVIEW OF THE COMMITTEE'S DECISION**

## **6.1 REVIEW PERIOD**

Any person may, within 30 days of the decision of the Committee, request Council to review the decision. The request for review must be made in writing and delivered to the Municipality no later than the 30th day after the decision is rendered.

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Council may, on its own motion, within 30 days of a decision of the Committee authorizing the demolition of a heritage building, pass a resolution expressing its intention to review that decision.

Any member of Council, including a member of the Committee, may sit on Council to review a decision of the Committee.

## **6.2 COUNCIL DECISION**

The Council may confirm the decision of the Committee or make any decision that the Committee should have made.

The decision of the Council shall be final. The decision of the Council shall be promptly communicated to any party involved.

## **6.3 POWERS OF DISALLOWANCE OF THE MRC**

When the Committee authorizes the demolition of a heritage building and its decision is not reviewed as set out in section 6.1, notice of its decision shall be sent without delay to the MRC Pontiac. Such notice shall also be sent to the MRC, if Council approves the demolition following a review of a decision of the Committee.

The notice sent to the MRC must be accompanied by copies of all documents produced by the applicant.

The Council of the MRC may, within 90 days of receiving the notice, disallow the decision of the Committee or Council. A resolution made by the MRC must be reasoned and a copy sent without delay to the Municipality and to any party involved, by registered mail.

## **CHAPTER 7 - ISSUANCE OF A CERTIFICATE OF AUTHORIZATION**

An authorization to demolish an immovable, granted by the Committee or Council, as the case may be, does not relieve the owner of the immovable or his or her agent of the obligation to obtain, prior to the commencement of the demolition work, a demolition permit in accordance with the Planning By-law in force.

### **7.1 TIME LIMIT FOR ISSUING THE CERTIFICATE**

No certificate of authorization for demolition shall be issued by the designated officer until the 30 day period provided for in Chapter 6 has expired.

Where there is a review under section 6.1 of this by-law, no certificate of demolition may be issued by the

designated officer until Council has rendered a decision authorizing the demolition.

Where Chapter 6, regarding the decision on a heritage building applies, no certificate of authorization for demolition may be issued before the earliest of the following dates:

1. The date on which the MRC notifies the Municipality that it does not intend to avail itself of its power of disallowance
2. The expiration of the 90 day period provided for in section 6.3. Of this by-law.

## **7.2 VALIDLY OF THE DEMOLITION AUTHORIZATION**

When the Committee grants permission for demolition, it may set a time limit within which the demolition and reconstruction and/or land reuse work must be undertaken and completed. If the demolition work is not undertaken before the expiration of the time limit set by the Committee, the demolition permit shall be null and void.

Nevertheless, the Committee may, for reasonable cause, modify the time limit, provided that application is made to the Committee prior to the expiration of the time limit.

## **8 CHAPTER 8 - FINAL PROVISIONS**

### **8.1 CONTRAVENTIONS AND PENALTIES**

Without prejudice to any other recourse that may be exercised by the Municipality, any person who demolishes or causes to be demolished an immovable without having first obtained a demolition authorization from the Committee or contrary to the conditions of authorization is liable to a fine of not less than \$10,000 and not more than \$250,000.

However, the maximum fine is \$1,140,000 in the case of the demolition, by a legal person, of an immovable cited in accordance with the Cultural Heritage, Act (R.S.Q., c. P-9.002) or situated in a heritage site cited in accordance with that Act.

### **8.2 SPECIFIC PENALTIES FOR SITE VISITS**

Any person who prevents a designated officer from entering the premises where the demolition work is being carried out in order to verify that the demolition is in compliance with the decision of the Committee is guilty of an offence and is liable to a fine of \$500.

In addition, every person in authority responsible for carrying out demolition work who, on the premises where the demolition work is to be carried out, refuses to produce a Copy of the certificate of authorization for demolition on the request of a designated Officer, is guilty of an offence and is liable to a fine of \$500

### **8.3 EFFECTIVE DATE**

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

GIVEN AT SHAWVILLE QUEBEC THIS APRIL 11, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Ass't. Director General

CERTIFICATE OF PUBLICATION

I, the undersigned, residing in Bristol, Quebec, do hereby certify under my oath of office, that I have published the public notice concerning By-Law No. 458 by posting two copies thereof, at the places designated by the Council between the hours of two and four o'clock in the afternoon, on the 12 Day of April two thousand and twenty three.

In testimony whereof, I give this certificate, this 1st Day of March two thousand and twenty three.

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Ass't Sec-Treas