

1990, chapter 50

AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

Bill 39

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

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Passage in principle 24 April 1990

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Assented to 21 November 1990

Coming into force: 21 November 1990

Act amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1)



Éditeur officiel
Québec



CHAPTER 50

An Act to amend the Act respecting land use planning and development

[Assented to 21 November 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-19.1,
s. 47, am.

1. Section 47 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the figure “53” in the third line by the figure “53.12”.

c. A-19.1,
ss. 48-53,
replaced

2. Sections 48 to 53 of the said Act are replaced by the following sections:

Draft
by-law

“48. The council of the regional county municipality shall initiate the process of amendment of the development plan by the adoption of a draft by-law.

Descriptive
document

Where applicable, the council shall, by way of the same resolution as that by which it adopts the draft by-law, also adopt a document stating the nature of the amendments a municipality would be required to make to its planning program, zoning by-law, subdivision by-law or building by-law or to its by-law under section 116 if the development plan is amended, or identifying any municipality which would be required, in such an event, to adopt a by-law under section 116.

Interim
control
measures

In addition, the council may, by way of the same resolution, prescribe that interim control measures apply in all or part of the territory of any municipality contemplated in the second paragraph. In that case, the adoption of the resolution renders inoperative in the territory to which the resolution applies any interim control by-law already in force in that territory.

Certified
copy

“49. As soon as practicable after the adoption of the draft by-law, the secretary-treasurer shall serve on the Minister a certified

copy of the draft by-law, of the resolution by which the draft by-law was adopted and, where applicable, of the document described in the second paragraph of section 48. He shall, at the same time, transmit a certified copy to every municipality in the territory of the regional county municipality, to every contiguous regional county municipality, and to the Commission for registration.

Opinion
of the
Minister

"50. The council of the regional county municipality may, in the interval between the adoption of the draft by-law and the adoption of the by-law, apply to the Minister for his opinion on the proposed amendment.

Resolution

The secretary-treasurer shall serve on the Minister a certified copy of the resolution setting out the request.

Opinion
of the
Minister

"51. The Minister shall, within 60 days after service of the resolution requesting him to do so, give his opinion on the proposed amendment taking into account the aims that the Government, its ministers and agencies and the public bodies are pursuing or intend to pursue in the matter of land use and development in the territory of the regional county municipality, including the land use plan provided for in section 21 of the Act respecting the lands in the public domain, and taking into account the projects for public services, infrastructure and development they intend to implement in that territory.

Objections

If the opinion of the Minister raises objections to the proposed amendment, it must include reasons.

Transmission
of opinion

The Minister shall serve the opinion on the regional county municipality. He shall also transmit a copy thereof to the Commission for registration.

Opinion
of the
municipal
council

"52. The council of every municipality in the territory of the regional county municipality may give its opinion on the documents referred to in section 49 within 45 days after their transmission. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, a certified copy of the resolution setting out the opinion of the council.

Time
limit

However, the council of the regional county municipality may, by unanimous resolution, change the period of time prescribed in the first paragraph; the period of time fixed by the council shall in no case be shorter than 20 days. As soon as practicable after the adoption of the resolution, the secretary-treasurer shall transmit a certified copy thereof to every municipality contemplated in the first paragraph.

Public
meeting

“53. The regional county municipality shall hold a public meeting in every municipality whose representative on the council so requests during the sitting at which the draft by-law to amend the development plan is adopted.

Public
meeting

It shall also hold such a meeting in any other municipality within its territory whose council so requests within 20 days after transmission of the documents referred to in section 49. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, a certified copy of the resolution stating the request.

Territory

Even if no request is made, the regional county municipality shall hold at least one public meeting in its territory.

Territory

For the purposes of the first two paragraphs, where the sittings of the council of a municipality are held in the territory of another municipality, the territory is deemed to be that of the former and to be situated within the territory of the regional county municipality.

Committee

“53.1 The public meetings of the regional county municipality shall be held by a committee established by the council, presided by the warden and composed of council members designated by the council.

Date and
place

“53.2 The council of the regional county municipality shall determine the date, time and place of every public meeting.

Delegation

It may delegate the power to do so to the secretary-treasurer.

Notice of
meeting

“53.3 Not later than 15 days before a public meeting is held, the secretary-treasurer shall see to it that a notice of the date, time, place and object of the meeting is posted in the office of every municipality in the territory of the regional county municipality and shall publish the notice in a newspaper circulated in that territory.

Abstract of
documents

The notice shall include an abstract of the documents referred to in section 48, describing the principal effects of the proposed amendment on the territory of each municipality contemplated in the second paragraph of the said section, and shall mention that copies of the documents may be examined at the office of every municipality in the territory of the regional county municipality.

Sending of
abstract

The abstract may, however, if the council of the regional county municipality so elects, be sent by mail or otherwise delivered to every address in the territory of the regional county municipality rather than be included in the notice provided for in the first paragraph. In

that case, the abstract must be accompanied with a notice of the date, time, place and object of every scheduled public meeting and of the fact that copies of the summarized documents may be examined at the office of every municipality in the territory of the regional county municipality.

Committee's duty **"53.4** At a public meeting, the committee established under section 53.1 shall explain the proposed amendment and its effects, if any, on municipal plans and by-laws, and the applicable interim control measures.

Hearing The committee shall hear the persons and bodies wishing to be heard.

Adoption of by-law **"53.5** After the consultation period concerning the draft by-law, the council of the regional county municipality, by a majority vote of its members, shall adopt, as the by-law amending the development plan, an amended or unamended version of the draft by-law.

Consultation period For the purposes of the first paragraph, the consultation period runs until the end of the last of the following days:

(1) if the opinion of the Minister is requested, the day the opinion is served or, failing that, the last day of the period prescribed in section 51;

(2) the day the last resolution transmitted by a municipality pursuant to section 52 is received or, failing such a transmission by a municipality, the last day of the period applicable to it under that section;

(3) the day the public meeting is held or, if several are held, the day the last one is held, or the last day of the period prescribed in the second paragraph of section 53.

Certified copy of by-law **"53.6** As soon as practicable after the adoption of the by-law amending the development plan, the secretary-treasurer shall serve on the Minister a certified copy of the by-law and of the resolution by which it was adopted. He shall, at the same time, transmit a certified copy to every municipality in the territory of the regional county municipality, to every contiguous regional county municipality, and to the Commission for registration.

Opinion of the Minister **"53.7** Within 60 days after service of the copy of the by-law amending the development plan, the Minister shall give his opinion on the amendment, taking into account the aims and projects referred to in section 51.

Reasons	If the opinion of the Minister states that the proposed amendment is not consistent with the said aims and projects, it must include reasons. In that case, the Minister may, in his opinion, require the regional county municipality to replace the by-law.
Copy	The Minister shall serve the opinion on the regional county municipality. In the case provided for in the second paragraph, he shall transmit a copy of the opinion to every municipality in the territory of the regional county municipality, and to the Commission for registration.
Replacement of by-law	"53.8 In the case provided for in the second paragraph of section 53.7, the council of the regional county municipality may, in order to abide by the opinion of the Minister, replace the by-law amending the development plan.
Provisions not applicable Coming into force	Sections 48 to 53.4 do not apply in respect of the new by-law. "53.9 The by-law amending the development plan comes into force on the day the Minister serves a notice on the regional county municipality, declaring that the by-law is consistent with the aims and projects referred to in section 51 or, in the absence of such a notice, on the expiry of the period prescribed in section 53.7.
Adoption of document	"53.10 After the coming into force of the by-law amending the development plan, the council of the regional county municipality shall, if applicable, adopt a document stating the nature of the amendments a municipality will be required to make to its planning program, zoning by-law, subdivision by-law or building by-law or to its by-law under section 116 in order to take account of the amended development plan, or identifying any municipality which will be required to adopt a by-law under section 116.
Reference	The council may adopt the document described in the first paragraph by way of a reference to the document adopted pursuant to the second paragraph of section 48.
Publication of notice	"53.11 As soon as practicable after the coming into force of the by-law amending the development plan, the secretary-treasurer shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the regional county municipality. He shall, at the same time, transmit a certified copy of the by-law and, if applicable, of the document adopted pursuant to section 53.10 to every municipality in the territory of the regional county municipality, to every contiguous regional county municipality, and to the Commission for registration.

Amendment
to develop-
ment plan

“53.12 Where the Government has approved an amendment to the land use plan for the lands in the public domain situated in the territory of a regional county municipality pursuant to section 25 of the Act respecting the lands in the public domain, the Minister may, if he is of the opinion that the development plan in force is not consistent with the amended land use plan, request that the development plan be amended.

Service
of notice

The Minister shall in that case serve a notice on the regional county municipality, stating what amendments must be made to the development plan to make it consistent with the land use plan, as well as the reasons therefor. He shall also transmit a copy to the Commission for registration.

Adoption
of by-law

Within 90 days after service of the Minister's notice, the council of the regional county municipality shall adopt a by-law amending the development plan so as to abide by the notice. Sections 48 to 53.4 do not apply in respect of the by-law. For the purposes of sections 53.7 to 53.9, the Minister shall give his opinion as to whether the proposed amendment is consistent with the land use plan.

Adoption
of by-law

If the council fails to adopt a by-law for the purpose of making the development plan consistent with the land use plan, the Government, by order, may adopt such a by-law. The by-law is deemed to have been adopted by the regional county municipality. As soon as practicable after the adoption of the order, the Minister shall transmit a copy of the order and of the by-law to the regional county municipality. The by-law comes into force on the date fixed in the order.”

c. A-19.1,
s. 55, am.

3. Section 55 of the said Act is amended by adding, at the end, the following paragraph:

Interim
control
measures

“The resolution may prescribe that interim control measures apply in all or part of the territory of any municipality in the territory of the regional county municipality. In that case, the adoption of the resolution renders inoperative in the territory to which the resolution applies any interim control by-law already in force in the territory.”

c. A-19.1,
s. 56, am.

4. Section 56 of the said Act is amended by replacing the figures and word “48 to 53” in the first line of the second paragraph by the figures and word “17 to 31”.

c. A-19.1,
s. 60, am.

5. Section 60 of the said Act is amended by replacing the figure “53” in the second line of the second paragraph by the figure “53.12”.

c. A-19.1,
s. 75,
replaced

6. Section 75 of the said Act is replaced by the following section:

Provisions
applicable

"75. Where, pursuant to the third paragraph of section 48 or 55, the resolution by way of which a draft by-law to amend the development plan of a regional county municipality is adopted or a revised development plan proposal prescribes that interim control measures apply in all or part of the territory of a municipality, sections 61 to 74 apply thereto, amended as required."

c. A-19.1,
s. 111, am. **7.** Section 111 of the said Act is amended by inserting the word and figure "or 55" after the figure "48" in the fifth line.

c. A-19.1,
s. 222,
repealed **8.** Section 222 of the said Act is repealed.

c. A-19.1,
s. 223, am. **9.** Section 223 of the said Act is amended by replacing the words "and opinions" in the second and third lines of the first paragraph by the words ", opinions and other documents".

c. A-19.1,
s. 240, am. **10.** Section 240 of the said Act is amended by striking out the third paragraph.

c. A-19.1,
s. 241, am. **11.** Section 241 of the said Act is amended by inserting the figure ", 53.3" after the figure "31" in the second line of subparagraph 2 of the first paragraph.

c. A-19.1,
s. 264.1,
am. **12.** Section 264.1 of the said Act is amended by inserting the words "as well as those concerning a proposed amendment of the development plan," after the figure "20," in the second line of subparagraph 8 of the second paragraph.

c. A-19.1,
s. 264.2,
am. **13.** Section 264.2 of the said Act is amended by replacing the words "amended or revised final version of the development plan, pursuant to section 20" in the first and second lines of subparagraph 3.1 of the second paragraph by the words "revised final version of the development plan of the Community, pursuant to section 20, as well as those concerning a proposed amendment of the development plan".

c. A-19.1,
s. 264.3,
am. **14.** Section 264.3 of the said Act is amended by replacing the words "amended or revised final version of the development plan of the Community, pursuant to section 20" in the first, second and third lines of subparagraph 5 of the third paragraph by the words "revised final version of the development plan of the Community, pursuant to section 20, as well as those concerning a proposed amendment of the development plan".

c. A-19.1,
s. 267, am. **15.** Section 267 of the said Act is amended by inserting the figures ", 51, 53.7, 53.12" after the figure "29" in the third line of the first paragraph.

Amendment
or review
of develop-
ment plan

16. Any amendment or review of the development plan of a regional county municipality initiated on or before 20 November 1990 shall continue to be governed by the Act respecting land use planning and development as it read on that date.

Certified
copy of
resolution

However, the amendment or review process may be terminated by the council of the regional county municipality. As soon as practicable after a resolution to that effect is adopted, the secretary-treasurer of the regional county municipality shall serve a certified copy of the resolution on the Minister of Municipal Affairs. He shall, at the same time, transmit a certified copy thereof to every local municipality in the territory of the regional county municipality, to every contiguous regional county municipality, and to the Commission municipale du Québec for registration.

Publication
of notice

As soon as practicable after the adoption of the resolution, the secretary-treasurer of the regional county municipality shall publish a notice thereof in a newspaper circulated in the territory of the regional county municipality.

Interpreta-
tion

For the purposes of this section, an urban or regional community and its secretary shall be regarded as a regional county municipality and its secretary-treasurer, respectively.

Coming into
force

17. This Act comes into force on 21 November 1990.