NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FOURTH LEGISLATURE

Bill 56

An Act to amend the Act respecting land use planning and development and other legislative provisions

Introduction

Introduced by
Mr Claude Ryan
Minister of Municipal Affairs

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EXPLANATORY NOTES

The bill makes numerous amendments to the Act respecting land use planning and development.

First, certain changes are made with respect to the provisions of a land use development plan of a regional county municipality or urban community. The plan will be required to identify areas which are under restrictions now not only for reasons of public safety as under the present Act, but also to protect the environment of riverbanks, lakeshores, littoral zones and floodplains. The development plan will also be required, in particular, to describe and plan the organization of land transport. A regional county municipality or an urban community may, if it wishes, set out areas likely to become priorities for land use development or redevelopment. The regional county municipality or community will also be able to determine which immovables or activities create special restrictions, in the area surrounding them, for the safety, health or welfare of residents; however, if the immovable creating such restrictions is a thoroughfare, the latter must necessarily be considered as a source of restriction in the development plan.

Consistent with the addition of new components to the development plan relating to natural or human factors which bring about constraints on the occupation of land, the bill gives local municipalities fuller powers to regulate and prohibit land uses, structures, works and cadastral operations in the proximity of the sources of restrictions. As well, the bill increases the existing powers of a regional county municipality or an urban community to make use of the complementary document of the development plan to oblige local municipalities to use their regulatory powers in areas with restrictions in order to adopt rules at least as restrictive as those found in the complementary document.

In another area, the bill provides important clarifications with respect to the rules under which the Government is required to ensure that its activities in a territory subject to a land use development plan or a regional interim control by-law are consistent with the objectives

of the development plan or the provisions of the by-law. The main clarification relates to the list of government activities which are covered by these rules; activities subject to the rules are categorized and certain activities are exempted from these rules. Also, the revision of the conformity of government activities with a development plan or interim control by-law is modernized and will include the following two measures: first, the regional county municipality or the urban community is required to decide, within 120 days after being served notice of a planned activity, whether a given activity is in conformity with the plan or by-law, failing which the conformity is presumed; second, once the conformity of an activity is established, the activity may be carried out, without further notice, despite any subsequent amendments to the development plan or the interim control by-law, as long as the activity begins within three years.

The bill also amends the Act respecting land use planning and development by broadening and rendering more flexible the powers of local municipalities related to the creation of a fund or reserve of land for the establishment, improvement or maintenance of parks or playgrounds or for the preservation of natural areas. Thus, under the bill, local municipalities will be able to require the payment of a sum of money or the conveyance of land, not only by way of a subdivision by-law but also through a zoning by-law; in the latter case, the by-law may require the payment of a sum of money or the conveyance of land, or both, when a person applies for a building permit related to a "land use redevelopment project"; the by-law will define the latter concept and determine which part of the territory of the municipality falls within the scope of the concept.

In addition, the bill limits the effect of a provision of the Act respecting land use planning and development which removes certain activities carried out in accordance with the Mining Act from the effects of the Act respecting land use planning and development, an interim control by-law and a planning by-law. Subject to any acquired rights, the above-mentioned provision will no longer cover the quarrying on private lands of sand, gravel or building stone if the rights to these minerals have been surrendered to the owner of the land.

The bill makes numerous changes with respect to the procedures provided for in the Act respecting land use planning and development. It establishes a new process of revision of the development plan and of amendment of the planning program. It amends the process of amending the development plan so that it is as concordant as possible with the new revision process. The effects of the coming into force of a revised development plan, a by-law amending the development plan or a by-law amending the planning

program are more clearly stated and the provisions relating to the preparation, adoption, study of conformity and coming into force of the various land use planning by-laws are revised.

Finally, the bill makes various amendments to the Act respecting land use planning and development in order to facilitate the administration of the Act.

In addition to the Act respecting land use planning and development, the bill makes amendments to other municipal laws in two main areas. First, the bill amends the Municipal Code of Québec and the constitutive Acts of three urban communities so as to allow regional county municipalities and urban communities to establish and operate regional parks. Second, it amends the Cities and Towns Act and the Municipal Code of Québec to improve rules relating to initiatives and development associations for commercial districts.

Lastly, the bill includes the necessary transitional provisions.

ACTS AMENDED BY THIS BILL:

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

– Cities and Towns Act (R.S.Q., chapter C-19);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);

– Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

– Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3).

Bill 56

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by striking out paragraph 2.

2. Section 1.1 of the said Act is amended by striking out subparagraph 4 of the second paragraph.

3. Section 2 of the said Act is amended

(1) by replacing the last five lines of the first paragraph by the following: "this Act are binding on the Government, its ministers and mandataries, where they plan any intervention to which sections 150 to 157 apply, but only to the extent provided in these sections.";

(2) by replacing the words "government departments and agencies" in the first and second lines of the second paragraph by the words "its ministers and mandataries".

4. Section 5 of the said Act is replaced by the following section:

"**5.** A development plan must, regarding the territory of a regional county municipality,

(1) determine the general aims of land development policy for the territory;

(2) determine the general policies on land use of the territory for the different parts of it;

(3) delimit urbanization perimeters;

(4) identify zones where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones, landslide zones or other disaster or for reasons of protection of the environment of riverbanks and lakeshores, littoral zones and floodplains;

(5) identify the thoroughfares whose present or planned presence in a place results in land occupation near this place being subject to major restrictions for reasons of public safety, public health or general welfare;

(6) identify any part of the territory that is of historical, cultural, aesthetic or ecological interest to the regional county municipality;

(7) describe and plan the organization of land transport and, for such purpose,

(*a*) indicate the nature of major existing land transport infrastructures and equipment as well as their location;

(*b*) taking into account the adequacy or inadequacy of the infrastructures and equipment referred to in subparagraph *a*, the foreseeable demand in matters of transportation and the anticipated part of transportation having to be assured by the various means of transportation, indicate the principal improvements to be made to the infrastructures and equipment referred to in subparagraph *a* and indicate the nature of any planned major new land transport infrastructures and equipment, together with their approximate location;

(8) (*a*) indicate the nature of major existing infrastructures and equipment other than those referred to in subparagraph 7 as well as their location;

(*b*) indicate the nature of any planned major new infrastructures or equipment other than those referred to in subparagraph 7, together with their approximate location.

The plan must also include a complementary document establishing minimal rules requiring municipalities whose territories are comprised in that of a regional county municipality

(1) to adopt by-laws under subparagraph 16 or 17 of the second paragraph of section 113 or subparagraph 3 or 4 of the second paragraph of section 115;

(2) to adopt by-laws under subparagraph 16.1 of the second paragraph of section 113 or subparagraph 4.1 of the second paragraph of section 115, by reason of the present or planned presence of any throroughfare identified in accordance with subparagraph 5 of the first paragraph of this section;

(3) to prescribe, by by-law, rules at least as restrictive as those established in the complementary document.

For the purposes of subparagraphs 7 and 8 of the first paragraph, major infrastructure or equipment means infrastructure or equipment that concerns the citizens and ratepayers of more than one municipality or that is erected by the Government or one of its ministers or mandataries or by a public body or a school board."

5. Section 6 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

"**6.** The development plan may, in respect of the territory of a regional county municipality,

(1) identify any zone, mainly within an urbanization perimeter, which is likely to be, as a priority, the subject of land development or redevelopment, establish the rank of priority between zones thus identified and determine for such a zone, or for its different parts, the land uses and the approximate density of occupation;

(2) determine the approximate density of occupation for the different parts of the territory outside the zones identified in accordance with subparagraph 1;

(3) determine, for an urbanization perimeter or for different parts thereof, outside the zones identified in accordance with subparagraph 1, the policies on land use which present an interest for the regional county municipality;

(4) identify each immovable, other than a thoroughfare identified in accordance with subparagraph 5 of the first paragraph of section 5, and each activity whose present or planned presence or carrying out in a place results in land occupation near this place being subject to special restrictions for reasons of public safety, public health or general welfare;

(5) describe the organization of sea and air transportation, indicating the conditions of integration of the sea and air transportation infrastructures and equipment referred to in subparagraph 8 of the first paragraph of section 5 into the transport

system, with the land transport infrastructures and equipment referred to in subparagraph 7 of the said paragraph;

(6) describe the intermunicipal development proposals emanating from a group of municipalities;

(7) identify any part of the territory which, under section 30 of the Mining Act (R.S.Q., chapter M-13.1), is withdrawn from staking, map designation, mining exploration or mining.

The complementary document provided for in the second paragraph of section 5 may

(1) require any municipality whose territory is comprised in that of a regional county municipality to adopt, for all or part of its territory, the by-law provided for in section 116;

(2) establish minimal rules, in addition to those established in accordance with subparagraphs 2 and 3 of the second paragraph of section 5, requiring municipalities whose territories are comprised in that of a regional county municipality to adopt by-laws under subparagraph 16.1 of the second paragraph of section 113 or subparagraph 4.1 of the second paragraph of section 115 and to prescribe rules at least as restrictive as those established in the complementary document;

(3) establish general rules which municipalities whose territories are comprised in that of a regional county municipality must take into account in their zoning, subdivision and building by-laws."

6. Section 7 of the said Act is amended by inserting, after paragraph 1, the following paragraphs:

"(1.1) a document indicating the estimated costs of the infrastructures and equipment which are planned in the priority land development or redevelopment intended for any zone identified in accordance with subparagraph 1 of the first paragraph of section 6;

"(1.2) a plan of action for the implementation of the plan which mentions, in particular, the steps involved in its implementation, the municipalities, public bodies, ministers and government mandataries and other persons who are likely to participate in the implementation, the means provided to further the coordinated action of participants and, in the case of priority land development or redevelopment planned for any zone identified in accordance with subparagraph 1 of the first paragraph of section 6, the schedule established for each step in the erection of the planned infrastructures and equipment;".

7. Section 46 of the said Act is amended by striking out the fourth paragraph.

8. The heading of Division VI of Chapter I of Title I of the said Act is amended by replacing the words "AND REVIEW OF" by the word "TO".

9. Section 47 of the said Act is replaced by the following section:

"**47.** The council of the regional county municipality may amend the development plan in accordance with the procedure prescribed in this division."

10. Section 48 of the said Act is amended

(1) by replacing the word "initie" in the first line of the first paragraph of the French text by the word "commence";

(2) by striking out the words "as that by which it adopts the draft by-law" in the second line of the second paragraph;

(3) by inserting the words ", to its by-law respecting comprehensive development programs or site planning and architectural integration programs" after the words "building by-law" in the fifth line of the second paragraph;

(4) by inserting the words "or by a subsequent resolution" after the word "resolution" in the first line of the third paragraph;

(5) by inserting the words "adopted by the council of the municipality which is" after the word "by-law" in the fifth line of the third paragraph.

11. Section 49 of the said Act is amended by adding, at the end, the following paragraph:

"As soon as practicable after the adoption of the subsequent resolution provided for in the third paragraph of section 48, the secretary-treasurer shall serve on the Minister a certified copy of the resolution; he shall, at the same time, transmit such a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission. The same applies in respect of the resolution repealing the subsequent resolution or striking out from the resolution adopting the draft by-law the provision relating to interim control."

12. Section 50 of the said Act is amended by adding, at the end, the following paragraph:

"The Minister shall notify, in writing, the regional county municipality of the date on which he received the copy."

13. Section 51 of the said Act is amended by replacing the words "after service of" in the first line of the first paragraph by the words "after receiving".

14. The French text of section 52 of the said Act is amended by replacing the word "de" in the third line of the first paragraph by the words "qui suivent".

15. Section 53 of the said Act is amended

(1) by replacing the words "Even if no request is made" in the first line of the third paragraph by the words "In every case";

(2) by adding, at the end, the following paragraph:

"The obligation to hold a public meeting shall not apply with respect to a resolution whose only object is to establish or end interim control."

16. Sections 53.1 and 53.2 of the said Act are replaced by the following sections:

"**53.1** The regional county municipality shall hold its public meetings through the intermediary of a committee established by the council, composed of council members designated by the council and presided by the warden.

"**53.2** The council of the regional county municipality shall identify any municipality in whose territory a public meeting must be held.

The council shall determine the date, time and place of every meeting; it may delegate all or part of such power to the secretary-treasurer."

17. Section 53.3 of the said Act is amended

(1) by replacing the words "a public" in the first line of the first paragraph by the words "the day a public";

(2) by replacing the words "The notice" in the first line of the second paragraph by the words "The notice of the meeting or the first of several meetings, as the case may be,";

(3) by inserting the words ", not later than 15 days before the day the meeting or the first meeting is held, as the case may be," after the word "municipality" in the third line of the third paragraph;

(4) by replacing the words "provided for in the first" in the fourth line of the third paragraph by the words "referred to in the second";

(5) by striking out the word "public" in the sixth line of the third paragraph;

(6) by adding, at the end, the following paragraph:

"When notice of a subsequent meeting is given separately from notice of the first meeting, it shall mention, in addition to what is prescribed in the first paragraph, that copies of the documents mentioned in section 48 and of the summary of those documents may be examined at the office of every municipality whose territory is comprised in that of the regional county municipality."

18. Section 53.4 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**53.4** At a public meeting, the committee shall explain the proposed amendment and its effects, if any, on municipal plans and by-laws."

19. Section 53.5 of the said Act is amended by replacing the last two lines of the first paragraph by the words "its members, shall adopt a by-law to amend the development plan, with or without changes."

20. Section 53.6 of the said Act is amended by adding, at the end, the following paragraph:

"The Minister shall notify, in writing, the regional county municipality of the date on which he received the copy."

21. Section 53.7 of the said Act is amended

(1) by replacing the words "after service of" in the first line of the first paragraph by the words "of receiving";

(2) by replacing the words "and projects referred to in section 51" in the third and fourth lines of the first paragraph by the words

"that the Government, its ministers or mandataries and public bodies are pursuing or intend to pursue in respect of land use 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 (R.S.Q., chapter T-8.1), as well as the equipment, infrastructure and land use development projects which they intend to carry out in the territory";

(3) by replacing the word "said" in the second line of the second paragraph by the word "such".

22. Section 53.8 of the said Act is replaced by the following section:

"**53.8** If the opinion of the Minister states that the proposed amendment is not consistent with the aims and projects referred to in section 53.7, the council of the regional county municipality may replace the by-law amending the plan with another by-law which is consistent with those aims and projects.

Sections 48 to 53.4 do not apply to a new by-law differing from the by-law it replaces for the sole purpose of taking into account the Minister's opinion."

23. Section 53.9 of the said Act is amended by replacing the words "51 or, in the absence of such a notice, on the expiry of the period prescribed in section 53.7" in the fourth and fifth lines by the words "53.7 or, in the absence of a notice, at the expiry of the period prescribed in the said section".

24. Section 53.10 of the said Act is amended by inserting the words ", to its by-law respecting comprehensive development programs or site planning and architectural integration programs" after the words "building by-law" in the fifth line of the first paragraph.

25. Section 53.12 of the said Act is amended

(1) by replacing the words "de la signification" in the second line of the third paragraph of the French text by the words "qui suivent la signification";

(2) by inserting the words "if it amends the plan only to the extent necessary to take account of the notice" after the word "by-law" in the fourth line of the third paragraph;

(3) by adding, at the end, the following paragraph:

"The first four paragraphs, adapted as required, apply where the limits of floodplains situated within the territory of a regional county municipality and subject to the protection policy for lakeshores, riverbanks, littoral zones and floodplains adopted by the Government pursuant to section 2.1 of the Environment Quality Act (R.S.Q., chapter Q-2) have been set or changed."

26. Sections 54 to 60 of the said Act are replaced by the following divisions:

"DIVISION VI.1

"REVISION OF THE DEVELOPMENT PLAN

"**54.** The council of the regional county municipality shall revise its development plan by following the procedure provided for in this division.

"**55.** The period of revision of the development plan begins on the date of the fifth anniversary of the coming into force of the first plan or the last revised plan, as the case may be.

However, the period of revision may begin before the date provided for in the first paragraph, where the council of the regional county municipality so decides.

As soon as practicable after the adoption of the resolution under which the council makes the decision provided for in the second paragraph, the secretary-treasurer shall serve a certified copy of the resolution on the Minister. At the same time, the secretary-treasurer shall transmit such a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

"**56.** The council may, during the period of revision, provide that interim control applies in all or part of the territory of the regional county municipality. The adoption of a resolution to this effect renders inoperative any interim control by-law adopted by the council which is already in force.

As soon as practicable after the adoption of the resolution, the secretary-treasurer shall serve on the Minister a certified copy of the resolution; at the same time, the secretary-treasurer shall transmit a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission. The

same applies in respect of a resolution repealing the resolution establishing interim control.

"**56.1** Within six months after the beginning of the period of revision, the council of the regional county municipality shall adopt a document stating the principal objects of the revision, the stages in the revision and the schedule established for each stage, as well as municipalities, other regional county municipalities, public bodies, ministers, government mandataries and other persons likely to be interested in the objects of the review.

As soon as practicable after the adoption of the document, the secretary-treasurer shall serve on the Minister a certified copy of the document and of the resolution under which the document was adopted. At the same time, the secretary-treasurer shall transmit a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

As soon as practicable after the adoption of the document, the secretary-treasurer shall publish a summary of it in a newspaper circulated in the territory of the regional county municipality.

"**56.2** The council of every municipality or regional county municipality to which a copy of the document provided for in section 56.1 is transmitted may, within 120 days after the copy is transmitted, give its opinion on the document.

The clerk or the secretary-treasurer shall, within the time prescribed in the first paragraph, transmit to the regional county municipality which has adopted the document a copy of the resolution stating the council's opinion.

"**56.3** Within two years after the beginning of the review period, the council of the regional county municipality shall adopt a draft of the revised development plan, designated as the "first draft".

As soon as practicable after the adoption of the draft plan, the secretary-treasurer shall serve on the Minister a certified copy of the draft plan and of the resolution under which the draft plan was adopted. At the same time, the secretary-treasurer shall transmit a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

The Minister shall notify, in writing, the regional county municipality of the date on which he received the copy.

"**56.4** Within 120 days after receiving a copy of the first draft, the Minister shall serve on the regional county municipality a notice stating the aims that the Government, its ministers, its mandataries and public bodies are pursuing or intend to pursue in respect of land use 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 (R.S.Q., chapter T-8.1), as well as the equipment, infrastructure and land use development projects which they intend to carry out in the territory.

The notice may also mention any objections to the first draft regarding the stated aims and projects, and specify the reasons for the objections.

The Minister shall transmit a copy of the notice to the Commission for registration.

"**56.5** The council of any municipality or regional county municipality to which a copy of the first draft has been transmitted may, within 120 days after the copy is transmitted, give its opinion on the draft plan.

The clerk or the secretary-treasurer shall, within the time prescribed in the first paragraph, transmit to the regional county municipality which has adopted the draft plan a certified copy of the resolution stating the council's opinion.

"**56.6** After the period of consultation on the first draft, the council of the regional county municipality shall adopt, with or without changes, a revised development plan for public consultation, designated as the "second draft". However, where the Minister, in accordance with section 56.4, has served on the regional county municipality an opinion stating objections to the first draft, the second draft must contain all the changes necessary for removing the reasons for the objections.

For the purposes of the first paragraph, the consultation period for the first draft lasts until the end of the later of the following days:

(1) the day on which the notice prescribed in section 56.4 is served or, failing that, the last day of the period provided in that section;

(2) the day on which the last resolution transmitted by municipalities or regional county municipalities in accordance with section 56.5 is received or, failing such transmission by any of them, the last day of the period applicable to it under that section.

As soon as practicable after the adoption of the second draft, the secretary-treasurer shall transmit a certified copy of the draft and of the resolution under which it is adopted to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

"**56.7** The council of any municipality or regional county municipality to which a copy of the second draft is transmitted may, within 120 days of such transmission, give its opinion on the draft.

The clerk or the secretary-treasurer shall transmit to the regional county municipality which has adopted the draft, within the time prescribed in the first paragraph, a certified copy of the resolution stating the council's opinion.

"**56.8** 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 second draft is adopted.

It shall also hold a public meeting in any other municipality within its territory whose council so requests within 20 days after a copy of the draft is transmitted. 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.

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, that territory is deemed to be the territory of the former municipality and, if applicable, to be within the territory of the regional county municipality.

In every case, to comply with the fifth paragraph, the regional county municipality must hold at least one meeting in its territory.

The population of the municipality in whose territory the meeting is held or, as the case may be, the total population of the municipalities in whose territories the meetings are held, must make up at least two thirds of the population of the regional county municipality.

"**56.9** The regional county municipality shall hold its public meetings through the intermediary of a committee established by the council, composed of council members designated by the council and presided by the warden.

"**56.10** The council of the regional county municipality shall identify every municipality in whose territory a public meeting must be held.

It shall determine the date, time and place of every meeting; it may delegate all or part of such power to the secretary-treasurer.

"**56.11** Not later than 30 days before the day the public meeting is held, the secretary-treasurer shall have posted in the office of every municipality whose territory is comprised in that of the regional county municipality and publish in a newspaper circulated in the territory of the regional county municipality notice of the date, time and object of the meeting.

The notice of the meeting or of the first of several meetings, as the case may be, shall also include a summary of the second draft and mention that a copy of the draft may be examined at the office of every municipality whose territory is comprised in that of the regional county municipality.

However, this summary may be transmitted, by mail or by other means, at the option of the regional county municipality, to every address in the territory of the latter, not later than 30 days before the day the meeting or the first of several meetings is held, as the case may be, instead of being included in the notice referred to in the second paragraph. If this is the case, a notice shall accompany the summary indicating the date, time, place and object of any scheduled meeting and mentioning that a copy of the second draft may be examined at the office of every municipality whose territory is comprised in that of the regional county municipality.

When notice of a subsequent meeting is given separately from the notice of the first meeting, it shall mention, in addition to the information required by the first paragraph, that a copy of the second draft and of a summary thereof may be examined at the office of every municipality whose territory is comprised in that of the regional county municipality.

"**56.12** At the public meeting, the committee shall explain the second draft and hear persons and bodies wishing to be heard.

"**56.13** After the period of consultation on the second draft, the council of the regional county municipality, by a majority vote of its members, shall pass a by-law to adopt a revised development plan, with or without changes.

For the purposes of the first paragraph, the period of consultation on the second draft lasts until the end of the later of the following days:

(1) the day on which the last resolution transmitted by municipalities and by regional county municipalities in accordance

with section 56.7 is received or, failing such transmission by any of them, the last day of the period applicable to it under that section;

(2) the day of the public consultation meeting on the draft or, as the case may be, the day of the last meeting.

As soon as practicable after passage of the by-law to adopt the revised plan, the secretary-treasurer shall serve on the Minister a certified copy of the plan, the by-law and the resolution under which the by-law was adopted. At the same time, the secretary-treasurer shall transmit such a copy to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

The Minister shall notify, in writing, the regional county municipality of the date on which he received the copy.

"**56.14** Within 120 days after receiving a copy of the revised plan, the Minister shall give his opinion on the plan, taking into consideration the aims that the Government, its ministers or mandataries and public bodies are pursuing or intend to pursue in respect of land use 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 (R.S.Q., chapter T-8.1), as well as the equipment, infrastructure and development projects which they intend to carry out in the territory.

The opinion stating that the revised plan is not consistent with the said aims and projects must include reasons. In that case, the Minister shall, in the opinion, request that the regional county municipality replace the revised development plan.

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 whose territory is comprised in that of the regional county municipality and, for registration purposes, to the Commission.

"**56.15** If the opinion of the Minister states that the revised plan is not consistent with the aims and projects referred to in section 56.14, the council of the regional county municipality shall, within 120 days of service of the opinion, replace the revised plan with another which is consistent with those aims and projects.

A new revised plan which differs from the plan it replaces for the sole purpose of taking the opinion into account need not be preceded

by the draft plans prescribed in sections 56.3 and 56.6. It shall be adopted by a by-law passed by a majority vote of the members of the council. The third and fourth paragraphs of section 56.13 apply in respect thereof.

Where, in accordance with section 239, the Minister extends the period prescribed in the first paragraph of this section or grants a new period to the regional county municipality for replacing the revised plan, he may give a new opinion, in accordance with section 56.14, notwithstanding the expiry of the prescribed period. In such a case, the council shall replace the revised plan by a new one, which takes the new opinion into account, before the end of the later of the following days:

(1) the one hundred and twentieth day after service of the new opinion;

(2) the last day of the period established by causing the extension period or the new period granted by the Minister to begin on the date of service of the new opinion.

"**56.16** Where, on the expiry of the period applicable under section 56.15, the council of the regional county municipality has not passed a by-law for the adoption of a new revised plan, the Government may, by order, amend the revised plan which was the subject of the opinion provided for in section 56.14 so that the plan is consistent with the aims and projects referred to in that section.

Where, before the expiry of the said period, the council has passed a by-law for the adoption of a new revised plan which is not consistent with the said aims and projects, the Minister may either make the request provided for in the second paragraph of section 56.14 or recommend that the Government exercise the power provided for in the first paragraph of this section.

The plan, as amended by the Government, is considered to be a revised development plan adopted in its entirety by a by-law of the council of the regional county municipality.

As soon as practicable after the making of the order, the Minister shall serve a copy thereof on the regional county municipality. For the purposes of the delivery of certified copies of the revised plan, the copy of the order shall stand in lieu of the original.

"**56.17** The revised plan comes into force on the day of service on the regional county municipality of the Minister's opinion stating

that the plan is consistent with the aims and projects referred to in section 56.14 or, failing any opinion of the Minister on the plan, on the expiry of the period provided for in that section.

However, a revised development plan which has been amended by the Government comes into force on the date indicated in the order made under section 56.16.

"**56.18** As soon as practicable after the coming into force of the revised plan, the secretary-treasurer shall publish a notice of the date of coming into force of the plan in a newspaper circulated in the territory of the regional county municipality.

He shall transmit, at the same time, a certified copy of the plan and of the notice to every municipality whose territory is comprised in that of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission.

"**57.** Within 90 days after the coming into force of the revised plan, the secretary-treasurer shall publish a summary mentioning the date of coming into force of the plan in a newspaper circulated in the territory of the regional county municipality.

However, the summary may be transmitted within the same period, by mail or by other means, to every address in the territory of the regional county municipality instead of being published in a newspaper.

"DIVISION VI.2

"EFFECTS OF AMENDMENTS TO OR REVISION OF THE DEVELOPMENT PLAN

"§ 1.—*Effect of amendment*

"**58.** The council of every municipality mentioned in the document adopted under section 53.10 shall, within six months after the coming into force of the by-law amending the plan, adopt any concordance by-law.

For the purposes of the first paragraph, the term "concordance by-law" means any by-law among the following that is needed to take account of amendments made to the plan:

(1) every by-law amending the planning program of a municipality, its zoning by-law, subdivision by-law or building by-law or its by-law respecting comprehensive development programs or site planning and architectural integration programs;

(2) the by-law adopted by the council of a municipality under section 116 or any by-law amending it.

"§ 2.—*Effects of revision*

"A—Obligations relating to conformity with the objectives of the revised plan and with the provisions of the complementary document

"**59.** The council of each municipality whose territory is comprised in that of the regional county municipality shall, within two years after the coming into force of the revised plan, adopt concordance by-laws.

For the purposes of the first paragraph, the term "concordance by-law" means any by-law referred to in subparagraph 1 or 2 of the second paragraph of section 58 which is needed to take account of the revision of the plan.

"**59.1** After the coming into force of the revised plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that one or more of the following municipal programs or by-laws need not be amended for the purpose of taking the revision of the plan into account:

(1) its planning program;

(2) its zoning by-law;

(3) its subdivision by-law;

(4) its building by-law;

(5) its by-law respecting comprehensive development programs;

(6) its by-law respecting site planning and architectural integration programs;

(7) its by-law as provided for in section 116.

As soon as practicable after the adoption of the resolution by which the council indicates that its program or by-laws need not be amended, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the resolution to the regional county municipality and, for registration purposes, to the Commission and, in accordance with the Act governing the municipality in that matter, give public notice of its adoption.

"**59.2** Within 120 days after the copy of the resolution referred to in the second paragraph of section 59.1 is transmitted to the regional county municipality, the council of the regional county municipality shall approve the resolution, if the planning program or the by-law which is the subject of the resolution is in conformity with the objectives of the development plan and with the provisions of the complementary document or, if not, it shall withhold approval thereof.

The resolution by which the council of the regional county municipality withholds approval of the municipality's resolution must include reasons.

As soon as practicable after the adoption of the resolution by the council of the regional county municipality, the secretary-treasurer shall transmit a certified copy thereof to the municipality and, for registration purposes, to the Commission.

For the purposes of section 59, the program or the by-law which is the subject of the approved resolution need not be amended to take into account the revision of the development plan.

"**59.3** Where the council of the regional county municipality withholds approval of the resolution referred to in the second paragraph of section 59.1 or fails to give its opinion within the period prescribed in section 59.2, the council of the municipality may apply to the Commission for an assessment of the conformity of the program or of the by-law which is the subject of the resolution with the objectives of the development plan and the provisions of the complementary document.

The clerk or the secretary-treasurer of the municipality shall serve on the Commission and on the regional county municipality a certified copy of the resolution requesting the assessment.

The copy must be received by the Commission within 15 days after a copy of the resolution in which the council of the regional county municipality withholds approval of the resolution referred to in the second paragraph of section 59.1 is transmitted to the municipality or, as the case may be, after the expiry of the period prescribed in section 59.2.

"**59.4** The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the program or the by-law is not in conformity with the objectives of the development plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

For the purposes of section 59, where the assessment states that the planning program or the by-law is in conformity with the objectives of the development plan and with the provisions of the complementary document, the program or by-law need not be amended to take into account the revision of the plan.

"B—Obligations relating to conformity with the planning program

"**59.5** The council of each municipality whose territory is comprised in that of the regional county municipality shall, within two years of the coming into force of the revised plan, adopt any by-law amending the planning program or any concordance by-law necessary for the purpose of ensuring conformity with the program of any by-law which is not deemed to be in conformity pursuant to section 59.9. Such a concordance by-law must be in conformity with the planning program.

For the purposes of the first paragraph, the term "concordance by-law" means any by-law among the following that is needed to ensure the conformity referred to in that paragraph:

(1) any by-law which amends the zoning by-law, subdivision by-law or building by-law of a municipality or its by-law on the comprehensive development program or the site planning and architectural integration programs;

(2) the by-law adopted by the council of a municipality under section 116 or any by-law which amends it.

"**59.6** After the coming into force of the revised plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that one or other of the following by-laws of the municipality is in conformity with the planning program of the municipality:

(1) its zoning by-law;

(2) its subdivision by-law;

(3) its building by-law;

(4) its by-law respecting comprehensive development programs;

(5) its by-law respecting site planning and architectural integration programs;

(6) its by-law as provided for in section 116.

As soon as practicable after the adoption of the resolution in which the council indicates that a by-law is in conformity with the planning program, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the resolution to the Commission for registration purposes and, in accordance with the Act governing the municipality in that matter, give public notice of the adoption of the resolution, explaining the rules prescribed in the first two paragraphs of section 59.7 and in the first paragraph of section 59.8.

"**59.7** Any qualified voter in the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law which is the subject of the resolution referred to in the second paragraph of section 59.6 with the planning program.

The application must be transmitted to the Commission within 45 days after publication of the notice provided for in that paragraph.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

"**59.8** Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 59.7 in respect of the same by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of such a by-law with the planning program.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the secretary-treasurer of the municipality shall post in the office of the municipality a copy of the assessment received.

"**59.9** Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 59.7 in respect of the same by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

A by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 59.8, an assessment confirming such conformity.

"§ 3.—*Effects common to amendment and revision*

"**60.** Sections 32 and 46, from the coming into force of a by-law amending the plan or of a revised plan, refer to the plan as it exists after the amendment or revision."

27. Section 62 of the said Act is amended by inserting the words ", which are in conformity with the subdivision by-law of the municipality or, if they are not in conformity with the by-law, which are protected by acquired rights" after the word "reference" in the third line of subparagraph 1 of the first paragraph.

28. Section 64 of the said Act is amended by replacing the words "to either the second or the third paragraph of section 123" in the fourth and fifth lines of the second paragraph by the words "to sections 131 to 137".

29. Section 68 of the said Act is amended by striking out the third paragraph.

30. Section 71 of the said Act is amended by striking out the fifth paragraph.

31. Section 71.2 of the said Act is amended by replacing the first line of the second paragraph by the following words: "The second paragraph of section 68 applies to the by-law".

32. Section 73 of the said Act is amended by replacing the word "made" in the first line of the first paragraph and in the second line of the second paragraph by the word "requested".

33. Section 74 of the said Act is amended by striking out the fourth paragraph.

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

"**75.** For the application of the interim control in connection with the procedure for amending or revising the development plan, the other provisions of this division shall apply with the following adaptations:

(1) a resolution by which the council of the regional county municipality, in accordance with the third paragraph of section 48 or the first paragraph of section 56, provides for the application of interim control is considered to be a resolution provided for in section 4;

(2) the territory in which interim control applies shall be the territory mentioned in the resolution referred to in subparagraph 1 of this section, subject to any by-law adopted under section 63;

(3) sections 61 to 65 and 74 apply only to a municipality having jurisdiction over the territory in which interim control applies;

(4) in the case of interim control related to the procedure for amending a development plan, the date of the coming into force of the last concordance by-law which the council of the municipality concerned is required to adopt under section 58 to take any amendment made to the plan into account is considered to be the date of issue of the certificate of conformity referred to in sections 61, 63 and 74;

(5) in the case of interim control related to the procedure for revising the development plan, either of the following dates is considered to be the date of issue of the certificate of conformity referred to in sections 61, 63 and 74:

(*a*) the date of coming into force of the last concordance by-law that the council of the municipality concerned is required to adopt under section 59 for the purpose of taking the procedure of revision of the plan into account; or

(*b*) the date on which all by-laws, among those referred to in section 59.1, of the municipality concerned which need not be amended by a concordance by-law for the purpose of taking the procedure for revising the plan into account are determined under the fourth paragraph of section 59.2 or 59.4, if the date is subsequent to the date referred to in subparagraph *a* of this paragraph or if none of the by-laws, among those referred to in section 59.1, of the municipality concerned needs to be amended;

(6) an amendment made under the second paragraph of section 64 shall come into force according to the rules prescribed in section 110 or 137.15, as the case may be;

(7) the opinion provided for in section 74 may be combined with that provided for in section 46.

Sections 61, 62, 73 and 74 cease to have effect, and any by-law adopted under section 63 ceases to be in force, for the application of interim control in connection with the procedure for amending or revising the plan, where the resolution or the part of a resolution providing for the application of the control is repealed or struck out."

35. Section 77 of the said Act is amended

(1) by striking out the words "or of its amendment" in the fourth line of the first paragraph;

(2) by striking out the second paragraph.

36. Section 80 of the said Act is repealed.

37. Section 83 of the said Act is amended by adding, after paragraph 2, the following paragraph:

"(3) the planned layout and the type of the principal thoroughfares and transport systems."

38. Section 84 of the said Act is amended by striking out paragraph 2.

39. Section 102 of the said Act is amended by striking out the words "or of an amendment thereto" in the fourth line of the second paragraph.

40. Section 105 of the said Act is amended

(1) by striking out the word and figure "or 112" in the third line of the fourth paragraph;

(2) by replacing the words and figures "sections 111 and 112" in the first line of the sixth paragraph by the word and figure "section 111".

41. Section 106 of the said Act is amended by replacing the figure "124" in the second line of the second paragraph by the figures and words "130.2 to 130.6 and 131".

42. Section 108 of the said Act is repealed.

43. Sections 109 and 110 of the said Act are replaced by the following sections:

"**109.** The council of the municipality may amend its planning program in accordance with the procedure prescribed in this division.

"**109.1** The council of the municipality shall begin the procedure for amending the planning program by the adoption of a draft by-law.

The council, in the same resolution or in a subsequent one, may provide that interim control apply to a territory comprised in that of the municipality, which is not subject to interim control applied by the regional county municipality whose territory comprises that of the municipality.

As soon as practicable after the adoption of the draft by-law amending the planning program, the clerk or the secretary-treasurer of the municipality shall transmit to every contiguous municipality and to the regional county municipality a certified copy of the draft by-law and of the resolution under which it is adopted. Where the resolution provides for the application of interim control, the clerk or the secretary-treasurer shall transmit, at the same time, a certified copy of the resolution to the Commission for registration purposes.

As soon as practicable after the adoption of the subsequent resolution provided for in the second paragraph, the clerk or the secretary-treasurer shall transmit a certified copy of the resolution to the regional county municipality and, for registration purposes, to the Commission. The same applies in respect of a resolution repealing this subsequent resolution or striking out, in the resolution under which the draft by-law amending the program is adopted, the provision related to interim control.

"**109.2** The council of the municipality shall hold a public consultation meeting, presided by the mayor, concerning the draft by-law.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the secretary-treasurer of the municipality.

"**109.3** Not later than 15 days before the day the public meeting is held, the clerk or the secretary-treasurer of the municipality shall post in the office of the municipality and publish in a newspaper circulated in its territory a notice of the date, time, place and object of the meeting.

The notice shall include a summary of the draft by-law and mention that a copy of the latter may be examined at the office of the municipality.

However, the summary may be transmitted by mail or by other means, as the council of the municipality may choose, to every address in the territory of the municipality, not later than 15 days before the day the meeting is held instead of being integrated into the notice prescribed in the first paragraph. In this case, a notice indicating the date, time, place and object of the meeting and mentioning that a copy of the draft by-law may be examined at the office of the municipality shall accompany the summary.

"**109.4** At the public meeting, the council shall explain the draft by-law and the consequences of the adoption and the coming into force of such a by-law and hear the persons and bodies wishing to be heard.

"**109.5** After the public meeting, the council of the municipality shall adopt the by-law amending the planning program, with or without changes, by a majority vote of its members.

As soon as practicable after the adoption of the by-law, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the by-law and of the resolution by which it is adopted to the Commission for registration purposes.

"**109.6** As soon as practicable after the adoption of the by-law, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the by-law and of the resolution under which it is adopted to the regional county municipality whose territory includes that of the municipality.

The first paragraph does not apply where no development plan is in force in the territory of the municipality.

"**109.7** Within 120 days after the documents described in section 109.6 are transmitted, the council of the regional county municipality shall approve the by-law if it is in conformity with the objectives of the development plan and with the provisions of the complementary document or, if not, it shall withhold approval thereof.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary-treasurer shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality and, for registration purposes, to the Commission.

As soon as practicable after the adoption of the resolution by which approval of the by-law is withheld, the secretary-treasurer shall

transmit a certified copy of the resolution to the municipality and, for registration purposes, to the Commission.

"**109.8** Where the council of the regional county municipality withholds approval of a by-law or fails to give its opinion within the period prescribed in section 109.7, the council of the municipality may apply to the Commission for an assessment of the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

The clerk or the secretary-treasurer of the municipality shall serve on the Commission and on the regional county municipality a certified copy of the resolution requesting the assessment.

The copy must be received by the Commission within 15 days after a copy of the resolution in which approval of the by-law is withheld is transmitted to the municipality or, as the case may be, after the expiry of the period prescribed in section 109.7.

"**109.9** The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the by-law is not in conformity with the objectives of the development plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

Where the assessment states that the by-law is in conformity with the objectives of the development plan and the provisions of the complementary document, the secretary-treasurer, as soon as practicable after receipt of a copy of the assessment, shall issue a certificate of conformity in respect of the by-law and transmit a certified copy thereof to the municipality.

"**109.10** Where, under section 58 or 59, the municipality is bound to adopt a concordance by-law, if the assessment of the Commission indicates that the by-law is not in conformity with the objectives of the development plan and the provisions of the complementary document or if the Commission has received no application for an assessment regarding the by-law within the period prescribed in section 109.8, the council of the regional county municipality shall request that the municipality replace the by-law, within the period it prescribes, by another by-law which is in conformity with these objectives and provisions.

As soon as practicable after the adoption of the resolution by which the request for replacement is formulated, the secretary-treasurer shall transmit a certified copy of the resolution to the municipality.

The period prescribed for replacement shall not expire before the end of the 45-day period following transmission of the copy pursuant to the second paragraph.

"**109.11** Sections 109.1 to 109.4 do not apply in respect of a new by-law differing from the by-law it replaces, at the request of the council of the regional county municipality made under section 109.10, for the sole purpose of ensuring that it is in conformity with the objectives of the development plan and the provisions of the complementary document.

"**109.12** Where the council of the municipality fails to adopt a concordance by-law within the period prescribed in section 58 or 59 or within the period prescribed under section 109.10, as the case may be, the council of the regional county municipality may adopt it in its place.

Sections 109.1 to 109.10 do not apply in respect of the by-law adopted by the council of the regional county municipality under the first paragraph. The by-law is considered to be a by-law adopted by the council of the municipality and approved by the council of the regional county municipality. As soon as practicable after the adoption of the by-law, the secretary-treasurer shall issue a certificate of conformity in respect of it.

As soon as practicable after the adoption of the by-law and the issue of the certificate, the secretary-treasurer shall transmit a certified copy of the by-law, of the resolution by which it is adopted and of the certificate to the municipality and, for registration purposes, to the Commission. The copy of the by-law transmitted to the municipality shall stand in lieu of the original for the issue by the municipality of certified copies of the by-law.

The expenses incurred by the regional county municipality to act in the place of the municipality shall be reimbursed by the municipality.

"**110.** Where a development plan is in force in the territory of the municipality, the by-law shall come into force on the date of issue of the certificate of conformity in respect thereof.

As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer of the municipality shall publish

a notice thereof in a newspaper circulated in the territory of the municipality and shall post it in the office of the municipality.

"**110.1** Where no development plan is in force in the territory of the municipality, the by-law shall come into force, subject to section 64, in accordance with the Act governing the municipality in that respect.

"**110.2** As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the by-law, accompanied by a notice of the date of its coming into force, to every contiguous municipality, to the regional county municipality and, for registration purposes, to the Commission.

"**110.3** Within 90 days after the coming into force of the by-law, the clerk or the secretary-treasurer of the municipality shall publish a summary mentioning the date of its coming into force and stating that a copy of it may be examined at the office of the municipality in a newspaper circulated in the territory of the municipality.

However, the summary may be transmitted within the same period, by mail or by other means, as the council may choose, to every address in the territory of the municipality, instead of being published in a newspaper.

"DIVISION VI.1

"EFFECTS OF AMENDMENTS TO THE PLANNING PROGRAM

"**110.4** Within 90 days after the coming into force of a by-law amending the planning program, the council of the municipality shall adopt any concordance by-law needed to ensure conformity with the program of any by-law not deemed to be in conformity pursuant to section 110.9.

For the purposes of the first paragraph, the term "concordance by-law" means any by-law among the following that is needed to ensure the conformity referred to in that paragraph:

(1) any by-law which amends the zoning by-law, subdivision by-law or building by-law of a municipality or its by-law respecting comprehensive development programs or site planning and architectural integration programs;

(2) the by-law adopted by the council of a municipality under section 116 or any by-law which amends it.

Every concordance by-law must be in conformity with the amended program.

The first three paragraphs do not apply where the amendment to the planning program is made by a concordance by-law adopted under section 58 for the sole purpose of taking into account an amendment to the development plan and where the council adopts simultaneously a by-law amending the planning program and a concordance by-law it would otherwise have been required to adopt within the period prescribed in the first paragraph.

If the concordance by-law to be adopted under the first paragraph is also required under section 59.5, it shall be adopted before the expiry of the period which ends on the later of the day prescribed in the first paragraph and that prescribed in section 59.5.

"**110.5** Where the council of the municipality adopts, in accordance with section 59, a concordance by-law in relation to the planning program and another in relation to the zoning by-law, subdivision by-law or building by-law, to the by-law respecting the comprehensive development program or the site planning and architectural integration programs or to the by-law provided for in section 116, for the purpose of taking into account the revision of the plan, the latter concordance by-law must be in conformity with the planning program amended by the former by-law.

Where the council adopts simultaneously a by-law amending the planning program and a concordance by-law which the council would otherwise have been required to adopt within the period prescribed in the first paragraph of section 110.4, the latter by-law must be in conformity with the planning program amended by the former by-law.

"**110.6** After the coming into force or adoption of the by-law amending the planning program, depending on whether the conformity of a by-law with the program is imposed by section 110.4 or 110.5, the council of the municipality may indicate that the zoning by-law, subdivision by-law or building by-law of the municipality, its by-law respecting the comprehensive development program or the site planning and architectural integration programs or its by-law provided for in section 116 need not be amended to bring it into conformity with the planning program.

As soon as practicable after the adoption of the resolution under which the council indicates that a by-law need not be amended, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the resolution to the Commission for registration

purposes and, in accordance with the Act governing the municipality in that matter, give public notice of the adoption of the resolution, explaining the rules prescribed in the first two paragraphs of section 110.7 and in the first paragraph of section 110.8.

"**110.7** Every qualified voter in the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law which is the object of a resolution under the second paragraph of section 110.6 with the planning program.

The application must be transmitted to the Commission within 45 days after publication of the notice required by that paragraph.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

"**110.8** Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 110.7 in respect of the same by-law, the Commission shall, within 60 days of the expiry of the period prescribed in that section, give its assessment of the conformity of the by-law with the planning program.

Where the conformity of a by-law with the program is required under section 110.5, the program considered by the Commission is the program amended by the by-law referred to in that section, even if the by-law is not in force.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the secretary-treasurer of the municipality shall post in the office of the municipality a copy of the assessment it received.

"**110.9** Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 110.7 in respect of the same by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

A by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 110.8, an assessment confirming such conformity.

"**110.10** Section 101 shall refer, from the coming into force of a by-law amending the planning program, to the planning program as it exists after being amended."

44. Section 111 of the said Act is amended by striking out the words and figures "or the third paragraph of section 48 or 55" in the fifth line.

45. Section 112 of the said Act is replaced by the following section:

"**112.** For the application of the interim control in connection with the procedure for amending the planning program of the municipality, sections 61 to 65 and 67 to 73 shall apply, with the following adaptations:

(1) the municipality is considered to be the regional county municipality and is the only municipality referred to in sections 61 to 65;

(2) the resolution under which the council, in accordance with the second paragraph of section 109.1, provides for the application of the interim control shall be considered to be a resolution prescribed in section 4;

(3) the territory in which interim control applies shall be that which is mentioned in the resolution referred to in subparagraph 2 of this section, subject to any by-law adopted under section 63;

(4) the latest of the following dates is considered to be the date of issue of the certificate of conformity referred to in sections 61 and 63:

(*a*) the date of coming into force of the last concordance by-law that the council is required to adopt in accordance with section 58, 59, 59.5 or 110.4 for the purpose of taking into account, as the case may be, the amendment or revision of the development plan or the amendment of the planning program;

(*b*) the date on which all by-laws of the municipality, among those referred to in section 59.1, which need not be amended by a concordance by-law for the purpose of taking into account the revision of the development plan are determined under the fourth paragraph of section 59.2 or 59.4;

(*c*) the date on which all by-laws of the municipality, among those referred to in section 110.4, which need not be amended by a

concordance by-law for the purpose of taking into account the amendment of the planning program, are deemed, under the first or second paragraph of section 110.9, to be in conformity with the amended planning program;

(5) any amendment provided for in the second paragraph of section 64 comes into force according to the rules prescribed in section 137.15 or 137.16, as the case may be.

Sections 61, 62 and 73 cease to have effect, and any by-law adopted under section 63 ceases to be in force, for the application of the interim control in connection with the procedure for amending the planning program, where the resolution or the part of a resolution provided for the application of the control is repealed or struck out."

46. Section 112.1 of the said Act is amended

(1) by replacing the words "the cases contemplated in sections 111 and 112" in the first line of the first paragraph by the words "the case described in section 111";

(2) by striking out the words "or if it repeals the resolution contemplated in the second paragraph of section 109 before a by-law amending the planning program is passed" in the fourth, fifth and sixth lines of the first paragraph;

(3) by striking out the words ", in either case," in the first line of the second paragraph.

47. Section 113 of the said Act is amended

(1) by replacing subparagraph 16 of the second paragraph by the following subparagraphs:

"(16) to regulate or prohibit all or certain land uses, structures or works, taking into account the topography of the landsite, the proximity of a stream or lake, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of a place which may be taken into consideration for reasons of public safety or of protection of the environment of riverbanks and lakeshores, littoral zones or floodplains;

"(16.1) to regulate or prohibit all or certain land uses, structures or works, taking into account the proximity of a place where the present or planned presence or carrying out of an immovable or an activity results in land occupation being subject to special restrictions for reasons of public safety, public health or general welfare;";

(2) by adding, at the end, the following paragraph:

"For the purposes of subparagraph 16 or 16.1 of the second paragraph, a zoning by-law may, in particular, divide the territory of the municipality, establish classes of uses, structures or works to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions and rules varying according to the parts of the territory concerned, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source."

48. Section 115 of the said Act is amended

(1) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph:

"(1.1) to establish the conditions under which a non-conforming lot which is protected by acquired rights may be enlarged or changed, such conditions varying according to the cases prescribed in the by-law;";

(2) by replacing subparagraph 4 of the second paragraph by the following subparagraphs:

"(4) to regulate or prohibit all or certain cadastral operations, taking into account the topography of the landsite, the proximity of a stream or a lake, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of the place which may be taken into consideration for reasons of public safety or of the protection of the environment of riverbanks and lakeshores, littoral zones or floodplains;

"(4.1) to regulate or prohibit all or certain cadastral operations, taking into account the proximity of a place where the present or planned presence or carrying out, present or planned, of an immovable or activity results in land occupation being subject to major restrictions for reasons of public safety, public health or the general welfare;";

(3) by inserting the words ", free of charge," after the word "convey" in the second line of subparagraph 7 of the second paragraph;

(4) by striking out subparagraph 8 of the second paragraph;

(5) by adding, at the end, the following paragraph:

"For the purposes of subparagraph 4 or 4.1 of the second paragraph, the subdivision by-law may, in particular, divide the territory of the municipality, establish classes of cadastral operations to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions and rules varying according to the parts of territory, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source."

49. Section 116 of the said Act is amended by inserting the words ", which are in conformity with the subdivision by-law of the municipality or, if not, which are protected by acquired rights" after the word "plans" in the third line of subparagraph 1 of the first paragraph.

50. The said Act is amended by inserting, after section 117, the following heading and sections:

"DIVISION II.1

"ZONING AND SUBDIVISION BY-LAWS RESPECTING PARKS, PLAYGROUNDS AND NATURAL AREAS

"**117.1** For the purpose of promoting the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas, the zoning by-law may prescribe any prerequisite condition, from among the conditions mentioned in section 117.2, for the issue of a building permit in respect of an immovable which is the subject of a redevelopment plan, as defined by by-law, in any part of the territory of the municipality determined by the by-law.

The subdivision by-law may, for the same purposes, prescribe any prerequisite condition, from among the conditions mentioned in section 117.2, for the approval of a plan relating to a cadastral operation.

"**117.2** The prerequisite condition prescribed under section 117.1 may be any of the following: the owner undertakes to transfer, free of charge, to the municipality a parcel of land which, in the opinion of the council or executive committee, is suitable for the establishment

or enlargement of a park or playground or for the preservation of a natural area, or the owner pays an amount to the municipality, or the owner makes both the undertaking and the payment. The by-law may specify in which cases each of such obligations applies, or provide that the council or the executive committee shall decide in each case which obligation is applicable.

However, none of the conditions set out in the first paragraph may be imposed in the case of a cancellation, correction or replacement of lot numbers which does not result in an increase of the number of lots. The by-law may specify any other case in which none of the conditions may be imposed.

The land which the owner undertakes to transfer to the municipality must form part of the site. However, the municipality and the owner may agree that the undertaking pertains to land which forms part of the territory of the municipality but not included in the site.

For the purposes of this division, the word "site" means, as the case may be, the site of the immovable referred to in the first paragraph of section 117.1 or the land included in the plan referred to in the second paragraph of that section.

"**117.3** A by-law which includes a provision enacted under section 117.1 must establish rules for calculating the area of the land to be transferred or the amount to be paid.

The by-law may, for that purpose, define classes of lands according to the uses for which the sites and immovables found thereon may be intended, or according to their area, or according to both such criteria, delimit parts of the territory to which the provision applies or form combinations based on a class of land and part of a territory. The calculation rules established under the first paragraph may vary according to those classes, parts or combinations.

The rules shall vary according to whether the condition prescribed is an undertaking or a payment only, or both an undertaking and a payment. The rules prescribed in the subdivision by-law must also take into account, in favour of the owner, any transfer or payment made at the time of a previous cadastral operation concerning the whole or part of the site.

"**117.4** The area of the land to be transferred and the amount paid shall not exceed 10% of the area and value of the site, respectively.

However, where the owner is to make both an undertaking and a payment, the total of the value of the land to be transferred and of the amount paid shall not exceed 10% of the value of the site.

"**117.5** Any agreement on the undertaking to transfer a parcel of land not included in the site entered into under the third paragraph of section 117.2 shall prevail over any calculation rule established under section 117.3 and over any maximum amount fixed under section 117.4.

"**117.6** For the purposes of section 117.4, the value of the land to be transferred or of the site is considered on the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral operation, as the case may be, and is established according to the principles applicable to expropriation.

The value is established, at the owner's expense, by a chartered appraiser commissioned by the municipality.

The first two paragraphs apply for the purposes of the establishment of the value of any land other than land referred to in the first paragraph if the value must be established for the purposes of the calculation rules provided for in section 117.3.

Notwithstanding the first three paragraphs, the by-law may permit the use of the real estate assessment roll of the municipality. In such a case, if on the date referred to in the first paragraph the land, including the site, for which a value is to be established constitutes a unit of assessment entered on the roll or a part of such a unit of assessment whose value is entered on the roll separately, its value for the purposes of this division is the product of the value entered on the roll for the unit or part thereof corresponding to the land whose value must be established, as the case may be, multiplied by the factor of the roll established in accordance with section 264 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1). If the land is not a unit of assessment or part of a unit of assessment, the first three paragraphs apply.

"**117.7** The municipality or the owner may contest, before the Expropriation Division of the Court of Québec, the value established by the appraiser in accordance with the first three paragraphs of section 117.6.

The contestation does not exempt the owner from paying the amount and, as the case may be, transferring the area of the land required by the municipality on the basis of the value established by the appraiser.

"**117.8** To submit the matter to the Expropriation Division, the municipality or the owner must cause a notice of contestation to be served on the other and file it with the Expropriation Division, together with proof of service. The notice shall be filed accompanied with the building or subdivision permit, as the case may be, and with a plan and a description, signed by a land surveyor, of the land whose value is contested; a certified copy of such a document may be filed in place of the original.

The notice of contestation shall mention the value established by the appraiser, refer to the plan and description, summarily set out the grounds for contestation, specify the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral operation authorized by the subdivision permit, as the case may be, and request that the Expropriation Division establish the value of the land concerned.

The documents mentioned in the first paragraph must, on pain of dismissal of the contestation, be filed within 30 days of the issue of the building or subdivision permit, as the case may be.

"**117.9** Upon the filing of the documents mentioned in the first paragraph of section 117.8, the owner and the municipality become parties to the contestation.

Within 60 days after service of the notice of contestation, each party shall submit a statement containing its estimate of the value of the land concerned and setting out the reasons which justify such estimate.

If a party fails to submit a statement, the other party may proceed by default.

"**117.10** The burden of proof lies with the party contesting the value established by the appraiser.

"**117.11** The Expropriation Division may, in a decision giving reasons, either confirm or set aside the value established by the appraiser and establish the value of the land concerned on the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral operation authorized by the subdivision permit, as the case may be; it is not bound to establish a value between those submitted by the parties. It shall also rule on the costs.

It shall, as soon as practicable, send a copy of its decision to the prothonotary.

"**117.12** The provisions of the Expropriation Act (R.S.Q., chapter E-24) which are not inconsistent with sections 117.8 to 117.11 apply, with the necessary changes, to the contestation of the value established by the appraiser.

"**117.13** Where, following the decision of the Expropriation Division, it appears that the amount paid to the municipality by the owner is too high, the municipality shall refund the excess amount to the owner.

Where, following the Division's decision, it appears that the total of the value of the land transferred or to be transferred and the amount paid is more than it should have been, the municipality shall refund the excess amount to the owner.

In addition to the capital of the amount to be refunded, the municipality shall also pay to the owner the interest which would have accrued on such capital, at the rate applicable to arrears on taxes in the municipality, from the date of payment to the date of the refund.

"**117.14** Where, following the Division's decision, it appears that the amount paid to the municipality by the owner is insufficient, the owner shall pay the difference to the municipality.

Where, following the Division's decision, it appears that the total of the value of the land transferred or to be transferred and the amount paid is less than it should have been, the owner shall pay to the municipality an additional amount equal to the difference between such totals.

In addition to the capital of the amount to be paid, the owner shall also pay to the municipality the interest which would have accrued on such capital, at the rate applicable to arrears on taxes in the municipality, from the date of payment prior to the Division's decision to the date of the payment made pursuant to this section.

The amount to be paid encumbers, as a real estate tax, the unit of assessment that includes the site. It may be recovered in the same manner as a real estate tax.

"**117.15** Land transferred pursuant to a provision enacted under section 117.1 may be used only for the establishment or enlargement of a park or playground or for the preservation of a natural area for as long as it belongs to the municipality.

Every amount paid pursuant to such a provision and every amount received by the municipality in return for a transfer of land under the first paragraph shall form part of a special fund.

The fund may be used only to purchase or develop land to be used for parks or playgrounds, to purchase land to be used for natural areas or to purchase plants and to plant and maintain them on property of the municipality. For the purposes of this paragraph, the development of land includes the construction thereon of a building the use of which is inherent in the use or maintenance of a park, playground or natural area.

The Communauté urbaine de Montréal and every municipality whose territory is comprised in the Community's territory may make an agreement under which the municipality transfers to the Community, for the purposes of the exercise by the Community of its jurisdiction over regional parks, part of the land or fund referred to in this section.

"**117.16** Amounts paid pursuant to a provision enacted under section 117.1 do not constitute a tax, a compensation or a mode of tariffing."

51. Section 118 of the said Act is amended by striking out the words "entered on the valuation roll" in the second and third lines of subparagraph 3 of the second paragraph.

52. Section 119 of the said Act is amended by replacing the word and figure "and 14" in the third line of paragraph 2 by the figures and word ", 14, 16 and 16.1".

53. The heading of Division V of Chapter IV of Title I of the said Act is amended by inserting the words "AND COMING INTO FORCE" after the word "ADOPTION".

54. The said Act is amended by inserting, after the heading of Division V of Chapter IV of Title I, the following heading:

"§ 1.—*Consultation on and adoption of an original by-law*".

55. Section 123 of the said Act is amended

(1) by striking out the words ", amendment or repeal" in the first and second lines of the first paragraph;

(2) by striking out the second and third paragraphs.

56. The said Act is amended by striking out, after section 123, the following heading:

"§ 1.—*Consultation*".

57. The said Act is amended by inserting, after section 130, the following heading and sections:

"§ 1.1.—*Consultation on and adoption of an amending by-law*

"**130.1** The council of the municipality may amend the zoning, subdivision or building by-law of the municipality, the by-law adopted pursuant to section 116 or the by-law respecting minor exemptions from a planning by-law, or respecting comprehensive development programs or site planning and architectural integration programs by following the procedure provided for in this subdivision.

However, sections 130.2 to 130.6 do not apply in respect of a by-law of a regional county municipality adopted for an unorganized territory.

"**130.2** The council of the municipality shall begin the procedure for amending a by-law to which this section applies by the adoption of a draft by-law.

As soon as practicable after the draft by-law is adopted, the clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality a certified copy of the draft by-law and of the resolution by which it is adopted.

"**130.3** The council of the municipality must hold a public consultation meeting, presided by the mayor, concerning the draft by-law.

The council shall fix the date, time and place of the meeting; it may delegate all or part of its power to the clerk or the secretary-treasurer of the municipality.

"**130.4** Not later than 15 days before the day the public meeting is held, the clerk or the secretary-treasurer of the municipality shall post in the office of the municipality and publish in a newspaper circulated in its territory a notice of the date, time, place and object of the meeting.

Unless the draft by-law is a concordance draft by-law to be adopted under section 58 or 59, the notice shall, where the draft by-law concerns a zone or sector, illustrate by means of a sketch the perimeter of the zone or sector and describe it by using, whenever possible, the names of thoroughfares. It must then be posted in the zone or sector so as to be easily seen by passers-by.

"**130.5** Not later than 15 days before the day the public meeting is held on a draft by-law affecting an immovable acquired under a provision of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) or any other legislative provision enabling a municipality to acquire immovables for industrial purposes, the clerk or the secretary-treasurer of the municipality shall transmit to the Minister of Industry, Trade and Technology a notice indicating summarily the ways in which the immovable is affected by the draft by-law and mentioning the date, time, place and object of the meeting.

"**130.6** At the public meeting, the council shall explain the draft by-law and hear the persons and bodies wishing to be heard.

"**130.7** After the public meeting, the council of the municipality shall adopt the by-law, with or without changes.

As soon as practicable after the adoption of the by-law, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the by-law and of the resolution by which it is adopted to the Commission for registration purposes."

58. The heading of subdivision 2 of Division V of Chapter IV of Title I and section 131 of the said Act are replaced by the following heading and sections:

"§ 2.—*Approval of certain by-laws by qualified voters*

"**130.8** Sections 131 to 137 apply in respect of any by-law whose object is to amend the zoning or subdivision by-law of the municipality by amending, replacing or striking out a provision related to a matter provided for in any of subparagraphs 1 to 6 and 10 to 22 of the second paragraph of section 113 or any matter provided for in any of subparagraphs 1, 3, 4 and 4.1 of the second paragraph of section 115.

However, sections 131 to 137 do not apply in respect of a concordance by-law proposing an amendment referred to in the first paragraph, pursuant to section 58, 59 or 110.4, for the sole purpose of taking into account the amendment or review of the development plan or the amendment to the planning program.

"**131.** Every by-law to which this section applies must, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), be approved by the qualified voters of all or part of the territory of the municipality, as provided in section 132.

Such a by-law may include more than one provision requiring approval by qualified voters to the extent that, were each such

provision included in a separate by-law, all such separate by-laws would require approval by the same qualified voters.

For the purposes of the second paragraph, the qualified voters of all the contiguous zones or sectors referred to in section 132 are, where applicable, presumed to have the right to take part in the approval process.

"**131.1** The clerk or the secretary-treasurer of the municipality shall, where a development plan is in force in the territory of the municipality, transmit a notice to the regional county municipality indicating the date on which the by-law is deemed to have been approved by the qualified voters."

59. The said Act is amended by inserting, after section 137, the following heading and sections:

"§ 3.—*Examination of conformity of certain by-laws with the objectives of the development plan and with the provisions of the complementary document*

"**137.1** Sections 137.2 to 137.8 apply where a development plan is in force in the territory of the municipality.

"**137.2** As soon as practicable after the adoption of a by-law amending the zoning, subdivision or building by-law of the municipality, after the adoption by the council of the municipality of the by-law provided for in section 116, of a by-law respecting comprehensive development programs or a by-law respecting site planning and architectural integration programs or after the adoption of a by-law amending any of the last three by-laws, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy of the by-law and of the resolution by which it is adopted to the regional county municipality whose territory includes that of the municipality.

However, if the by-law requires the approval of the qualified voters, the documents mentioned in the first paragraph shall be transmitted, as soon as practicable, either after the approval or, at the option of the council, after the adoption of the by-law. In the latter case, the clerk or the secretary-treasurer shall, when transmitting the documents, notify the regional county municipality that the by-law requires the approval of the qualified voters.

"**137.3** Within 120 days after the documents described in section 137.2 are transmitted, the council of the regional county

municipality shall approve the by-law if it is in conformity with the objectives of the plan and with the provisions of the complementary document, or, if not, it shall withhold approval thereof.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary-treasurer shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality and, for registration purposes, to the Commission. However, where the by-law must also be approved by qualified voters and such approval has not been given when the council gives its approval, the documents which must be issued or transmitted under the first paragraph shall be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in section 131.1.

As soon as practicable after the adoption of the resolution by which approval of the by-law is withheld, the secretary-treasurer shall transmit a certified copy of the resolution to the municipality and, for registration purposes, to the Commission.

"**137.4** Where the council of the regional county municipality withholds approval of the by-law or fails to give its opinion within the time prescribed in section 137.3, the council of the municipality may apply to the Commission for an assessement of the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

The clerk or the secretary-treasurer of the municipality shall serve on the Commission and on the regional county municipality a certified copy of the resolution requesting the assessment.

The copy must be received by the Commission within 15 days after a copy of the resolution in which approval of the by-law is withheld is transmitted to the municipality or, as the case may be, the expiry of the period prescribed in section 137.3.

"**137.5** The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the by-law is not in conformity with the objectives of the development plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

If the assessment indicates that the by-law is in conformity with the objectives of the development plan and the provisions of the complementary document, the secretary-treasurer shall, as soon as practicable after receipt of the copy of the assessment, issue a certificate of conformity in respect of the by-law and transmit a certified copy thereof to the municipality. However, where the by-law must also be approved by qualified voters and such approval has not been given when the secretary-treasurer receives a copy of the assessment of the Commission, the documents which must be issued or transmitted under this paragraph shall be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in section 131.1.

"**137.6** Where, under section 58 or 59, the municipality is bound to adopt a concordance by-law to take into account the amendment or revision of the development plan, if the assessment of the Commission indicates that the by-law is not in conformity with the objectives of the development plan and the provisions of the complementary document or if the Commission has received no application for assessment regarding the by-law within the time prescribed in section 137.4, the council of the regional county municipality shall request that the municipality replace the by-law, within the period it prescribes, by another by-law which is in conformity with these objectives and provisions.

As soon as practicable after the adoption of the resolution requesting that the by-law be replaced, the secretary-treasurer shall transmit a certified copy of the resolution to the municipality.

The period prescribed for replacement shall not expire before the end of the 45-day period following transmission pursuant to the second paragraph.

"**137.7** Sections 130.2 to 130.6 do not apply in respect of a new by-law differing from the by-law it replaces, at the request of the council of the regional county municipality made under section 137.6, for the sole purpose of ensuring that it is in conformity with the objectives of the development plan and the provisions of the complementary document.

"**137.8** Where the council of the municipality fails to adopt, within the time prescribed in section 58 or 59 or under section 137.6,

as the case may be, a concordance by-law to take into account the amendment or revision of the plan, the council of the regional county municipality may adopt it in its place.

Sections 130.2 to 137.6 do not apply in respect of the by-law adopted by the council of the regional county municipality under the first paragraph. The by-law is considered to be a by-law adopted by the council of the municipality and approved by the council of the regional county municipality. As soon as practicable after the adoption of the by-law, the secretary-treasurer shall issue a certificate of conformity in respect of it.

As soon as practicable after the adoption of the by-law and the issue of the certificate, the secretary-treasurer shall transmit a certified copy of the by-law, of the resolution by which it is adopted and of the certificate to the municipality and, for registration purposes, to the Commission. The copy of the by-law transmitted to the municipality shall stand in lieu of the original for the issue by the municipality of certified copies of the by-law.

The expenses incurred by the regional county municipality to act in the place of the municipality shall be reimbursed to it by the municipality.

"§ 4.—*Examination of conformity of certain by-laws with the planning program*

"**137.9** Sections 137.10 to 137.14 apply in respect of any concordance by-law which must be in conformity with the planning program under section 59.5, 110.4 or 110.5.

However, those sections do not apply in respect of a by-law adopted by the council of the regional county municipality in accordance with section 137.8. Such a by-law is deemed to be in conformity with the program from the time of its adoption.

"**137.10** As soon as practicable after the adoption of a by-law to which this section applies, the clerk or the secretary-treasurer of the municipality shall, in accordance with the Act governing the municipality in that respect, give public notice of the adoption of the by-law, explaining the rules prescribed in the first two paragraphs of section 137.11 and in the first paragraph of section 137.12.

"**137.11** Any qualified voter of the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law with the planning program.

The application must be transmitted to the Commission within 45 days after publication of the notice provided for in section 137.10.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

"**137.12** Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 137.11 in respect of the by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of such a by-law with the planning program.

Where the conformity of the by-law with the program is required by section 110.5, the program taken into consideration by the Commission is the program amended by the by-law referred to in the said section, even if the by-law is not in force.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the secretary-treasurer of the municipality shall post in the office of the municipality the copy of the assessment received.

"**137.13** Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 137.11 in respect of the by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

The by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 137.12, an assessment confirming such conformity.

"**137.14** The council of the municipality must adopt a new concordance by-law to replace a by-law which is not deemed under section 137.13 to be in conformity with the program, so as to ensure such conformity.

Sections 130.2 to 130.6 do not apply in respect of a new by-law differing from the by-law it replaces for the sole purpose of ensuring that it is in conformity with the program.

The new by-law must be adopted before the expiry of the period which ends on the later of the date of expiry of the period prescribed for the adoption of the by-law it replaces and a period of 90 days after the day on which the Commission gives its assessment on whether or not the by-law is in conformity with the program.

"§ 5.—*Coming into force of by-laws*

"**137.15** Every by-law to which sections 137.2 to 137.7 apply or which is adopted by the council of the regional county municipality in accordance with section 137.8 comes into force on the date on which the certificate of conformity is issued.

However, where sections 137.10 to 137.14 apply also to the by-law, the by-law comes into force on the later of the date on which the certificate of conformity is issued and the date from which, according to section 137.13, it is deemed to be in conformity with the planning program.

As soon as practicable after the coming into force provided for in the first or second paragraph, the clerk or the secretary-treasurer of the municipality shall publish a notice thereof in a newspaper circulated in the territory of the municipality and post it in the office of the municipality.

"**137.16** Every by-law referred to in section 123 or 130.1 of a municipality in whose territory no development plan is in force shall come into force, subject to sections 44, 64 and 105, in accordance with the Act governing the municipality in that respect.

No by-law to which sections 137.10 to 137.14 apply may come into force earlier than the date from which, according to section 137.13, it is deemed to be in conformity with the planning program.

"**137.17** As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer of the municipality shall transmit a certified copy thereof with a notice of the date on which it comes into force to every contiguous municipality, to the regional county municipality and, for registration purposes, to the Commission."

60. Section 145.14 of the said Act is amended

(1) by replacing the words "subject to sections 58 to 60" in the second and third lines of the first paragraph by the words "in accordance with the applicable provisions of Division V";

(2) by striking out the second paragraph.

61. Section 145.18 of the said Act is amended by replacing the figures and word "125 to 129" in the second line by the figures and word "130.3 to 130.6".

62. Section 148.1 of the said Act is amended by replacing the figure "5" in the third line by the figure "6".

63. Sections 149 to 157 of the said Act are replaced by the following sections:

"**149.** Sections 150 to 157 apply to interventions through which the Government or any of its ministers or mandataries

(1) begins to use land or changes the use it makes of land;

(2) carries out work on the soil;

(3) builds, installs, demolishes, removes, enlarges, moves or changes the use of a building, equipment or infrastructure;

(4) creates, abolishes or changes the boundaries of a wildlife preserve, a wildlife sanctuary, a wildlife management area, a park or an ecological reserve;

(5) designates and delimits part of the lands in the public domain to foster the utilization of wildlife resources, or abolishes or changes such designation and delimitation;

(6) authorizes, in accordance with the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1), the construction of a road other than a forest road or a mining road;

(7) authorizes the construction of a main forest road included in a general forest management plan, by issuing, in accordance with the Forest Act (R.S.Q., chapter F-4.1), a forest management permit which includes the construction of such a road;

(8) renders available, for vacation purposes on lands in the public domain, a location consisting of at least five sites with a concentration of at least one site per 0.8 hectare.

However, sections 150 to 157 do not apply to

(1) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph, unless such an intervention concerns a component of an electrical network, in a territory referred to in either of subparagraphs 4 and 5 of the first paragraph;

(2) an intervention by Hydro-Québec mentioned in any of subparagraphs 1 to 3 of the first paragraph, other than a building which, under the Hydro-Québec Act (R.S.Q., chapter H-5), requires prior authorization by the Government;

(3) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph which is related to the management of resources on lands in the public domain, such as a forest management or wildlife management activity;

(4) an intervention mentioned in either of subparagraphs 2 and 3 of the first paragraph aimed at restoring the premises after unlawful occupation;

(5) repair or maintenance work.

For the purposes of subparagraphs 1 and 3 of the first paragraph, the transfer of a right in respect of a parcel of land, a building, an equipment or an infrastructure does not in itself constitute the beginning of a use or a change of use.

"**150.** The Government or any of its ministers or mandataries may make an intervention to which this section applies, in a territory where a development plan or an interim control by-law adopted by the council of a regional county municipality is in force, only if the intervention is deemed, under section 157, to be in conformity with the objectives of the development plan or the provisions of the by-law.

If in the territory concerned, a development plan and an interim control by-law are in force simultaneously and if the intervention is in conformity with the objectives of the plan but not with the provisions of the by-law, or *vice versa*, the document considered for the purposes of the first paragraph shall be the one containing the provisions applicable to the territory concerned that were brought into force more recently.

In the case of an intervention mentioned in subparagraph 7 of the first paragraph of section 149, only the elements of the permit referred to in that subparagraph which concern the construction of a main forest road shall be taken into consideration for the purposes of assessing the conformity of the intervention.

"**151.** Where an intervention mentioned in section 150 is planned, the Minister shall serve a notice on the regional county municipality describing the intervention.

The Minister shall transmit a copy of the notice to the Commission, for registration purposes.

The notice remains valid for three years after the date on which the intervention is deemed under section 157 to be in conformity with the objectives of the development plan or the provisions of the interim control by-law, and throughout the period during which the intervention continues after those three years, regardless of amendments made to the plan or by-law coming into force before the end of the intervention. If the intervention does not begin within those three years and remains a project at the expiry of the three years, the Minister must serve a new notice in respect of that intervention. The second paragraph of section 150, adapted as required, applies for the purposes of this paragraph.

However, in the case of a building which, under the Hydro-Québec Act (R.S.Q., chapter H-5), requires prior authorization by the Government, the three-year period prescribed in the third paragraph begins to run from the date on which the building, deemed to be in conformity under section 157, is authorized by the Government.

"**152.** The council of the regional county municipality shall, within 120 days after being served a notice pursuant to section 151, give its opinion on the conformity of the planned intervention with the objectives of the development plan or the provisions of the interim control by-law.

The secretary-treasurer shall, within the time prescribed in the first paragraph, serve on the Minister a certified copy of the resolution stating the council's opinion. He shall transmit a copy to the Commission, for registration purposes.

The Minister shall notify, in writing, the regional county municipality of the date on which he received the copy.

"**153.** If the opinion indicates that the planned intervention is not in conformity with the objectives of the development plan or the provisions of the interim control by-law, the Minister may, within 120 days after receipt of the copy of the resolution stating the council's opinion, request an assessment of the conformity from the Commission or require that the council of the regional county municipality amend the plan or by-law to ensure its conformity.

If the Minister elects to request an assessment from the Commission, he shall serve his request on the Commission within the period prescribed in the first paragraph and transmit a copy thereof to the regional county municipality.

If the Minister elects to request an amendment to the plan or by-law, he shall serve on the regional county municipality, within the

period prescribed in the first paragraph, a request with reasons, indicating the amendments that must be made to ensure conformity of the planned intervention with the objectives of the plan or the provisions of the by-law. He shall transmit a copy of the request to every municipality whose territory is comprised in the territory of the regional county municipality and, for registration purposes, to the Commission.

"**154.** The Commission must give an assessment of the conformity of the planned intervention with the objectives of the development plan or the provisions of the interim control by-law within 60 days after receipt of a request under the second paragraph of section 153.

Any assessment stating that the intervention is not in conformity with such objectives or provisions may contain the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the Minister and to the regional county municipality.

Where the assessment indicates that the planned intervention is not in conformity with the objectives of the plan or the provisions of the by-law, the Minister may, within 30 days after receipt of the copy of the assessment, request that the council of the regional county municipality amend the plan or by-law to ensure its conformity. The third paragraph of section 153, adapted as required, applies in such a case as regards the time prescribed for serving the request.

"**155.** Within 90 days after service of the request in accordance with the third paragraph of section 153, the council of the regional county municipality must adopt a by-law to amend the development plan or the interim control by-law to take account of the request.

Sections 48 to 53.4 do not apply to a by-law which amends the development plan for the sole purpose of taking the request into account. For the purposes of sections 53.7 to 53.9, the Minister shall give his assessment of the conformity of the planned intervention with the objectives of the plan, as amended by by-law, even if the by-law is not in force.

"**156.** Where the council of the regional county municipality fails to adopt a by-law amending the development plan or the interim control by-law to take into account the Minister's request, the Government may act in the place of the council in accordance with the provisions of this section.

Once the council has failed to act, the Minister shall produce a document describing the planned intervention and the amendments to be made to the development plan or interim control by-law to ensure conformity of the intervention with the objectives of the development plan or the provisions of the interim control by-law. He shall transmit a copy of the document to the regional county municipality and to every municipality whose territory is comprised in the territory of the regional county municipality.

The Minister shall, through a representative, hold one or more public consultation meetings on the document referred to in the second paragraph. The representative shall fix the date, time and place of each meeting.

Not later than 15 days before the day preceding a meeting, the Minister or his representative shall publish, in a newspaper circulated in the territory of the regional county municipality, a notice of the date, time, place and object of the meeting. The notice shall also include a summary of the document referred to in the second paragraph and mention that a copy of the document may be examined in the office of every municipality whose territory is comprised in the territory of the regional county municipality.

At such a meeting, the Minister's representative shall explain the document referred to in the second paragraph and hear the persons and bodies wishing to be heard.

After the meeting or, as the case may be, the last of the meetings, the Government may, by order, adopt a by-law amending the development plan or the interim control by-law to ensure conformity of the planned intervention with the objectives of the plan or the provisions of the by-law. The by-law adopted by the Government is deemed to have been adopted by the council of 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 mentioned in the order.

"**157.** The planned intervention is deemed to be in conformity with the objectives of the development plan and the provisions of the interim control by-law,

(1) where the council of the regional county municipality or the Commission gives an opinion confirming the conformity;

(2) where the council of the regional county municipality does not give an opinion on the conformity within the time prescribed in the first paragraph of section 152;

(3) upon the coming into force of a by-law amending the development plan or interim control by-law adopted either by the council of the regional county municipality to take into account a request from the Minister served under the third paragraph of section 153 or by the Government in accordance with the sixth paragraph of section 156."

64. Section 161 of the said Act is amended by striking out the words "on the Minister of Energy and Resources for the purposes of the cadastre, and" in the fourth and fifth lines.

65. Section 163 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The second, third, fourth and fifth paragraphs of section 156, adapted as required, apply to such consultation."

66. Section 165.1 of the said Act is repealed.

67. Section 165.2 of the said Act is amended by striking out the words "not later than ninety days after the Minister receives a copy of the by-law" in the third and fourth lines of the second paragraph.

68. Section 165.3 of the said Act is amended

(1) by replacing the words "The second paragraph of section 59 and section 60" in the first line of the first paragraph by the words "Sections 137.3 to 137.5 and 137.15";

(2) by striking out the words ", to the Commission and to the regional county municipality" in the first and second lines of the second paragraph;

(3) by adding, at the end, the following paragraph:

"The by-law comes into force in accordance with the Act governing the municipality in that matter."

69. Section 221 of the said Act is amended

(1) by replacing the words "or a zoning, subdivision or building by-law" in the second and third lines of the first paragraph by the words ", a zoning by-law, a subdivision by-law or a building by-law or a by-law respecting comprehensive development programs or site planning and architectural integration programs";

(2) by replacing the words "a zoning, subdivision or building by-law" in the fifth line of the first paragraph by the words "such a by-law".

70. Section 224 of the said Act is amended by replacing the word and figure "section 151" in the second line by the words "a request for a notice pertaining to a government intervention".

71. Section 227 of the said Act is amended

(1) by inserting the words "the Attorney General," after the words "request of" in the first line of the first paragraph;

(2) by replacing the words "or building by-law" in the second line of subparagraph 1 of the first paragraph by the words ", building by-law, a by-law provided for in section 116 or an interim control by-law, or with a plan approved in accordance with section 145.19";

(3) by replacing the words "Chapter VI of Title I" in subparagraph 2 of the first paragraph by the word and figure "section 150";

(4) by replacing the words "the law and the regulations" in the third line of the second paragraph by the words "the by-law or the plan referred to in subparagraph 1 of the first paragraph, or to cause an intervention to which section 150 applies to be in conformity with the objectives of the applicable development plan or the provisions of the applicable interim control by-law".

72. Section 228 of the said Act is amended

(1) by replacing the first two lines by the following:

"**228.** Any subdivision, cadastral operation or parcelling out of a lot by alienation which is carried out contrary to a subdivision or interim control by-law or a plan approved in accordance with section 145.19 may be annulled. The Attorney General or any interested person,";

(2) by adding, at the end, the following paragraph:

"The first paragraph does not apply to a subdivision, cadastral operation or parcelling out whose effects are confirmed by the registration of the immovables made as part of the cadastral renewal or review effected in the territory concerned by the implementation of a renewal plan prepared under Chapter II of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) or a plan

drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11)."

73. Section 229 of the said Act is amended

(1) by replacing the words and figures ", to section 162 or to the interim control by-law contemplated in section 65" in the fourth and fifth lines of the first paragraph by the words and figure "or section 162";

(2) by replacing the words "the law and the regulations" in the third line of the second paragraph by the words and figures "section 61 or 162".

74. Section 230 of the said Act is amended

(1) by replacing the words and figures ", section 162 or the interim control by-law contemplated in section 65" in the second and third lines of the first paragraph by the word and figure "or 162";

(2) by adding, at the end, the following paragraph:

"The first two paragraphs do not apply to a cadastral operation or a parcelling out whose effects are confirmed by the registration of the immovables made as part of the cadastral renewal or review effected in the territory concerned by the implementation of a renewal plan prepared under Chapter II of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) or a plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11)."

75. The said Act is amended by inserting, after section 234, the following section:

"**234.1** Where this Act requires that a copy of a reviewed development plan or of a by-law be transmitted to a person, after its coming into force, and the person has already received an identical copy after the adoption of the plan or by-law, the sender may transmit to the person, instead of the copy, a notice indicating that the text in force is identical to the adopted text and specifying the dates of coming into force and adoption.

Where this Act requires the transmission after its adoption of a copy of a plan or by-law adopted to replace another which did not come into force by reason of non-conformity, and the person has already received a copy of the replaced plan or by-law, the sender may transmit to the person, instead of the copy, only the pages of the new plan or by-law which contain changes, with a notice indicating the

changes, mentioning that except for those changes, the new text is identical to the previous one and specifying the date of adoption of each."

76. Section 235 of the said Act is amended by replacing the words ", the date of publication by the council of a municipality of a notice stating that it does not intend to amend its by-law to bring it into conformity with the planning programme" in the sixth, seventh and eighth lines of the second paragraph by the words "or in section 59.7 or 110.7, the date of publication of the notice provided for in the third paragraph of section 102 or in the second paragraph of section 59.6 or 110.6".

77. The said Act is amended by inserting, after section 237, the following section:

"**237.1** The council of a regional county municipality may, by by-law, delegate to the executive committee of the regional county municipality all or part of its powers under this Act, except the power to adopt by-laws or draft by-laws or to adopt a document accompanying any of them.

The first paragraph prevails over article 124 of the Municipal Code of Québec (R.S.Q., chapter C-27.1)."

78. Section 240 of the said Act is amended

(1) by inserting the words and figure ", any by-law provided for in section 116 or any by-law respecting comprehensive development programs or site planning and architectural integration programs" after the word "by-law" in the fourth line of the first paragraph;

(2) by replacing the words "a by-law adopted pursuant to section 102 with the planning program of a municipality" in the second, third and fourth lines of the second paragraph by the words and figures "any by-law referred to in section 102 or in respect of which sections 59.6 to 59.9 and 137.10 to 137.14 apply with the planning program of the municipality";

(3) by striking out the third paragraph.

79. Section 241 of the said Act is amended

(1) by replacing the figures "96, 100" in the second line of subparagraph 2 of the first paragraph by the figures "56.11, 57, 96, 100, 110.3";

(2) by striking out subparagraph 7 of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

"Such regulations must be registered with the Commission".

80. Section 246 of the said Act is amended by adding, at the end, the following paragraph:

"However, such a provision may have the effect of preventing the extraction of sand, gravel or building stone on private lands where, under section 5 of the Mining Act (R.S.Q., chapter M-13.1), the rights in or over such mineral substances are surrendered to the owner of the soil."

81. The said Act is amended by inserting, after section 246, the following section:

"**246.1** Failure by a regional county municipality or a municipality or any of its council members or officers to observe a formality prescribed by this Act does not invalidate a deed, except where such failure causes serious harm or the Act provides for its effect, in particular, by stating that the formality must be observed on pain of nullity or rejection of the deed."

82. Section 264 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: "Its executive committee is considered to be the executive committee of a regional county municipality.";

(2) by replacing the figure "108" in the first line of subparagraph *a* of subparagraph 1 of the second paragraph by the figures and words "107, 59.5 to 59.9 and 137.10 to 137.14";

(3) by inserting the figures and words "59 to 59.4 and 137.2 to 137.8," after the figure "46," in the first line of subparagraph *a* of subparagraph 1 of the second paragraph;

(4) by striking out subparagraph *c* of subparagraph 1 of the second paragraph;

(5) by replacing the word and figure "and 129" in the first line of subparagraph *b*.1 of subparagraph 2 of the second paragraph by the figures and word ", 129 and 130.3".

83. Section 264.0.1 of the said Act is amended

(1) by replacing the figure "108" in the first line of subparagraph *a* of subparagraph 1 of the second paragraph by the figures "107, 59.5 to 59.9 and 137.10 to 137.14";

(2) by inserting the figures and words "59 to 59.4 and 137.2 to 137.8," after the figure "46," in the first line of subparagraph *a* of subparagraph 1 of the second paragraph;

(3) by striking out subparagraph *c* of subparagraph 1 of the second paragraph.

84. Section 264.1 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"**264.1** For the purposes of this Act, except for Chapter I of its Title II, the Communauté urbaine de Montréal is considered to be a regional county municipality.";

(2) by replacing the words "mentioned in the first paragraph apply" in the first line of the second paragraph by the words "of this Act apply to the Community and to the municipalities that are members of it, subject to the third paragraph,";

(3) by replacing the words "is deemed to be the secretary-treasurer" in the third line of subparagraph 1 of the second paragraph by the words "and the committee are considered to be the secretary-treasurer and the executive committee, respectively,";

(4) by striking out subparagraph 3 of the second paragraph;

(5) by inserting the words ", other than a zone identified in accordance with subparagraph 1 of the first paragraph of section 6" at the end of subparagraph *a* of subparagraph 4 of the second paragraph;

(6) by striking out subparagraph *b* of subparagraph 4 of the second paragraph;

(7) by replacing the word "standards" in the third line of subparagraph 5 of the second paragraph by the word "rules";

(8) by striking out subparagraph 6 of the second paragraph;

(9) by replacing subparagraph 7 of the second paragraph by the following subparagraph:

"(7) the 120-day period provided for in sections 56.4 and 56.14 is replaced by a six-month period;";

(10) by striking out the words "on the 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," in the first, second and third lines of subparagraph 8 of the second paragraph;

(11) by striking out subparagraph 9 of the second paragraph;

(12) by replacing the figures and word "36 to 45, 57, 59, 60, 102" in the fourth and fifth lines of subparagraph 10 of the second paragraph by the figures and words "59 to 59.4, 137.2 to 137.8";

(13) by striking out subparagraph 12 of the second paragraph;

(14) by replacing the last three paragraphs by the following paragraph:

"For the purposes of section 252, the provisions of this Act which concern the rights and obligations of a municipality in the preparation, amendment or revision of the development plan, the effects of the coming into force of the original plan, of a reviewed plan or of a by-law amending the plan and the rules relating to the conformity of a by-law or deed with the objectives of the plan, the provisions of the complementary document or the provisions of the interim control by-law of a regional county municipality are not incompatible with the provisions of the Charter of the city of Montréal (1959-60, chapter 102). However, the council of the city of Montréal is not required to adopt or amend a planning program or a by-law not provided for in the charter; if the charter provides for a by-law corresponding to a by-law which, under the provisions of this Act mentioned in this paragraph, must be adopted or amended by the council of the city, the said council shall adopt or amend such a by-law in accordance with the charter and the applicable provisions of this Act, adapted as required."

85. Section 264.2 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"**264.2** For the purposes of this Act, except for Chapter I of its Title II, the Communauté urbaine de Québec is considered to be a regional county municipality.";

(2) by replacing the words "mentioned in the first paragraph apply" in the first line of the second paragraph by the words "of this Act apply to the Community and to the municipalities that are members of it, subject to the third paragraph,";

(3) by replacing the words "is deemed to be the secretary-treasurer" in the third line of subparagraph 1 of the second paragraph by the words "and the committee are considered to be the secretary-treasurer and the executive committee, respectively,";

(4) by inserting the words ", other than any zone determined in subparagraph 1 of the first paragraph of section 6" at the end of subparagraph *a* of subparagraph 2 of the second paragraph;

(5) by striking out subparagraph *b* of subparagraph 2 of the second paragraph;

(6) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

"(3) the 120-day period provided for in sections 56.4 and 56.14 is replaced by a six-month period;";

(7) by striking out the words "on the 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," in the first, second, third and fourth lines of subparagraph 3.1 of the second paragraph;

(8) by striking out subparagraph 5 of the second paragraph;

(9) by replacing the last three paragraphs by the following paragraph:

"For the purposes of section 252, the provisions of this Act which concern the rights and obligations of a municipality in the preparation amendment or revision of the development plan, the effect of the coming into force of the original plan, of a reviewed plan or of a by-law amending the plan and the rules relating to the conformity of a by-law or deed with the objectives of the plan, the provisions of the complementary document or the provisions of the interim control by-law of a regional county municipality are not incompatible with the provisions of the Charter of the city of Québec (1929, chapter 95). However, the council of the city of Québec is not required to adopt or amend a planning program or a by-law not provided for in the charter; if the charter provides for a by-law corresponding to a by-law which, under the provisions of this Act mentioned in this paragraph, must be adopted or amended by the council of the city of Québec, the said council shall adopt or amend such a by-law in accordance with the charter and the applicable provisions of this Act, adapted as required."

86. Section 264.3 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

"**264.3** For the purposes of this Act, except for Chapter I of its Title II, the Communauté urbaine de l'Outaouais is considered to be a regional county municipality.";

(2) by replacing the words "mentioned in the first two paragraphs apply" in the first line of the third paragraph by the words "of this Act apply to the Community and to the municipalities that are members of it,";

(3) by inserting the words ", other than any zone determined in subparagraph 1 of the first paragraph of section 6" at the end of subparagraph *a* of subparagraph 3 of the third paragraph;

(4) by striking out subparagraph *b* of subparagraph 3 of the third paragraph;

(5) by replacing subparagraph 4 of the third paragraph by the following subparagraph:

"(4) the 120-day period provided for in sections 56.4 and 56.14 is replaced by a six-month period;";

(6) by striking out the words "on the 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," in the first, second, third and fourth lines of subparagraph 5 of the third paragraph;

(7) by striking out subparagraph 8 of the third paragraph;

(8) by striking out the fourth paragraph.

87. Section 267 of the said Act is amended

(1) by replacing the word "departments" in the second line of the first paragraph by the word "Ministers";

(2) by inserting the figures and word ", 56.4, 56.14 and 56.16" after the figure "53.12" in the third line of the first paragraph.

CITIES AND TOWNS ACT

88. Section 458.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing the words "places d'affaires et plus de 50 % des places d'affaires" in the third and fourth lines of the French text by the words "établissements et plus de 50 % des établissements";

(2) by adding, at the end, the following paragraph:

"For the purposes of this subdivision, a place of business and the ratepayer who operates or occupies it are a taxable place of business and its occupant, respectively, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1)."

89. The French text of section 458.3 of the said Act is amended

(1) by replacing the words "une place d'affaires" in the second line of the first paragraph by the words "un établissement";

(2) by replacing the words "place d'affaires" in subparagraph *b* of the second paragraph by the word "établissement";

(3) by replacing the words "ayant une place d'affaires" in the second line of the third paragraph by the words "tenant un établissement".

90. Section 458.20 of the said Act is amended by inserting the words "and the transitional rules applicable where the territory of the association is modified" after the word "assessments" in the third line of the first paragraph.

91. Section 458.25 of the said Act is replaced by the following sections:

"**458.25** At a general meeting specially convened for that purpose, the association shall adopt its budget which may include any project involving capital expenditures.

"**458.25.1** Every loan of the association whose object is the financing of a project involving capital expenditures must be authorized by the council."

92. Section 458.27 of the said Act is amended by striking out the word "operating" in the first line.

93. Section 458.28 of the said Act is amended

(1) by striking out the words "and are the same for every association" in the third line;

(2) by inserting the words "minimum or" before the word "maximum" in the fourth line.

94. The French text of section 458.30 of the said Act is amended

(1) by replacing the words "une place d'affaires" in the first and second lines by the words "un établissement";

(2) by replacing the words "une place d'affaires existante" in the third and fourth lines by the words "un établissement existant".

95. Section 458.31 of the said Act is repealed.

96. Section 458.32 of the said Act is amended by inserting the words "and the list of the members who have paid them" after the word "costs," in the fifth line.

97. Sections 458.34 to 458.36 of the said Act are replaced by the following sections:

"**458.34** Every application under section 458.33 must, before being filed with the council, be approved by the members of the association at a general meeting specially convened for that purpose.

"**458.35** Every application under section 458.33 for the enlargement of the district of the association must, after it is received, be submitted for consultation to the ratepayers operating a place of business in the territory affected by the proposed addition.

Sections 458.4 to 458.13, adapted as required, apply for the purposes of such consultation."

98. Section 458.39 of the said Act is amended

(1) by replacing the words "Section 458.33 does not prevent an association from providing" in the first and second lines by the words "An association may";

(2) by replacing the words "une place d'affaires" in the third line of the French text by the words "un établissement";

(3) by replacing the words "outside the limits of the district" in the fourth line by the words "outside the district or occupying an immovable, other than a place of business, situated in or outside the district".

99. Section 458.44 of the said Act is replaced by the following section:

"**458.44** The provisions of this subdivision concerning a ratepayer operating or occupying a place of business apply to every mandatary of the Crown in right of Québec who is such a ratepayer."

100. The words "place d'affaires" and "une place d'affaires" are replaced by the words "établissement" and "un établissement", respectively, wherever they appear in the French texts of sections 458.4, 458.5, 458.10, 458.11, 458.12, 458.22 and 458.29 of the said Act.

MUNICIPAL CODE OF QUÉBEC

101. Article 634 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing the words "places d'affaires et plus de 50 p. 100 des places d'affaires" in the third and fourth lines of the French text by the words "établissements et plus de 50 % des établissements";

(2) by adding, at the end, the following paragraph:

"For the purposes of this section, a place of business and the ratepayer who operates or occupies it are a taxable place of business and its occupant, respectively, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1)."

102. The French text of article 636 of the said Code is amended

(1) by replacing the words "une place d'affaires" in the second line of the first paragraph by the words "un établissement";

(2) by replacing the words "place d'affaires" in paragraph *b* of the second paragraph by the word "établissement";

(3) by replacing the words "ayant une place d'affaires" in the second line of the third paragraph by the words "tenant un établissement".

103. Article 653 of the said Code is amended by inserting the words "and the transitional rules applicable where the territory of the association is modified" after the word "assessments" in the third line of the first paragraph.

104. Article 658 of the said Code is replaced by the following articles:

"**658.** At a general meeting specially convened for that purpose, the association shall adopt its budget which may include any project involving capital expenditures.

"**658.1** Every loan of the association whose object is the financing of a project involving capital expenditures must be authorized by the council."

105. Article 660 of the said Code is amended by striking out the word "operating" in the first line.

106. Article 661 of the said Code is amended

(1) by striking out the words "and are the same for every association" in the third line;

(2) by inserting the words "minimum or" before the word "maximum" in the fourth line.

107. The French text of article 663 of the said Code is amended

(1) by replacing the words "une place d'affaires" in the first line by the words "un établissement";

(2) by replacing the words "une place d'affaires existante" in the third line by the words "un établissement existant".

108. Article 664 of the said Code is repealed.

109. Article 665 of the said Code is amended by inserting the words "and the list of the members who have paid them" after the word "costs," in the fifth line.

110. Articles 667 to 669 of the said Code are replaced by the following articles:

"**667.** Every application under article 666 must, before being filed with the council, be approved by the members of the association at a general meeting specially convened for that purpose.

"**668.** Every application under article 666 for the enlargement of the district of the association must, after it is received, be submitted for consultation to the ratepayers operating a place of business in the territory affected by the proposed addition.

Articles 637 to 646, adapted as required, apply for the purposes of such consultation."

111. Article 672 of the said Code is amended

(1) by replacing the words "Article 666 does not prevent an association from providing" in the first line by the words "An association may";

(2) by replacing the words "une place d'affaires" in the third line of the French text by the words "un établissement";

(3) by replacing the words "outside the limits of the district" in the fourth line by the words "outside the district or occupying an immovable, other than a place of business, situated in or outside the district".

112. Article 677 of the said Code is replaced by the following article:

"**677.** The provisions of this division applicable to a ratepayer operating or occupying a place of business apply to every mandatary of the Crown in right of Québec who is such a ratepayer."

113. The words "place d'affaires" and "une place d'affaires" are replaced by the words "établissement" and "un établissement", respectively, wherever they appear in the French text of articles 637, 638, 643, 644, 645, 655 and 662 of the said Code.

114. The said Code is amended by inserting, after article 687, the following articles:

"**688.** Every regional county municipality may, by by-law, determine the location of a regional park, whether or not it is the owner of the right of way of the park.

Such a by-law is without effect as regards third persons as long as the regional county municipality is not the owner of the right of way or has not made an agreement with the owner of the right of way or, in the case of land in the public domain, with the person having authority over the land, allowing it to operate the park.

For the purposes of this article and articles 688.1 to 688.4, a natural area is considered to be a park.

"**688.1** From the coming into force of a by-law under article 688, the regional county municipality may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains his right for a given period or with certain restrictions;

(2) that the person grants the regional county municipality a right of preemption;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the regional county municipality;

(4) that the person agrees, in case of total or partial expropriation of his right, not to claim any indemnity by reason of an increase in the value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

"**688.2** The regional county municipality may, by by-law, in respect of the park concerned,

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park and fix the charges he must pay;

(4) prohibit or regulate the carrying and transport of firearms;

(5) prohibit or regulate the use of vehicles;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(7) prohibit or regulate posting;

(8) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(10) prohibit or regulate the operation of businesses;

(11) determine cases where a person may be kept out or expelled;

(12) determine the powers and obligations of the employees.

"**688.3** The regional county municipality may operate accommodation, catering or commercial establishments in the park concerned for the benefit of users, or cause such establishments to be operated.

"**688.4** The regional county municipality, a local municipality or an urban community may make an agreement with respect to parks."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

115. Section 84 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by adding, after paragraph 3, the following paragraph:

"(4) the establishment of regional parks."

116. The said Act is amended by inserting, after section 128.2, the following heading and sections:

"§ 4.—*Establishment of regional parks*

"**129.** The Community may, by by-law, determine the location of a regional park, whether or not it is the owner of the right of way of the park.

Such a by-law is without effect as regards third persons as long as the Community is not the owner of the right of way or has not made an agreement with the owner of the right of way or, in the case of land in the public domain, with the person having authority over the land, allowing it to operate the park.

For the purposes of this subdivision, a natural area is considered to be a park.

"**130.** From the coming into force of the by-law provided for in section 129, the Community may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains his right for a certain period or with certain restrictions;

(2) that the person grants the Community a right of preemption;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the Community;

(4) that the person agrees, in case of total or partial expropriation of his right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from of improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

"**131.** The Community may, by by-law, in respect of the park referred to in the preceding sections,

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park and fix the charges he must pay;

(4) prohibit or regulate the carrying and transport of firearms;

(5) prohibit or regulate the use of vehicles;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(7) prohibit or regulate posting;

(8) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(10) prohibit or regulate the operation of businesses;

(11) determine cases where a person may be kept out or expelled;

(12) determine employees' powers and obligations.

"**131.1** The Community may operate accommodation, catering or commercial establishments in the park concerned for the benefit of users, or cause such establishments to be operated.

"**131.2** The Community, a regional county municipality and a local municipality may make an agreement with respect to parks."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

117. Section 156 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by replacing the words "an intermunicipal" in the third line by the words "a regional";

(2) by adding, at the end, the following paragraph:

"For the purposes of this subdivision, a natural area is considered to be a park."

118. Section 157.1 of the said Act is amended

(1) by replacing the words "an intermunicipal" in the first and second lines by the words "a regional";

(2) by replacing the second sentence by the following sentence: "Such a by-law is without effect as regards third persons as long as the Community is not the owner of the right of way or has not made an agreement with the owner of the right of way or, in the case of land in the public domain, with the person having authority over the land, allowing it to operate the park."

119. Section 157.2 of the said Act is repealed.

120. Section 157.3 of the said Act is amended

(1) by replacing the words "an intermunicipal" in the first line by the words "a regional";

(2) by replacing the words "an intermunicipal" in the fourth and fifth lines of paragraph *d* by the words "a regional".

121. Section 158 of the said Act is amended by replacing the words "an intermunicipal" in the seventh line of the first paragraph by the words "a regional".

122. Section 158.1 of the said Act is amended by replacing the words "an intermunicipal" in the second line by the words "a regional".

123. The said Act is amended by inserting, before section 158.1, the following section:

"**158.0.1** The Community, a regional county municipality and a local municipality may make an agreement with respect to parks."

124. Section 158.2 of the said Act is amended by replacing the words "an intermunicipal" in the third line of the first paragraph by the words "a regional".

125. The said Act is amended by inserting, after section 158.3, the following section:

"**158.4** The Community may establish and maintain bodies in its territory whose objects are the protection of the environment and the conservation of resources, assist in their creation and maintenance, and entrust them with the organization and management of activities relating to the objects they pursue."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

126. Section 95 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) regional recreation, including the establishment of regional parks and intermunicipal cycle tracks;".

127. Section 141 of the said Act is amended

(1) by replacing the words "an intermunicipal" in the third line by the words "a regional";

(2) by adding, at the end, the following paragraph:

"For the purposes of this subdivision, a natural area is considered to be a park."

128. Section 142 of the said Act is amended by replacing the words "an intermunicipal" in the third line of the second paragraph by the words "a regional".

129. Section 143 of the said Act is amended by replacing the words "an intermunicipal" in the eighth and ninth lines by the words "a regional".

130. The said Act is amended by inserting, after section 143, the following sections:

"**143.1** Where the Community has obtained jurisdiction over parks under section 95, it may, by by-law, determine the location of a regional park, whether or not it is the owner of the right of way of the park.

Such a by-law is without effect as regards third persons as long as the Community is not the owner of the right of way or has not made an agreement with the owner of the right of way or, in the case of land in the public domain, with the person having authority over the land, allowing it to operate the park.

"**143.2** From the coming into force of the by-law provided for in section 143.1, the Community may make an agreement with any person holding the right of ownership or any other right in an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains his right for a certain period or with certain restrictions;

(2) that the person grants the Community a right of preemption;

(3) that the person agrees not to make improvements or changes to the immovable without the consent of the executive committee;

(4) that the person agrees, in case of total or partial expropriation of his right, not to claim any indemnity by reason of an increase in the value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may contain any other condition relating to the use of the immovable or right.

"**143.3** The Community may, by by-law, in respect of the park concerned,

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park and fix the charges he must pay;

(4) prohibit or regulate the carrying and transport of firearms;

(5) prohibit or regulate the use of vehicles;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(7) prohibit or regulate posting;

(8) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(10) prohibit or regulate the operation of businesses;

(11) determine cases where a person may be kept out or expelled;

(12) determine the powers and obligations of the employees.

"**143.4** The Community may operate accommodation, catering or commercial establishments in the park concerned for the benefit of users, or cause such establishments to be operated.

"**143.5** The Community, a regional county municipality and a local municipality may make an agreement with respect to parks."

TRANSITIONAL AND FINAL PROVISIONS

131. The elements which, by virtue of the amendments to section 5 of the Act respecting land use planning and development made under section 4 of this Act, are added to the mandatory content of the development plan must appear in any plan of a regional county municipality or urban community from the first revised plan adopted by it after 31 January 1993 by following the procedure provided for in Division VI.1 of Chapter I of Title I of the said Act enacted by section 26 of this Act.

The documents which, by virtue of the amendments to section 7 of the Act respecting land use planning and development made under

section 6 of this Act, are added to the list of documents which must accompany a plan must accompany any plan referred to in the first paragraph.

The elements which, by virtue of the amendment to section 83 of the Act respecting land use planning and development made under section 37 of this Act, are added to the mandatory content of a planning program must appear in the program of a municipality from the first amendment made to the program to take into account the coming into force of the first revised plan, referred to in the first paragraph, of the regional county municipality or the urban community concerned.

The elements referred to in the first and third paragraphs may be added to the content of a plan or program before their insertion becomes mandatory, as if they were mentioned in section 6 or 84 of the Act respecting land use planning and development.

132. Any delegation made under the fourth paragraph of section 46 of the Act respecting land use planning and development or the fourth paragraph of section 74 of the said Act and in force on 31 January 1993 continues to have effect, notwithstanding the fact that those paragraphs are struck out under sections 7 and 33 of this Act, as if it had been made under section 237.1 of the Act respecting land use planning and development enacted by section 77 of this Act.

133. Every provision of a subdivision by-law of a local municipality adopted under subparagraph 8 of the second paragraph of section 115 of the Act respecting land use planning and development and in force on 31 January 1993 continues to have effect, notwithstanding the fact that that subparagraph is struck out under section 48 of this Act, as if it had been adopted under section 117.1 of the Act respecting land use planning and development enacted by section 50 of this Act.

Any land transferred or amount paid under such a provision is deemed to have been transferred or paid under the provisions enacted by section 50 of this Act.

134. Every provision of a by-law of a local municipality adopted under section 116 of the Act respecting land use planning and development and in force on 31 January 1993, which imposes a condition which is consistent with subparagraph 1 of the first paragraph of the said section as it read on that date, is deemed to be amended so as to impose a condition which is consistent with that subparagraph as amended by section 49 of this Act.

The same applies, with the necessary adaptations, to any provision of an interim control by-law of a regional county municipality, an urban community or a local municipality which repeats in essence the provisions of subparagraph 1 of the first paragraph of section 62 of the Act respecting land use planning and development, as it read before being amended by section 27 of this Act.

135. Every provision of the building by-law of a local municipality adopted under subparagraph 3 of the second paragraph of section 118 of the Act respecting land use planning and development and in force on 31 January 1993 is deemed to be amended in the same manner as that subparagraph is amended by section 51 of this Act.

136. The second paragraph of section 246 of the Act respecting land use planning and development, enacted by section 80 of this Act, does not exclude the rights acquired until 31 January 1993 in respect of the carrying on of the activity mentioned in that paragraph.

137. Any revision of the planning program of a regional county municipality in progress on 31 January 1993 continues to be governed by the Act respecting land use planning and development as it read on that date.

However, the council of the regional county municipality may terminate a revision in progress. As soon as practicable after the adoption of the resolution to that effect, the secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution to the Minister of Municipal Affairs, to every local municipality whose territory is comprised in the territory of the regional county municipality, to every contiguous regional county municipality and, for registration purposes, to the Commission municipale du Québec.

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

For the purposes of this section, an urban community and its secretary are considered to be a regional county municipality and its secretary-treasurer, respectively.

138. Any amendment of the development plan of a regional county municipality or urban community in progress on 31 January 1993 continues to be governed by the Act respecting land use planning and development as it read on that date.

The same applies to any amendment of the planning program of a local municipality or of any by-law of such a municipality provided for by the Act respecting land use planning and development in progress on 31 January 1993.

139. Any assessement of the conformity of a government intervention referred to in Chapter VI of Title I of the Act respecting land use planning and development in progress on 31 January 1993 continues to be governed by the said Act as it read on that date.

140. This Act comes into force on 1 February 1993, except paragraph 3 of section 25, which will come into force on the date fixed by the Government, and section 62, which will come into force on the same date as section 22 of chapter 102 of the statutes of 1987.