



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 130

**An Act to amend the Act respecting
land use planning and development
and other legislation**

Introduction

**Introduced by
Mr Pierre Paradis
Minister of Municipal Affairs**



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EXPLANATORY NOTES

Under this bill, municipalities will be permitted to adopt a by-law whereby the issuance of building and subdivision permits or authorization and occupancy certificates will be subordinated to the approval by the municipal council, following consultations with the advisory planning committee, of plans depicting the site and architecture of the proposed constructions, the development of affected lots and related work.

The bill defines more clearly the rule governing consultations that must be held before such a by-law, a by-law on minor departures from planning standards or a by-law on comprehensive planning programmes is adopted.

The bill also provides that municipalities will be authorized to require that a parcel of land or a sum of money be transferred or paid to the municipal corporation for the establishment of parks and playgrounds when a subdivision permit is applied for in respect of a project that increases the number of lots by means of a replacement of the lot numbers.

The Commission municipale du Québec will be authorized to request an extension from the Minister of Municipal Affairs in certain circumstances which have prevented it from acting within the prescribed time.

In addition, the bill makes the rules set out in the Act respecting the remuneration of elected municipal officers as regards basic remuneration, expense allowances and individual reimbursement of expenses applicable to regional county municipality, with the necessary adaptations.

Finally, the bill includes three amendments to correct technical errors.

ACTS AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the Municipal Code of Québec (1987, chapter 102).

Bill 130

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 95 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after the second paragraph, the following paragraph:

“It may, in addition, submit to the consultation any draft by-law concerning minor exemptions from a planning by-law, comprehensive development programmes or site planning and architectural integration programmes.”

2. Section 115 of the said Act is amended by inserting the words “, which entails no increase in the number of lots” after the word “numbers” in the third line of subparagraph 8 of the second paragraph.

3. Section 120 of the said Act is amended by inserting the words “and, where such is the case, the plans have been approved in accordance with section 145.19” after the word “by-law” in the second line of paragraph 2.

4. Section 121 of the said Act is amended by inserting the words “and, where such is the case, the plans have been approved in accordance with section 145.19” after the word “by-law” in the second line of paragraph 2.

5. Section 123 of the said Act is amended by replacing the words “a by-law having as its object to allow the council to grant minor exemptions” in the second and third lines of the first paragraph by the words “a by-law concerning minor exemptions from a planning

by-law, comprehensive development programmes or site planning and architectural integration programmes.”

6. Section 133 of the said Act is amended by replacing the words “at least eight days before” in the second and third lines of the first paragraph by the words “not later than the eighth day preceding the day of”.

7. Section 145.11 of the said Act is repealed.

8. Section 145.12 of the said Act is amended by replacing the words and figures “sections 145.9 to 145.11” in the second line of the first paragraph by the word and figure “section 145.9”.

9. The said Act is amended by inserting, after section 145.14, the following division:

“DIVISION VIII

“SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES

“145.15 The council of a municipality where a planning advisory committee has been established may, by by-law, subordinate the issuance of a building or subdivision permit or a certificate of authorization or occupancy to the approval of plans relating to the site and architecture of the constructions or the development of the land and related work.

“145.16 The by-law must

(1) specify every zone and every class of construction, land or work to which it applies;

(2) determine objectives regarding site planning and the architecture of constructions or the development of the land, and set out criteria permitting to assess whether the objectives have been achieved;

(3) prescribe the minimum content of the plans and, in particular, require that they include one or several of the following components:

(a) the location of existing and proposed constructions;

(b) a description of the land and the proposed development work;

(c) the architecture of the constructions to be built, converted, enlarged or added to;

(d) the relations between such constructions and adjacent constructions;

(4) prescribe the documents that must be submitted with the plans;

(5) prescribe the procedure applicable to an application for a building or subdivision permit or a certificate of authorization or occupancy where the issuance of such a permit or certificate is subordinated to the approval of plans.

“145.17 The by-law may establish different rules according to zones, types of construction, class of land or kind of work or according to any combination of zones and classes.

“145.18 The council may order that the plans be submitted for consultation in accordance with sections 125 to 129 which apply, adapted as required.

“145.19 After consulting the planning advisory committee and holding any consultation ordered under section 145.18, the council of the municipality shall approve the plans if they are in conformity with the by-law or if not, it shall refuse its approval.

The resolution refusing to approve the plans shall state the reasons for the refusal.

“145.20 The council may, in addition, require as a condition of approval of the plans that the owner assume the cost of certain components of the plans, such as the cost of infrastructure or public services, that he implement his project within a fixed period or that he furnish financial guaranties.”

10. Sections 204 to 204.8 of the said Act are replaced by the following sections:

“204. The council of a regional county municipality may, by by-law, fix the remuneration of its members.

Such remuneration may include, in addition to the basic remuneration, additional remuneration for any special duty among those listed in the third paragraph, specified by the council, that is performed by one of its members within the regional county municipality, or within a mandatory body of the municipality, other than a municipal housing bureau, or within a supramunicipal body which pays no remuneration to its members. The by-law may prescribe under what conditions a member performing such a duty is entitled to additional remuneration.

The special duties which may occasion additional remuneration are that of warden, that of deputy warden, that of chairman of the council, those of chairman, vice-chairman and member of the administrative committee or the executive committee, that of delegate of the county, those of chairman and vice-chairman of a permanent committee and that of chairman of any other commission or committee.

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

For the purposes of this section and section 204.2,

(1) “mandatory body of the regional county municipality” means any body declared by law to be a mandatory or agent of the regional county municipality and any body the majority of the members of the board of directors of which are members of the council of the regional county municipality and the budget of which is adopted by the council of the regional county municipality;

(2) “supramunicipal body” means a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter 85).

“204.1 The remuneration may consist of several parts which relate to duties of the regional county municipality in respect of which the council member is entitled to speak and vote.

Where that is the case, each part of the remuneration that relates to duties for which there is a separate group of council members entitled to speak and vote shall be regulated by a separate by-law. Only the members of this group shall be entitled to speak and vote on the by-law, and the expenses arising therefrom shall be apportioned only among the municipalities they represent.

“204.2 The remuneration may be fixed on an annual, monthly or weekly basis or on the basis of the member’s attendance at sittings of the council, another organ of the regional county municipality, a mandatory body thereof or a supramunicipal body in which he performs the duty entitling him to such remuneration.

“204.3 The by-law may provide for the upward adjustment of the remuneration, where applicable, for each fiscal year from the year commencing after its coming into force, in accordance with section 5 of the Act respecting the remuneration of elected municipal officers (1988, chapter 30).

“204.4 The adoption of the by-law shall take place during a regular sitting of the council and shall be preceded by the tabling of a draft by-law and the publication of a public notice in accordance with sections 204.5 and 204.6.

“204.5 The draft by-law shall be tabled at a sitting of the council by the member giving the notice of motion. This notice cannot be replaced by the notice referred to in the fourth paragraph of article 445 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

The draft by-law shall include the following particulars:

(1) the present remuneration of the members of the council and the expense allowance under section 204.8 or 204.9 which is to be added thereto;

(2) the proposed remuneration and the expense allowance which is to be added thereto;

(3) the fact that the proposed remuneration will be adjusted for each fiscal year in accordance with section 204.3, where applicable;

(4) the fact that the by-law will have retroactive effect pursuant to the fourth paragraph of section 204, where applicable.

Where applicable, the draft by-law shall differentiate the basic remuneration, the additional remuneration and the expense allowance which is to be added to each; it shall indicate the special duties for which additional remuneration and an expense allowance is paid or proposed.

If section 204.1 applies, the draft by-law shall indicate to what part of the remuneration it applies.

“204.6 After the tabling of the draft by-law, the secretary-treasurer shall give a public notice containing a summary of the draft by-law and the particulars prescribed in section 204.5 and setting forth the date, time and place of the sitting at which the by-law is to be adopted. In addition to being posted, the notice shall be published in a newspaper circulated in the territory of the regional county municipality.

The posting of the notice and its publication in a newspaper must take place not later than twenty-one days before the sitting at which the by-law is to be adopted.

“204.7 Any contravention of any of sections 204.4 to 204.6 entails the nullity of the by-law.

“204.8 Every member of the council shall receive, in addition to the remuneration fixed in the by-law in force, an expense allowance of an amount equal to one-half of the amount of the remuneration.

The allowance shall be paid as compensation for that part of the expenses attaching to duties for which the council member is not reimbursed under sections 204.11 to 204.15.

“204.9 Notwithstanding the by-law and section 204.8, no member of the council may receive as remuneration or expense allowance from the regional county municipality an amount greater than the amount to which he is entitled pursuant to sections 21 to 23 of the Act respecting the remuneration of elected municipal officers.

“204.10 The remuneration and expense allowance are paid by the regional county municipality according to the terms and conditions determined by resolution of the council.

“204.11 No member may, as part of his duties, perform any act involving expenses chargeable to the regional county municipality except with the prior authorization of the council to perform the act and, consequently, incur expenses which do not exceed the amount fixed by the council.

Notwithstanding the foregoing, the warden is not required to obtain prior authorization when acting in his capacity as warden. The same applies to a member designated by the warden, in case of an emergency, to replace him as the representative of the regional county municipality.

“204.12 A member of the council who, as part of his duties, has incurred expenses chargeable to the regional county municipality may, on presentation of a statement accompanied with the proper vouchers, obtain the reimbursement of the actual amount of the expenses by the regional county municipality.

“204.13 The council of the regional county municipality may, by by-law, establish a tariff applicable where expenses chargeable to the regional county municipality are entailed by particular classes of acts performed in Québec for a purpose other than travel outside Québec, and prescribe what vouchers must be presented to prove that such an act was performed.

If such a by-law is in force, the prior authorization under section 204.11 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.

Notwithstanding section 204.12, a member of the council who, as part of his duties, has performed an act covered by the tariff in force may, on presentation of a statement accompanied with the vouchers prescribed in the by-law, receive from the regional county municipality the amount prescribed in the tariff for that act.

“204.14 The council may provide sufficient appropriations in the budget of the regional county municipality for the reimbursement, pursuant to section 204.12 or 204.13, of expenses entailed by particular classes of acts that the members of the council may perform on behalf of the regional county municipality as part of their duties.

The prior authorization provided for in section 204.11 in respect of an act of a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. The maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting all previous reimbursements, or, where applicable, the amount prescribed in the tariff for that act.

If no appropriations are available, the council may appropriate sums of money out of the general fund of the regional county municipality for the purposes of the first paragraph; the sums so appropriated are deemed to be appropriations.

“204.15 Notwithstanding sections 204.13 and 204.14, the council may fix the maximum amount of expenses allowed where it authorizes one of its members to perform an act which is covered by the tariff or is in a class for which appropriations are provided in the budget.

Section 204.12 applies in such a case even if the act is covered by the tariff.”

11. Section 239 of the said Act is amended by replacing the words “or municipality” in the second line of the second paragraph by the words “, municipality or Commission”.

12. The English text of article 10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the words “a majority vote of three-quarters of the members” in the eighth and ninth lines of the third paragraph by the words “the affirmative vote of a number of members representing not less than 75% of the population of the regional county municipality”.

13. Section 48 of the Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the

Municipal Code of Québec (1987, chapter 102) is amended by replacing the word “second” in the fifth line of the first paragraph by the word “first”.

14. Section 52 of the said Act is amended by replacing the figure “49” in the third line by the figure “50”.

15. Every by-law and every resolution adopted under a provision replaced by section 10 that is in force on (*insert here the date of the day preceding the date of coming into force of this Act*) shall remain in force until they are repealed or replaced under a provision enacted by the said section. They apply subject to sections 21 to 23 of the Act respecting the remuneration of elected municipal officers (1988, chapter 30).

They are deemed to have been adopted under the corresponding provision enacted by section 10 of this Act.

16. Any reference to a provision replaced by section 10 is deemed to be a reference to the corresponding provision enacted by section 10.

17. Any remuneration provided for in a by-law referred to in section 15 is deemed to include the remuneration and the expense allowance as defined in the provisions enacted by section 10.

Any part of such remuneration which, according to section 204.5 of the Act respecting land use planning and development, replaced by section 10 of this Act, is paid as compensation for part of the expenses attaching to the duties of a member of the council is deemed to be the expense allowance. The remaining amount of remuneration is deemed to be the remuneration as defined in the provisions enacted by the said section 10.

The second paragraph applies, subject to sections 21 to 23 of the Act respecting the remuneration of elected municipal officers.

18. Sections 12 to 14 have effect from 1 January 1988.

19. This Act comes into force on (*insert here the date of assent to this Act*).