

ASSEMBLÉE NATIONALE DU QUÉBEC

---

---

**Bill 125**

**An Act respecting land use and development planning**

---

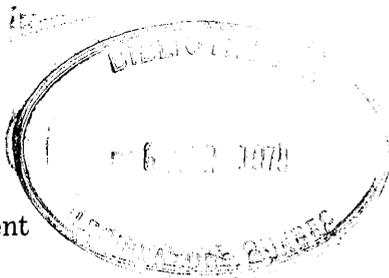
First reading .....

Second reading .....

Third reading .....

---

M. JACQUES LÉONARD  
Ministre d'État à l'aménagement



## EXPLANATORY NOTES

*This bill is essentially aimed at establishing rules for land use planning in Québec, rules that are to be implemented mainly by county councils.*

*For that purpose, the bill provides that a county council is empowered to adopt a development plan dealing in particular with the general aims of land development policy in the county. The county council is also empowered to include in its plan other components referred to in the bill. The Minister responsible for the application of the act may, at all times, order the adoption of a plan by a county council or the inclusion of any of the optional components in such a plan. Mechanisms for public consultation are provided for at various stages of the preparation and adoption of a development plan. The Government is also called upon to communicate to the county councils the aims it intends to pursue in the matter of development in the county. The plan of a county must conform to these aims or, if it fails to do so, the Minister may request the council to amend its plan accordingly.*

*The county council may at all times amend its development plan in accordance with the prescribed procedure for the adoption of the plan. Moreover, the bill provides that the county council is required to review its plan every five years.*

*Within eighteen months of the coming into force of a development plan, every municipality in the county is required to adopt a planning programme and zoning, subdivision and building by-laws for the whole of its territory. This programme and these by-laws, whose possible components are indicated in the bill, must be consistent with the objectives of the development plan. Any municipality on whose territory such a programme and such by-laws are already in force must, within the same time limit, amend them, if necessary, to bring them into conformity with the objectives of the plan.*

*The mechanisms of preparation and adoption of the planning programme provide, as in the case of the development plan, that the population is to be kept informed and public meetings held.*

*Every municipality situated in a county where no development plan is in force or in preparation which adopts a planning programme must, within ninety days following the coming into force of that programme, adopt zoning, subdivision and building by-laws consistent with the planning programme for the whole of its territory. If necessary, that municipality must, within the same time limit, amend its existing by-laws to bring them into conformity with its planning programme.*

*The bill provides for an interim control period from the date the elaboration of a development plan is launched to the date an interim control by-law adopted by the county council comes into force, or failing that, until the planning programme and by-laws of a municipality are certified.*

*The interim control also applies to a municipality situated in a county where neither a development plan nor a resolution indicating the county's intention to prepare a development plan is in force. In such a case, the control covers the period extending from the date a resolution authorizing the preparation of a planning programme is passed by the municipality to the date the zoning, subdivision and building by-laws of the municipality are certified to be in conformity with its planning programme and are put into force.*

*The bill specifies that the Government and the government departments and agencies are bound by the development plan of a county, the planning programme of a municipality and the zoning, subdivision and building by-laws of a municipality situated in that county.*

*The bill provides that in certain cases, the Government will be empowered to establish a special planning zone by decree. Before a special planning zone decree is adopted, it must be submitted to the county and the municipalities concerned for consultation.*

*For the control of land use and development and other purposes, the bill provides that county corporation will include municipalities governed by the Cities and Towns Act as well as those that are governed by the Municipal Code. The bill also provides new rules governing the operation of county councils.*

*Finally, a commission on land use and development (Commission nationale de l'aménagement) will be established to make assessments of whether or not there is conformity between the objectives of the development plan and the zoning, subdivi-*

*vision and building plans and by-laws or, where there is no development plan, on whether or not there is conformity between the objectives of the planning programme and the by-laws of a municipality. The Commission is also the registrar and the custodian of the regulations, by-laws, resolutions, orders, decrees, assessments, opinions and notices provided for in this bill.*

## Bill 125

An Act respecting land use and development planning

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### PRELIMINARY TITLE

#### INTERPRETATION

**1.** In this act, unless the context indicates otherwise,

(a) “assessment of conformity” means an assessment made by the Commission of the conformity of a municipal planning programme, or of a zoning, subdivision or building by-law, with the objectives of the development plan of a county corporation, or, in the absence of a plan, of the conformity of a zoning, subdivision or building by-law with the planning programme of a municipality;

(b) “certificate of conformity” means a certificate issued by the secretary-treasurer pursuant to section 44;

(c) “Commission” means the Commission nationale de l’aménagement as established under section 174;

(d) “electoral list” means the electoral list or, where such is the case, the valuation roll used for municipal elections;

(e) “Minister” means the minister responsible for the application of this act;

(f) “municipality” means any municipal corporation by whatever law governed, except a county corporation;

(g) “public utility networks” means water and sewer networks and terminals, electricity, gas and television networks and cablecasting networks;

(h) “secretary-treasurer” means the secretary-treasurer of the county corporation or any other officer designated for that purpose by the county council;

(i) “thoroughfare” means any place or structure intended for vehicular or pedestrian traffic, in particular, a road, street, lane, sidewalk, walkway, cycle path, square or parking area.

## TITLE I

### REGULATION OF LAND USE AND DEVELOPMENT

#### CHAPTER I

##### COUNTY DEVELOPMENT PLAN

##### DIVISION I

##### POWERS OF THE COUNTY COUNCIL

**2.** A county council may by by-law adopt a development plan for its territory.

**3.** A county council wishing to prepare a development plan must indicate its intention by passing a resolution to that effect.

On the passing of this resolution, a copy of it shall be sent to every municipality in the county, to the Minister and, for registration, to the Commission, together with a notice of the date of its passing.

Notice of the passing of this resolution shall be published in the *Gazette officielle du Québec*.

**4.** The Minister may at all times order a county council to adopt such a plan, within such time as he may prescribe.

On the issuance of this order, a copy of it shall be sent to each municipality in the county and, for registration, to the Commission.

This order comes into force on the day of its issuance; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force.

## DIVISION II

## CONTENTS OF THE PLAN

**5.** A development plan must include

(a) the general aims of land development policy in the county;

(b) the general policies on land uses for the county as a whole;

(c) the delimitation of the urbanization perimeters;

(d) the general development standards applicable outside the urbanization perimeters;

(e) the minimum standards to be respected by municipal by-laws passed in accordance with paragraphs *q* and *r* of section 109 and paragraphs *c* and *d* of section 112, together with the identification and location of the areas where these standards are to apply;

(f) the identification and the approximate location and, where applicable, the schedule for the setting up of the facilities and public services which the county considers to be of a joint intermunicipal nature;

(g) the identification and the approximate location of the facilities and public services to be set up by the Government, the government departments and agencies and the public bodies.

**6.** A development plan may include

(a) the approximate density of occupation permissible in the various parts of the county, including those parts within the urbanization perimeters;

(b) the major land uses within an urbanization perimeter;

(c) the approximate layout and the nature of the main thoroughfares;

(d) the identification and the approximate location of the public utility networks, and where applicable, the phases and scheduling of their setting up;

(e) certain general standards that must be respected in municipal zoning, subdivision and building by-laws;

(f) the requirement that a municipal council pass the by-law contemplated in section 114 for all or part of its territory;

(g) joint development proposals emanating from a group of municipalities.

**7.** The Minister may at all times order a county council to include one or several of the components provided for in section 6 in its development plan.

On the issuance of this order, a copy of it shall be sent to the county council, to each municipality in the county and, for registration, to the Commission.

This order shall be published in the *Gazette officielle du Québec*, and comes into force on the day of its publication.

**8.** A development plan shall be accompanied with

(a) an estimate of the cost of the various facilities and public services that are proposed in the plan;

(b) a document indicating the modes of consultation employed and the conclusions drawn, including, where the persons consulted expressed objections, their reasons therefor.

### DIVISION III

#### PREPARATION OF THE PLAN

**9.** Studies conducted at the expense of the county council for the preparation of the development plan belong to the council and form part of its records.

**10.** Within forty-five days of the passing of a resolution provided for in section 3 or of the coming into force of an order of the Minister provided for in section 4, a municipality must put a copy of any plan, planning by-law or study it has ordered, passed or received as of that date at the disposal of the council of the county in which it is situated.

**11.** Following the passing of a resolution pursuant to section 3 or following the coming into force of an order provided for in section 4, the Minister shall send to the county council

(a) a document summarizing the aims of the Government, the government departments and agencies and the public bodies in their land use and development policy for the county;

(b) a document describing the facilities and public services that the Government, the government departments and agencies and the public bodies intend to set up in the county and that are likely to affect the preparation of the plan.

**12.** The county council shall prepare a preliminary development proposal so as to allow consultation on the content of the

plan and conciliation of the objectives of the county with those of the municipalities and of the Government.

That preliminary proposal shall be presented as a series of development alternatives, with an estimate of the cost of each.

**13.** The preliminary proposal shall be submitted to the council of each municipality in the county for advice.

**14.** The preliminary proposal shall be submitted for consultation at public meetings held by a committee created by resolution of the county council, presided by the warden and composed of as many members of the county council as such council may consider necessary.

**15.** The preliminary proposal shall be sent to the municipalities in the county, to the adjacent counties, to the Minister and, for registration, to the Commission, together with a notice of the date, time, place and objects of the public meetings.

**16.** Not later than fifteen clear days before the first meeting is held, an abstract of that preliminary proposal shall be sent by the secretary-treasurer to each of the persons entered on the electoral list of each municipality in the county, together with a notice of the date, time, place and objects of the public meeting.

**17.** Not later than three clear days before the holding of a meeting, the secretary-treasurer must publish, in a newspaper circulated in the county, a notice of the date, time, place and objects of the meeting. That notice shall also be published in conformity with article 349 of the Municipal Code and section 372 of the Cities and Towns Act.

**18.** A public meeting must be held in each municipality forming part of a group of municipalities whose combined populations represent not less than two-thirds of the population of the county.

**19.** At the meeting, the county council must explain its preliminary development proposal and give every person the opportunity to be heard. The meeting may be adjourned as often as necessary.

**20.** Following that consultation, the county council shall, by resolution, adopt a development proposal.

On the passing of this resolution, a certified copy of it shall be sent to the Minister and registered with the Commission.

**21.** Within ninety days of receiving the resolution provided for in section 20, the Minister shall indicate in a notice to the county council,

(a) the aims that the Government is pursuing or intends to pursue in the matter of development in the county;

(b) the projects for facilities and public services that the Government intends to implement in the county;

(c) the objections, if any, of the Government with regard to the development proposal adopted.

Copy of this notice shall be registered with the Commission.

**22.** The county council shall prepare the final version of the county development plan, taking into account, as the case may be, the development alternative adopted, the opinion of the Minister and of the municipalities, the results of the consultations, the existing planning policies and by-laws and any other relevant factor.

**23.** Before adopting the plan, the county council shall hold a second consultation, on the various components of the plan and the consequences of its adoption.

The procedure of consultation provided in sections 13 to 19 with regard to the preliminary development proposal applies, *mutatis mutandis*, to the consultation on the final version of the plan.

**24.** Following the consultation provided for in section 23, ten per cent of the persons qualified to vote in the county or one hundred persons qualified to vote per municipality in not fewer than two-thirds of the municipalities in the county may require that a referendum be held before the first development plan is adopted.

The county council must hold this referendum in accordance with the procedure provided in the regulation passed pursuant to subparagraph *c* of the first paragraph of section 205. This referendum is merely consultative.

#### DIVISION IV

##### ADOPTION OF THE PLAN

**25.** The development plan is adopted by a by-law of the county council requiring the affirmative vote of two-thirds of the members of the council present.

**26.** On the adoption of the plan, a copy of it together with a notice of the date of its adoption shall be sent to the adjacent counties, to each municipality in the county and to the Minister, and registered with the Commission.

**27.** Subject to sections 28 to 30, the development plan comes into force ninety days after being adopted by the county council.

Notice of its coming into force shall be published in the *Gazette officielle du Québec*.

**28.** If the Minister considers that the plan is not consistent with the aims of the Government, he may require the county council to amend it.

This requirement is made by way of an order, containing the reasons on which it is based, within ninety days of the adoption of the plan.

On the issuance of this order, a copy of it shall be sent to the county council and to each municipality in the county, and registered with the Commission.

This order shall be published in the *Gazette officielle du Québec*, and comes into force on the day of its publication.

**29.** The county council shall amend its plan in conformity with the Minister's order according to the rule provided in section 25.

On the adoption of the amended plan, a copy of it shall be sent to each municipality in the county and to the Minister, and registered with the Commission.

The amended plan comes into force fifteen days after being adopted by the county council.

Notice of its coming into force shall be published in the *Gazette officielle du Québec*.

**30.** If, at the expiration of ninety days following the coming into force of the Minister's order, the council has not amended its development plan in conformity with the order, the Government may amend the plan by decree to bring it into conformity with the aims of the Government.

On the passing of the decree, a copy of it shall be sent by the Minister to the county council and to each municipality in the county, and registered with the Commission.

The plan thus amended comes into force on the date indicated in the decree and has the same effect as a plan adopted by the county council.

Notice of its coming into force is published in the *Gazette officielle du Québec*.

**31.** On coming into force, the development plan shall be sent by the county or, as the case may be, the Minister, to the adjacent counties, to each municipality in the county and, if necessary, to the county council itself, and registered with the Commission.

**32.** Within ninety days of the coming into force of the plan, the secretary-treasurer must send to every person entered on the electoral list of each municipality in the county, an abstract of the development plan, together with a notice of the date of its coming into force.

#### DIVISION V

##### EFFECTS OF THE COMING INTO FORCE OF THE PLAN

**33.** Subject to section 34, each municipality in the county is required, within eighteen months of the coming into force of the development plan, to adopt, for the whole of its territory, a planning programme, a zoning by-law, a subdivision by-law and a building by-law, and to send a certified copy thereof to the county council and to the Minister, as well as to the Commission, for registration. That programme and those by-laws must be in conformity with the objectives of the development plan.

**34.** A municipality having a planning programme, a zoning by-law, a subdivision by-law or a building by-law in force is required, after making the amendments necessary to bring it into conformity with the objectives of the development plan, to send a certified copy thereof to the county council and to the Minister, as well as to the Commission, for registration, within eighteen months of the coming into force of the development plan.

**35.** The approval prescribed in sections 116 to 125 is not required in the case of a by-law passed pursuant to section 33 or 34.

**36.** Within forty-five days following the filing of the planning programme or of a by-law referred to in sections 33 and 34, the county council shall examine it and approve it if it is in conformity with the objectives of the development plan.

**37.** If, at the expiration of the forty-five day period following the filing of the programme or of a by-law referred to in sections 33 and 34, the certificate of conformity has not been issued, the municipality which filed the programme or by-law for approval by the county council may apply to the Commission for an assessment of conformity.

This application is made by way of a resolution served on the Commission and on the county council within fifteen days following the expiration of the period provided for in the preceding paragraph.

**38.** Within forty-five days of the service of that application, the Commission must give an assessment based solely on whether or not the programme or the by-law referred to in sections 33 and 34 is in conformity with the objectives of the development plan.

On the issuance of the assessment of conformity, a copy of it shall be sent to the county council and to the municipality.

The assessment of conformity rendered by the Commission is binding in that respect on the interested persons. This assessment may, however, include, but only as indications, the suggestions of the Commission with regard to the manner of ensuring the required conformity.

**39.** If the Commission is of opinion that the programme or the by-law is in conformity with the development programme, the secretary-treasurer, within fifteen days of the date of the assessment of conformity, must issue a certificate of conformity.

**40.** If, at the expiration of the period provided for in the second paragraph of section 37, the municipality has not applied to the Commission for an assessment or if the Commission's assessment is that the programme or the by-law is not in conformity with the objectives of the plan, the county council may require the municipality to amend the programme or the by-law to bring it into conformity with the plan, within such period as it may prescribe, which cannot be less than forty-five days.

These amendments are effected by a by-law requiring no other approval than that provided for in section 36.

**41.** Sections 33 to 40 apply, *mutatis mutandis*, to such amendments.

**42.** If, within the prescribed delay, the municipality fails to submit the amendments to the approval of the county council,

the latter shall itself proceed with the amendments at the expense of the municipality.

These amendments are effected by a by-law requiring no approval.

Once amended by the county council, the programme or the by-law becomes the programme or the by-law of the municipality; it is deemed to be approved by the council and to be in conformity with the objectives of the plan.

A copy thereof shall be filed in the office of the municipality and registered with the Commission.

The secretary-treasurer of the county shall publish a notice of the filing in a newspaper circulated in the municipality.

**43.** Section 42 applies *mutatis mutandis* where a municipality fails to comply with sections 33 and 34.

**44.** On the approval or deemed approval of the programme or by-law of a municipality, the secretary-treasurer shall issue a certificate of conformity in respect of that programme or by-law.

A programme or by-law contemplated in section 33, 34, 40, 42 or 43 comes into force on the date of issuance of a certificate of conformity in respect of that programme or by-law.

**45.** From the date of issuance of the certificate of conformity, the planning programme, the zoning by-law, the subdivision by-law or the building by-law is deemed to be in conformity with the objectives of the development plan.

**46.** From the date of issuance of the certificate of conformity in respect of the planning programme, every loan by-law of a municipality concerning the execution of public works must, when submitted for approval to the Minister and to the Commission municipale du Québec, be accompanied with the opinion of the county council.

## DIVISION VI

### AMENDMENT AND REVIEW OF THE PLAN

**47.** The county council must review the plan not later than five years after the coming into effect of the plan.

The review of the development plan is made in accordance with sections 48 to 52.

**48.** The county council may review its development plan at all times, in accordance with the procedure prescribed in section 23, *mutatis mutandis*.

**49.** Before making the amendment envisaged, the council must pass a resolution indicating its intention to amend its plan and identifying each municipality whose planning programme, zoning by-law, subdivision by-law or building by-law will have to be amended.

That resolution may also provide that the interim control measures provided under sections 56 to 69 apply to the municipalities contemplated in the resolution.

Copy of that resolution is transmitted to the concerned municipalities together with a notice indicating the nature of the amendments to be envisaged and, as the case may be, of the interim control measures envisaged.

**50.** In the case provided for in section 48, the opinions, notices and abstract required pursuant to sections 13 to 19 must specify the effect of the intended amendment on each of the municipalities concerned.

A public meeting must be held in each of the municipalities concerned by the intended amendment.

**51.** The provisions of sections 25 to 32 respecting the adoption of a development plan apply, *mutatis mutandis*, to the passing of a by-law amending the plan.

**52.** Where an amendment to the development plan requires that the planning programme or the zoning, subdivision or building by-law of a municipality be amended to bring it into conformity with the objectives of the development plan, the county council shall require the municipality to amend it and to file a copy of it with the county council and, for registration, with the Commission within such delay as it may prescribe.

These amending by-laws require no approval except that provided for in section 36.

Sections 36 to 45 apply, *mutatis mutandis*, to those amendments.

**53.** From the date of issuance of a certificate of conformity, every amendment to the planning programme or to the zoning, subdivision or building by-law of a municipality other than an amendment intended to bring it into conformity with the objec-

tives of a development plan must follow the procedure provided by this act for the amendment of that programme or by-law.

**54.** Copy of a municipal by-law amending a planning programme or a zoning, subdivision or building by-law shall be sent to the county council and, for registration, to the Commission, within fifteen days of its date of adoption or, where such is the case, of its approval where that approval is required by this act.

Sections 36 to 39 and 44 apply to such amending by-laws, *mutatis mutandis*.

**55.** If, at the expiration of the period provided for in the second paragraph of section 37, the municipality has not applied to the Commission for an assessment or if the Commission's assessment is that the amending by-law contemplated in section 54 is not in conformity with the objectives of the development plan, the amending by-law is deemed to be not in conformity with the objectives of the plan.

The county council may then amend the development plan in accordance with sections 48 to 51.

If the county council does not amend the plan, the municipality may adopt a second amending by-law, submit it for approval and send it to the county council.

## DIVISION VII

### INTERIM CONTROL

**56.** From the passing of a resolution provided for in section 3 or the coming into force of an order of the Minister provided for in section 4, until the coming into force of an interim control by-law or until the date of issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of a municipality, the following practices, except for agricultural purposes on land under cultivation, are prohibited:

- (a) any new use of the land;
- (b) any new division or subdivision or the parcelling out of a lot by alienation in accordance with article 2168 of the Civil Code.

**57.** Notwithstanding section 56, the prohibition from erecting a new structure in a municipality is lifted with the issuance of a permit by an officer designated by the municipality if the following three conditions are met:

(a) the land on which the intended structure is to be erected, including dependencies, forms one or more separate lots on the official plan of the cadastre or on the subdivision plan made and deposited in accordance with article 2175 of the Civil Code;

(b) the waterworks and sewer services that have been the subject of an authorization or permit issued pursuant to section 32 of the Environment Quality Act (1972, chapter 49) are already installed along the street where the structure is intended or the by-law ordering their installation is already in force;

(c) the land on which the intended structure is to be erected is adjacent to a public street.

**58.** The county council may adopt an interim control by-law.

That by-law applies to every municipality in the county and remains in force in the territory of a municipality until the issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of that municipality.

**59.** That by-law may exempt all or part of the territory of a municipality from any of its provisions provided that that territory is already governed by a zoning by-law and a subdivision by-law.

In the case provided for in the first paragraph, the municipality may amend its zoning or subdivision by-law during the interim control period. That amendment is subject to section 110 or 113, but comes into force only from the date of its approval by the county council.

**60.** The interim control by-law may prescribe

(a) the area to which it applies;

(b) the maintaining of any of the prohibitions referred to in section 56;

(c) the conditions on which the prohibitions referred to in the preceding paragraph may be lifted with the issuance of a permit by the secretary-treasurer, whether or not such conditions are provided for in section 57;

(d) the administrative terms and conditions for the issuance of permits by the secretary-treasurer;

(e) special rules in matters of zoning, subdivision or building.

**61.** The interim control by-law requires the affirmative vote of two-thirds of the members of the county council present.

Within fifteen days of its adoption, a copy of the by-law shall be sent to every municipality in the county, served on the Minister and registered with the Commission.

**62.** Within ninety days of being served the by-law, the Minister may disallow it in whole or in part.

Notice of the disallowance and the grounds on which it is based shall be sent to the county council and to every municipality in the county and registered with the Commission.

**63.** An interim control by-law, if not disallowed, comes into force ninety days after being served on the Minister.

Notice of its coming into force shall be published in the *Gazette officielle du Québec*.

**64.** Sections 61 to 63 apply to the amendment of an interim control by-law, *mutatis mutandis*.

**65.** Within fifteen days of the coming into force of an interim control by-law or of a by-law amending it, a municipality of the county may apply to the Minister for an amendment to the interim control by-law by a motion setting out the reasons for its objection and indicating the amendment it considers desirable.

**66.** The Minister's decision on such a motion is rendered by order and may amend the interim control by-law.

That order shall be published in the *Gazette officielle du Québec* and comes into force on the day of its publication or on any later date fixed therein. It has the same effect as a by-law passed by the county council.

On the issuance of this order, a copy of it, together with the reasons on which it is based, shall be sent to the county council and to each municipality in the county and registered with the Commission.

**67.** Where a permit is required pursuant to section 60, no registration of a division or subdivision plan may be validly made under article 2175 of the Civil Code without the filing of a certificate of the secretary-treasurer attesting that the plan is not inconsistent with the interim control by-law.

**68.** The permit provided for under section 57 or section 60 does not exempt its holder from the obligation of complying with the by-laws of the municipality in whose territory the land concerned is situated.

**69.** From the passing of a resolution provided for in section 3 or the coming into force of the Minister's order provided for in section 4 and until the date of issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of a municipality, every loan by-law of that municipality concerning the execution of public works, when sent for approval to the Minister and to the Commission municipale du Québec, must be accompanied with the opinion of the county council.

**70.** The interim control measures provided for in sections 56 to 69 apply in the territory of a municipality from the date of the passing by the county council of a resolution which includes the clause provided for in the second paragraph of section 49, until the date of issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of that municipality.

## CHAPTER II

### PLANNING BY-LAWS IN TERRITORIES NOT ERECTED INTO MUNICIPALITIES OR NOT ORGANIZED

**71.** Within eighteen months from the coming into force of the development plan, every county council shall adopt, in respect of the territories contemplated in article 27 of the Municipal Code, a zoning by-law pursuant to section 109, a subdivision by-law pursuant to section 112 and a building by-law pursuant to section 115.

These by-laws must be in conformity with the objectives of the development plan.

**72.** If a zoning by-law, subdivision by-law or building by-law of the county council is in force in respect of the territories contemplated in article 27 of the Municipal Code at the coming into force of the plan, the county council shall, within the same delay, amend the said by-law to bring it into conformity with the objectives of the development plan.

**73.** A certified copy of the by-laws provided for in sections 71 and 72 shall be registered with the Commission.

**74.** Sections 99 to 103 of this act apply, *mutatis mutandis*, in respect of the conformity of any by-law provided for in sections 71 and 72 with the objectives of the development plan.

**75.** Sections 104, 110 and 113 apply, *mutatis mutandis*, in respect of amendments to any by-law that is provided for in sections 71 and 72.

## CHAPTER III

### PLANNING PROGRAMME OF A MUNICIPALITY

#### DIVISION I

##### POWERS OF THE MUNICIPALITY

**76.** Subject to section 33, a municipality may prepare and adopt a planning programme.

**77.** A municipal council wishing to prepare a planning programme must indicate its intention by passing a resolution to that effect.

On the passing of this resolution, a copy of it shall be sent to the county council, to the Minister and, for registration, to the Commission, together with a notice of the date of its passing.

Notice of the passing of this resolution shall be published in the *Gazette officielle du Québec*.

**78.** The Minister may at all times, by an order indicating the reasons on which it is based, require a municipality to adopt a planning programme within such time as he may prescribe, and indicate, where that is the case, the components listed in sections 80 and 81 which must be included in the programme.

On the issuance of this order, a copy of it shall be sent to the municipality, to the county council and, for registration, to the Commission.

This order comes into force on the day of its issuance; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force.

#### DIVISION II

##### CONTENTS OF THE PLANNING PROGRAMME

**79.** A planning programme must include

(a) the general aims of land development policy in the municipality;

(b) the general policies on land uses and land occupation densities.

**80.** A planning programme may include

(a) the habitation zones to be renovated, restored or protected;

(b) the intended layout and the type of the main thoroughfares and public transport systems;

(c) the nature, location and type of the facilities and services, both public and private, intended for community use;

(d) an estimate of the cost pertaining to the implementation of the components of the programme.

**81.** A planning programme may also include a special development programme for part of the territory of the municipality.

This development programme may include:

(a) the intended layout and the type of the main thoroughfares and public transport systems;

(b) the nature, layout and type of the facilities and services, both public and private, intended for community use;

(c) the catalogue of the intended works, an estimate of the costs and indication of the bodies concerned;

(d) the proposed regulation of zoning;

(e) the sequence in which urban facilities and public utility services are to be constructed;

(f) the estimated duration of the works;

(g) the special land redevelopment, restoration and demolition programmes.

**82.** The county council, once its development plan is in force, may, by resolution, require a municipality to include one or several components listed in sections 80 and 81 in its planning programme.

On the passing of this resolution, a copy of it shall be sent to the Minister and, for registration, to the Commission, and a notice of the passing of the said resolution shall be published in the *Gazette officielle du Québec*.

**83.** A planning programme must include the description of the relevant works the municipality intends to carry out on a short-term basis, with an estimate of the costs. This description is adopted by resolution and may be amended at any time.

## DIVISION III

## PREPARATION OF THE PLANNING PROGRAMME

**84.** In preparing its planning programme, a municipality may formulate a preliminary proposal regarding the components of the programme provided for in section 79.

This preliminary planning proposal shall be presented as a series of alternatives, with an estimate of the cost of each.

**85.** The preliminary proposal shall be submitted to the county council for advice.

**86.** The preliminary proposal shall be submitted for consultation at a public meeting held by the municipal council and presided by the mayor.

**87.** The preliminary proposal shall be sent to the adjacent municipalities, to the county council, to the Minister, and, for registration, to the Commission, together with a notice of the date, time, place and objects of the public meeting.

**88.** Not later than fifteen clear days before the holding of the meeting, the clerk or the secretary-treasurer of the municipality must publish a notice of the date, time, place and objects of the meeting in a newspaper circulated in the municipality.

This notice shall also be published in conformity with article 346 of the Municipal Code and section 372 of the Cities and Towns Act.

**89.** At that public meeting, the municipal council must explain its preliminary proposal and give every person the opportunity to be heard. The meeting may be adjourned as often as necessary.

**90.** The municipality shall prepare the final version of its planning programme, taking into account, as the case may be, the planning proposal, the opinion of the county council, the results of the consultation or any other relevant factor.

**91.** Before adopting its planning programme, the municipality shall hold a consultation on the various components of the programme and the consequences of its adoption. This consultation is required even where the preliminary proposal provided for in section 84 has been subjected to a preliminary consultation.

The terms and conditions provided for in sections 85 to 89 apply, *mutatis mutandis*, to the consultation on the final version of the planning programme.

However, the municipal council may choose to hold such a meeting for the whole municipality or for any part thereof that it may indicate.

**92.** Not less than fifteen clear days before the holding of the meeting, an abstract of the planning programme shall be sent by the clerk or the secretary-treasurer of the municipality to each of the persons entered on the electoral list, together with a notice of the date, time, place and objects of the public meeting.

#### DIVISION IV

##### ADOPTION OF THE PLANNING PROGRAMME

**93.** The planning programme is adopted by a by-law of the municipal council requiring the affirmative vote of two-thirds of the members of the council.

**94.** In the case of a municipality situated in a county in which a resolution provided for in section 3 or an order of the Minister provided for in section 4 is in force, the planning programme comes into force on the date of the issuance of the certificate of conformity.

In any other case, the planning programme comes into force in accordance with article 364 of the Municipal Code or section 390 of the Cities and Towns Act.

**95.** A copy of the planning programme, together with a notice of the date of its coming into force, shall be sent to the adjacent municipalities, to the county council and to the Minister, and registered with the Commission.

**96.** Within ninety days of the coming into force of the planning programme, the clerk or the secretary-treasurer of the municipality shall send an abstract of the planning programme, together with a notice of the date of its coming into force, to every person entered on the electoral list.

#### DIVISION V

##### EFFECTS OF THE COMING INTO FORCE OF THE PLANNING PROGRAMME

**97.** The coming into force of the planning programme does not create any obligation in respect of the scheduling or the terms and conditions of achievement of the components included therein.

**98.** The council of a municipality which is situated in a county in which neither a resolution provided for in section 3, an order of the Minister provided for in section 4 nor a development plan is in force shall, within ninety days following the coming into force of the planning programme, adopt for its whole territory a zoning by-law, a subdivision by-law and a building by-law in conformity with the planning programme, and file a certified copy thereof with the county council and, for registration, with the Commission.

However, if a zoning by-law, a subdivision by-law or a building by-law is in force at the time of the coming into force of the planning programme or of an amendment thereto, the council shall, as the case may be, amend the said zoning by-law, subdivision by-law or building by-law within the same period of time, to bring it into conformity with the planning programme; it shall also file a certified copy with the county council and, for registration, with the Commission. The approval provided for in sections 116 to 125 is not required in this case.

**99.** Within forty-five days of the adoption by the municipal council of a zoning, subdivision or building by-law contemplated in the first paragraph of section 98, or of a by-law amending a zoning, subdivision or building by-law and contemplated in the second paragraph of section 98, any resident of the municipality or any person registered on the electoral list of that municipality may apply to the Commission in writing for an assessment of conformity.

**100.** Within forty-five days of receiving an application provided for in section 99, the Commission shall give an assessment of the conformity of the by-law with the planning programme.

The assessment rendered by the Commission is binding on all the interested parties. This assessment may include, as an indication, the suggestions of the Commission with regard to the manner of ensuring the required conformity.

A copy of this assessment shall be sent to every person who applied for an assessment of conformity from the Commission, and to the municipality.

The municipality shall cause the assessment to be published in accordance with article 346 of the Municipal Code and section 372 of the Cities and Towns Act.

**101.** The zoning, subdivision or building by-law contemplated in section 98 comes into force

(a) forty-five days after its adoption, where no assessment has been applied for from the Commission, or

(b) fifteen days after the rendering of a favourable assessment by the Commission.

From that date, the by-law is deemed to be in conformity with the planning programme.

**102.** If the assessment of the Commission is that a zoning, subdivision or building by-law is not in conformity with the planning programme, the municipality shall, within ninety days, amend it to bring it into conformity with the planning programme. The approval provided for in sections 116 to 125 is not required.

**103.** Sections 99 to 102 apply, *mutatis mutandis*, to the by-laws adopted under section 102.

**104.** If a by-law amending a zoning, subdivision or building by-law has been adopted and approved in accordance with sections 116 to 125, it is deemed to be in conformity with the planning programme.

## DIVISION VI

### AMENDMENT OF THE PLANNING PROGRAMME

**105.** Subject to sections 34 and 52, a municipality may amend its planning programme at all times, in accordance with the procedure prescribed in sections 91 to 93, 95 and 96, *mutatis mutandis*.

Where the municipal council wishes to amend its planning programme, it may pass a resolution indicating its intention to avail itself of the interim control measures provided for in sections 107 and 108 and identifying the affected parts of its territory.

On the passing of this resolution, a copy of it shall be sent to the county council, registered with the Commission and published in the *Gazette officielle du Québec*.

**106.** In the case of sections 52 and 54, that amendment comes into force on the date of the issuance of the certificate of conformity or, in any other case, in accordance with article 364 of the Municipal Code or with section 390 of the Cities and Towns Act.

## DIVISION VII

## INTERIM CONTROL

**107.** The interim control measures provided for in sections 56 to 70 apply, *mutatis mutandis*, to a municipality situated in a county in which neither a resolution provided for in section 3, an order of the Minister provided for in section 4 nor a development plan is in force, from the passing of a resolution of the municipal council authorizing the preparation of a planning programme, or from the order of the Minister requiring the adoption of a planning programme, until the coming into force of all the by-laws provided for in section 98.

**108.** In a municipality situated in a county contemplated in section 107, from the date of the passing of the resolution provided for in the second paragraph of section 105 until the date of the coming into force of all the by-laws provided for in section 98, sections 56 to 70 apply, *mutatis mutandis*, to the territory contemplated by the resolution.

## CHAPTER IV

## MUNICIPAL PLANNING BY-LAWS

## DIVISION I

## ZONING BY-LAWS

**109.** Subject to the provisions of this act, a municipality may, by by-law of its council, regulate zoning in its whole territory or any part thereof.

A zoning by-law may include provisions regarding any of the following objects:

(a) for the purposes of regulation, to classify structures and uses and, in accordance with a plan forming an integral part of the by-law, to divide the territory of the municipality into zones;

(b) to divide the zone into sectors so that each of such sectors may be a polling unit for the purposes of sections 117 to 125 and so that in each of such sectors, the land use standards authorized in the zone may be prescribed in a supplementary by-law of the council, provided, however, that the standards respecting the uses permitted are uniform in all the sectors of the same zone;

(c) to specify, for each zone, the structures and uses that may be authorized by permit, including public uses and buildings, and the land occupation densities;

(d) to specify, for each zone, the structures and uses that are prohibited;

(e) to specify, for each zone or sector of a zone, the dimensions, volumes, floor areas and ground areas of structures; the length, width and area of the open space to be left between structures on the same land, and the use and development of such open space; the open space to be left between structures and the street and land boundaries; the distance back from the street of buildings in relation with their height; the architecture, symmetry and exterior aspect of the structures; the location of a group of structures on a single site; the exterior materials of structures;

(f) to specify, for each zone, the proportion of a landsite which may be occupied by a structure or use;

(g) to require every owner to previously submit the plans for the construction, reconstruction, alteration or enlargement of buildings, and projects for the use of an immoveable or for the moving of a building, and to obtain a building permit or, as the case may be, a certificate of approval from the designated municipal officer;

(h) in the case of a municipality situated near the boundary line between Québec and the United States of America, to prohibit the construction of buildings within a distance of three metres from that boundary line;

(i) to determine the level of a landsite in relation to thoroughfares;

(j) to determine the place where vehicles shall have access to a landsite;

(k) to prescribe, for each zone, use or combination of uses, the space which, on the lots, must be reserved and arranged for parking, loading or unloading vehicles or for parking vehicles used by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*) using wheel-chairs, and the manner of arranging such space; to establish parking restrictions inside or outside buildings;

(l) to regulate, restrict or, unless by permit, prohibit the change of use of a site;

(m) to regulate, restrict or, unless by permit, prohibit the excavation of the ground, the removal of humus, the felling of trees and all works of clearing or filling;

(*n*) to regulate; restrict or, unless by permit, prohibit the enlargement, moving, use, repair or demolition of a structure;

(*o*) to regulate, restrict or, unless by permit, prohibit signs and define that term;

(*p*) to regulate or restrict the laying out, height and maintenance of fences, walls, hedges, shrubs and trees;

(*q*) to regulate or prohibit construction or certain works, taking into account the location of the landsite, the proximity of a stream or lake, or the danger of flood, rock fall, landslide or any other disaster; any prohibition under this paragraph may be absolute or may contemplate only certain classes of immoveables determined by the by-law;

(*r*) to regulate the siting and installation of mobile homes and trailers;

(*s*) to regulate non-conforming structures and uses protected by acquired rights,

(i) by requiring that a non-conforming use protected by acquired rights cease if such use has been abandoned, has ceased or has been interrupted for a period of time defined by by-law, which must be a reasonable period, taking into account the nature of the use, but which shall not in any case be shorter than six months;

(ii) by stipulating that a non-conforming use or structure protected by acquired rights shall not be replaced by another non-conforming use or structure;

(iii) by prohibiting the extension or alteration of a non-conforming use or structure protected by acquired rights or by establishing conditions under which a non-conforming use or structure protected by acquired rights may be extended or altered;

(*t*) to permit, in zones, groups of structures of a determined classification and provide for the specific regulation applicable in such case, notwithstanding any general provision applicable to the zone;

(*u*) to prescribe that any immoveable recently erected or altered, or of which the destination or use has been changed, shall not be occupied before the issuance of a certificate by the designated municipal officer, attesting that the immoveable recently erected or altered or, as the case may be, that the new use or destination of the immoveable is in conformity with the by-laws of the municipality;

(*v*) to determine the uses permitted or prohibited in any part of a structure.

**110.** A by-law the object of which is to repeal or amend a by-law made under paragraphs *a, b, c, d, e, f, l, n, o, q, r, s, t, u* and *v* of section 109 comes into force only after its approval in accordance with sections 116 to 125, subject to the other provisions of this act.

**111.** When a notice of motion has been given to amend a zoning by-law, no building plan may be approved nor may any permit be granted for carrying out works which, if the amending by-law is adopted, will be prohibited in the zone concerned.

This section ceases to be applicable to the works in question if the amending by-law is not adopted and put into force within one hundred and twenty days from the date of the notice of motion.

## DIVISION II

### SUBDIVISION BY-LAWS

**112.** Subject to the provisions of this act, a municipality may, by by-law of its council, regulate subdivision in its whole territory or any part thereof.

A subdivision by-law may include provisions on any of the following objects:

(*a*) to specify, for each zone provided for in the zoning by-law, the area and dimensions of lots or landsites by category of structure or use;

(*b*) to prescribe, according to the topography of the land and its intended use, the manner of laying out public or private streets and lanes, the distance to be left between them, and their width; however, a public street shall not be less than fifteen metres in width without the authorization of the county council;

(*c*) to prescribe the minimum area and minimum dimensions of the lots at the time of a subdivision or redivision, taking into account the proximity of a public work, or the presence or, as the case may be, the absence of septic installations or of water-works or a sanitary sewer system;

(*d*) to regulate or prohibit division and subdivision, taking into account the location of the landsite, the proximity of a stream or lake, or the danger of flood, rock fall, landslide or other disaster; any prohibition under this paragraph may be absolute or contemplate only certain classes of immoveables determined by the by-law;

(e) to prohibit such subdivisions or laying out of streets, lanes or public squares, as do not conform to the area standards provided in the subdivision by-law, and require that owners of private streets and lanes indicate the private nature of such roads in the manner stipulated by council;

(f) to require that the owner of any landsite previously submit to the municipal council or to an officer designated for such purpose any plan for dividing or redividing land or amending or cancelling the book of reference of a subdivision, whether that plan provides for streets or not, and that he obtain a subdivision permit from such officer;

(g) to require, as a precondition to the approval of a subdivision plan and to the issue of a subdivision permit, that the sites of the streets shown on the plan be conveyed;

(h) to require, as a precondition to the approval of a subdivision plan, whether it provides for streets or not, that the owner convey to the municipality, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or that the owner, instead of conveying such area of land, pay a sum not exceeding ten per cent of the value entered in the valuation roll regarding the land comprised in the plan, notwithstanding the application of section 21 of the Real Estate Assessment Act (1971, chapter 50); the proceeds of such payment must be paid into a special fund which may be used only for the purchase of lands intended for the establishing or equipping of parks and playgrounds and the lands conveyed to the municipality under this paragraph can only be used for parks and playgrounds; the municipality may, however, dispose, for a consideration, by auction, public tenders or in any other manner approved by the Commission municipale du Québec, of lands it has acquired under this paragraph if they are no longer required for the purposes of establishing parks or playgrounds, and the proceeds must be paid into the said special fund;

(i) to require, as a precondition to the approval of a subdivision plan, that the plan indicate the location of the existing or necessary servitudes of right of way for power supply and communications transmission for the use of the lots appearing on the plan;

(j) to require, as a precondition to the approval of a subdivision plan for its whole territory or a part thereof, the passing of a by-law ordering the carrying out of works for the installation of municipal services.

**113.** A by-law the object of which is to repeal or amend a by-law made under paragraphs *a*, *c* and *d* of section 112 comes into force only after its approval in accordance with sections 116 to 125, subject to the other provisions of this act.

**114.** A municipality may, by by-law of its council, prescribe that no building permit may be granted in its whole territory or any part thereof, unless

(*a*) the ground on which each proposed structure, including its dependencies, is to be built, forms one or more separate lots on the official cadastral plan or on the subdivision plan made and deposited in accordance with article 2175 of the Civil Code;

(*b*) the waterworks and sewer services which have been the object of an authorization or permit issued under section 32 of the Environment Quality Act (1972, chapter 49) are installed in the street on which the structure in question is to be erected or unless the by-law ordering their installation is in force;

(*c*) the land on which a structure is to be erected is adjacent to a public or private street.

This section does not apply to structures for agricultural purposes on lands under cultivation.

### DIVISION III

#### BUILDING BY-LAWS

**115.** Subject to the provisions of this act, a municipality may, by by-law of its council, regulate construction in its whole territory or any part thereof.

A building by-law may include provisions on any of the following objects:

(*a*) to prescribe that a permit is required to erect, reconstruct, enlarge, alter, repair, move or attach a sign;

(*b*) to establish a tariff of fees payable for the issue of building certificates and permits; however, in the case of the construction of dwellings, such fees shall not exceed thirty dollars per dwelling unit;

(*c*) to regulate the materials to be used in building and the manner of assembling them;

(*d*) to establish standards of strength, salubrity and safety or insulation for any structure;

(*e*) to order the reconstruction or repair of any building destroyed or become dangerous, or diminished in its value entered on the valuation roll by at least one-half, as the result

of fire or any other cause, in accordance with the building by-law in force at the time of such reconstruction or repair.

#### DIVISION IV

##### APPROVAL OF BY-LAWS

**116.** Where a provision of this act so requires, a by-law amending or repealing an existing by-law must, before coming into force, be approved pursuant to sections 117 to 125.

**117.** The council shall first adopt a draft by-law, which shall be submitted for public consultation regarding its object and the consequences of its adoption.

**118.** Such consultation is carried out by means of a public meeting held by the council and presided by the mayor.

**119.** At least fifteen clear days before the holding of the meeting, the clerk or secretary-treasurer of the municipality shall publish, in a newspaper circulated in the municipality, a notice indicating the date, time, place and objects of the meeting.

**120.** Where the by-law concerns one zone or sector of the municipality, to the exclusion of all or some other zones or sectors, the notice must describe the perimeter of such zone or sector and illustrate it by means of a sketch, using, whenever possible, street names or road names or numbers, as the case may be.

The notice shall also indicate the nature and effect of the proposed by-law.

**121.** The notice shall be posted in accordance with article 346 of the Municipal Code or with section 372 of the Cities and Towns Act.

In the case provided for in section 120, the notice shall be posted on the site contemplated by the by-law.

**122.** At the public meeting, the municipal council must explain the amendment and the consequences of its adoption, and give every person who manifests his intention to do so the opportunity to be heard; the meeting may be adjourned as often as necessary.

**123.** Following the public consultation, the council may adopt the by-law with or without amendments; it shall then be

approved in accordance with the procedure provided for in section 124 or 125.

**124.** In the case of a municipality governed by the Cities and Towns Act or by a special charter,

(a) the by-law must be submitted to the registration procedure provided in sections 398a to 398o of the Cities and Towns Act, subject to this section;

(b) the persons who are entered as property-owners on the valuation roll in force with respect to an immovable situated in the territory contemplated in the by-law, and, in the case of natural persons, who are of full age and are Canadian citizens, are qualified to vote on the by-law; however, for the sole purposes of the registration proceedings provided for in sections 398a to 398o of the Cities and Towns Act, only those among them who are qualified to vote on the by-law on the day of the passing of the by-law by the council are to be taken into consideration, subject to paragraph c;

(c) the persons who are entered as property-owners on the valuation roll in force with respect to an immovable situated in a zone or sector adjacent to that which is the subject of the by-law, and, in the case of natural persons, who are of full age and are Canadian citizens, are qualified to vote, upon presentation to the clerk, within the five days following the date of publication of a public notice addressed to such persons, of a petition signed by at least twelve of such persons or by a majority of them if their number is less than twenty-four; the clerk must publish such notice at least eight days before the date of publication of the notice provided for in section 398c of the Cities and Towns Act; such notice must mention the right of such persons to avail themselves of the registration procedure provided in sections 398a to 398o of the Cities and Towns Act, and to vote on the by-law, if such is the case, and the manner in which such rights may be exercised; it must also contain the particulars provided in subparagraph a of section 398c of the Cities and Towns Act;

(d) where, by the application of sections 398a to 398o of the Cities and Towns Act, a vote is demanded, sections 399 to 410 of the said act apply, *mutatis mutandis*; however, notwithstanding subsection 2 of section 399 of the same act, the vote shall be taken in number only.

**125.** In the case of a municipality governed by the Municipal Code,

(a) the secretary-treasurer of the municipality, within the twelve days of the passing of such by-law, shall give public notice

thereof to the electors who are property-owners qualified to vote on such by-law and keep it posted up for at least five days; such notice must indicate

(i) the number, the title and the object of the by-law and the date of its adoption by the council; in addition, when the by-law concerns one sector or zone of the municipality, to the exclusion of all or some other zones or sectors, the notice must describe the perimeter of such sector or zone, using, whenever possible, street names or road names or numbers, as the case may be;

(ii) the right of electors who are property-owners qualified to vote on the by-law to demand, at a public meeting called for that purpose, that the by-law be submitted to a poll, the number of such persons required in order that a poll be held and that, failing such number, the by-law will be deemed to have been approved by them;

(iii) the place, date and time of the public meeting;

(b) a public meeting of the electors who are property-owners shall be held between seven and ten o'clock in the evening, at the place and on the day fixed by the council, not later than the twenty-fifth day following the passing of the by-law and after not less than five clear days following the date of publication of the notice provided for in paragraph *a*;

(c) the secretary-treasurer of the municipality, acting as secretary of the meeting, shall read the repealing or amending by-law and submit it to the electors present and qualified to vote on such by-law; two hours after the end of the reading of the by-law, it is deemed to have received the approval of the electors who are property-owners qualified to vote, unless the number of such persons present who have requested that a poll be held is

(i) not less than thirteen, plus ten per cent of the number of electors who are property-owners qualified to vote in excess of the first twenty-five, when the number of such electors is more than twenty-five;

(ii) not less than the majority, if the number of electors who are property-owners qualified to vote is twenty-five or less;

(d) if a vote is demanded, the chairman of the meeting shall fix a suitable date within forty days of such meeting as polling day; in the opposite case, the by-law is deemed to have been approved by the electors; in computing a percentage for the purposes of this paragraph, any fraction or decimal counts as one unit and only the electors who are property-owners qualified to vote on the by-law on the day of its adoption by the council are to be taken into consideration;

(e) if there is a poll, it shall be held on the date fixed by the chairman of the meeting of electors and in accordance with the procedure prescribed by articles 387*a* to 387*l* of the Municipal Code; the only persons permitted to vote on the repealing or amending by-law or on the part of the by-law respecting such repeal or amendment are the electors who are the owners of immoveables situated in the municipality or, as the case may be, in the zone or sector affected by the said by-law or the said part of a by-law, subject to paragraph *f*;

(f) the owners of immoveables situated in a zone or sector adjacent to that affected by the by-law or part of a by-law in question shall also be permitted to vote, upon presentation to the secretary-treasurer of the municipality, within the five days following the date of publication of a public notice addressed to such persons, of a petition signed by at least twelve electors who are property-owners in the adjacent zone or sector in question or by the majority of them if their number is less than twenty-four; the secretary-treasurer of the municipality must publish such notice at least five clear days before the date of publication of the notice provided for in paragraph *a*; such notice must mention the right of such persons to be present at the public meeting, to demand that a poll be held and to vote on the by-law, where such is the case, as well as the manner in which such rights may be exercised; it must also contain the particulars provided in subparagraph *i* of paragraph *a*.

## CHAPTER V

### PLANNING ADVISORY COMMITTEE

**126.** A municipality may, by by-law of its council,

(a) establish a planning advisory committee presided by a member of the council and composed of such number of members as it shall determine, who may be chosen from among the members of the council and the residents of the municipality;

(b) assign to such committee powers of study and recommendation in regard to planning, zoning, subdivision and building;

(c) empower the committee to establish its rules of internal management;

(d) fix the term of office of the members;

(e) authorize the council to appoint, by resolution, the members and officers of the committee and to add to it, also by resolution, persons whose services may be necessary for the performance of its functions.

The council may vote and place at the disposal of the committee the amounts of money which it may need for the fulfilment of its functions.

## CHAPTER VI

### POWERS AND OBLIGATIONS OF THE GOVERNMENT

**127.** Every development plan in force, and every planning programme or by-law in respect of which a certificate of conformity has been issued under this act, is binding on the Government, and on the government departments and agencies.

**128.** Where the Government or any department or agency of the Government wishes to intervene in a county where a development plan is in force, by installing facilities or public services, or by carrying out works, the Minister shall first send a notice of his intention to the council of that county.

The notice of the Minister shall indicate the object of and the reasons for the intervention. A copy of such notice shall be registered with the Commission.

**129.** Within ninety days of the date of receipt of the notice from the Minister, the county council shall send the Minister a written opinion respecting the conformity of the intended intervention with the objectives of the plan.

A copy of this opinion shall be registered with the Commission.

**130.** If, in the opinion of the county council, the intended intervention does not conform to the objectives of the plan, the Minister may apply to the Commission for an assessment of the conformity of the intended intervention with the objectives of the plan.

Within forty-five days of receiving this application, the Commission must give an assessment of conformity. This assessment is final and is binding on the persons concerned.

**131.** If the assessment of the Commission is that the intended intervention is not in conformity with the objectives of the plan, the Minister shall require the county council to amend its development plan.

This requirement is made by way of an order, a copy of which shall be sent, upon its issuance, to the county council, to each of

the municipalities in the county and, for registration, to the Commission.

This order comes into force on the day of its issuance; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force.

**132.** On the receipt of this order, the county council shall amend its plan in conformity with the Minister's order.

On the adoption of the amended plan, a copy of it shall be sent to the Minister and to each municipality in the county, and registered with the Commission.

The amended plan comes into force fifteen days after its adoption by the county council.

Notice of its coming into force shall be published in the *Gazette officielle du Québec*.

**133.** If, at the expiration of ninety days following the coming into force of the order of the Minister, the county council has not amended its plan to the satisfaction of the Minister, the Government may amend the plan by decree.

On the adoption of the decree, a copy of it shall be sent by the Minister to the county council and to each municipality in the county, and registered with the Commission.

The amendment made by decree comes into force on the date mentioned in the decree and has the same effect as if it had been made by the county council.

Notice of its coming into force shall be published in the *Gazette officielle du Québec*.

## CHAPTER VII

### SPECIAL PLANNING ZONE

**134.** The Government may, by decree, declare any part of the territory of Québec to be a special planning zone.

**135.** A special planning zone shall be created in order to ensure

(a) the protection of sites which are of special value to the general community, particularly, of historical, cultural, scientific, aesthetic, recreational or ecological value;

(b) the protection, improvement, renewal or operation of natural resources which are of exceptional interest to the general community such as bodies of water and their shorelines, forests, mines, quarries and sand pits;

(c) the installation and setting up of facilities and public services, and the planning of real estate developments established or initiated by public or private investment according to standards and conditions determined by the Government;

(d) the solution of a development problem the urgency or seriousness of which, in the opinion of the Government, justifies its intervention.

**136.** A territory may be declared a special planning zone only if a draft decree has been previously published in the *Gazette officielle du Québec*, served on the counties and on the municipalities concerned and registered with the Commission.

**137.** The draft decree shall include the following components:

(a) the delimitation of the territory concerned by the draft decree;

(b) a statement of the objectives pursued and the reasons on which such objectives are based;

(c) the principles which must guide the development of the contemplated territory, the standards to be respected, the projects to be achieved and the terms and conditions of achievement;

(d) the terms and conditions of review or repeal of the decree;

(e) the provisions of control which are being considered for the development of the contemplated territory;

(f) the mode by which the county councils, the municipalities and the population affected by the proposed decree are to be consulted.

**138.** From the date of the publication of the decree in the *Gazette officielle du Québec* until the date of the coming into force of the decree, the following practices are prohibited in the territory contemplated by the draft decree:

(a) any new construction, alteration, addition or installation, or any new use of land except uses of land and buildings for agricultural purposes on land under cultivation;

(b) the preparation of any plan of division or subdivision of land;

(c) the amendment or cancellation of the reference book of a subdivision;

(d) the parcelling out of a lot by alienation in accordance with article 2168 of the Civil Code.

However, the Government may at any time exempt any part of the territory contemplated by the draft decree from the prohibitions enacted by this section. These prohibitions then cease to apply in that part of the territory from the date of the publication by the Minister, in the *Gazette officielle du Québec*, of a notice containing the description of that part of the territory thus exempted from the prohibitions enacted by this section.

**139.** The decree shall be passed by the Government with or without amendment and include the following components:

(a) a description of the perimeter of the area to which it applies;

(b) a statement of the objectives pursued;

(c) the controls applicable within the contemplated perimeter;

(d) the designation of the authority responsible for the administration of the controls provided for in paragraph c;

(e) the terms and conditions of amendment, review or repeal of the applicable controls.

**140.** The decree shall be published in the *Gazette officielle du Québec*, and it comes into force on the date of that publication or on any later date fixed by proclamation of the Government.

A copy of the decree shall be served on each of the counties and municipalities concerned and registered with the Commission.

**141.** From the coming into force of the decree, the controls provided for therein are applicable within the perimeter of the area to which the decree applies.

These controls shall be administered, in accordance with the terms and conditions of the decree, by the municipality, the county council or any other designated body.

## TITLE II

## ADMINISTRATION

## CHAPTER I

## COUNTY CORPORATIONS

## DIVISION I

## THE TERRITORY OF COUNTY CORPORATIONS

§ 1.—*Delimitation*

**142.** The Government may, by letters patent, modify the territory of the county corporations defined in section 13 of the Territorial Division Act (Revised Statutes, 1964, chapter 5).

The Government may also, by letters patent, create new county corporations and define their territory.

The Government may at any time amend the letters patent issued under this section.

**143.** The local municipalities, except the municipalities mentioned in Schedule A to the Québec Urban Community Act (1969, chapter 83), to the Montreal Urban Community Act (1969, chapter 84), and to the Outaouais Regional Community Act (1969, chapter 85), and the municipalities constituted under the Act respecting municipal organization of certain territories (1971, chapter 54), form part of the county corporations which are created or the territory of which is modified by letters patent issued pursuant to section 142.

**144.** The letters patent issued under section 142 shall

(a) define the territory of the county corporation which is created or the territory of which is modified;

(b) indicate, in the case of a new county corporation, the name under which that corporation will be designated;

(c) fix the population sizes which will entitle the municipalities to additional votes on the county council, or determine the additional number of representatives a municipality will have on the county council;

(d) fix the maximum number of persons who may be members of the executive committee and indicate the powers which may be delegated to that committee by the council, and the conditions of exercise of such delegation;

(e) in the case of a new county corporation, fix the date and place of the first sitting of the council;

(f) in the case of a new county corporation, designate a person to act as the secretary-treasurer of the corporation until the end of the first sitting of the council;

(g) determine, where required, which corporation is succeeded by the new corporation, and indicate the place where its records shall be filed;

(h) state the other rules which shall govern such county corporation, notwithstanding section 145.

**145.** Where a county corporation succeeds another county corporation, it acquires the rights and assumes the obligations thereof, and becomes, without continuance of suit, a party to any suit in the place and stead of that other corporation.

The by-laws, resolutions, *procès-verbaux*, valuation rolls, collection rolls and other acts of the county corporation which has been succeeded by another corporation remain in force in the territory for which they were passed or made until they are amended, annulled or repealed.

**146.** The officers and employees of a county corporation succeeded by another corporation are transferred to the service of that other county corporation, at not less than the same salary, and continue to hold office there until they resign or are replaced, subject to the other provisions of the law.

**147.** The Minister shall give notice of the issuance of the letters patent by publishing them in Part II of the *Gazette officielle du Québec*; the letters patent come into force on the date of that publication or on such later date as may be indicated in the notice.

**148.** The Éditeur officiel du Québec shall publish, in each yearly compilation of the statutes, a table indicating the date of publication in the *Gazette officielle du Québec* of the letters patent issued during the preceding year, the date of their coming into force, and the description of the territory of each county corporation which has been created or the territory of which has been modified by such letters patent.

## § 2.—*Modification*

**149.** A local municipality being part of a county corporation for which letters patent have been issued under section 142 may present a petition to the Minister for its withdrawal from

that county corporation and its attachment to another county corporation adjacent to that local municipality.

**150.** A municipality wishing to be attached to another county corporation shall

(a) pass a by-law authorizing the presentation of a petition to the Minister to that effect, indicating the conditions of its proposed attachment;

(b) publish in two consecutive issues of the *Gazette officielle du Québec* a notice setting forth its territorial limits, its population figure and its intention of presenting a petition to the Minister for its attachment to that other county corporation which it designates;

(c) give a public notice summarizing the object of the petition and indicating that a person may, within thirty days following this notice, submit his objections to the petition in writing to the Minister.

**151.** If the Minister requires it, the Commission municipale du Québec shall hold a public inquiry into the advisability of granting this petition for attachment to a county corporation.

The report of the Commission municipale du Québec shall be made public within fifteen days of its presentation to the Minister.

**152.** The by-law contemplated in section 150 requires the approval of the property-owners and lessees concerned, within the meaning of section 38 of the Cities and Towns Act.

**153.** This consultation shall be held in accordance with sections 398a to 398o of the Cities and Towns Act and, if a vote is demanded, in accordance with sections 399 to 410 of the same act.

**154.** If the by-law contemplated in section 150 is approved, the petitioning municipality may present a petition to the Minister, requesting that he allow its withdrawal from the county corporation to which it is attached and its attachment to another county corporation.

**155.** The petition shall be sent to the Minister and must be accompanied with a certificate from the clerk or, as the case may be, from the secretary-treasurer of the petitioning municipality, attesting the passing of the by-law.

**156.** If the Minister considers it advisable to grant the petition for attachment to another county corporation, he shall recommend this measure to the Government.

**157.** The Government may then order the issuance of the letters patent necessary to give effect to the modifications consented to. These letters patent shall be published in accordance with sections 147 and 148.

**158.** Subject to the provisions contained in the letters patent, where a municipality has been attached to a county corporation adjacent to it, it remains subject to the provisions of the various acts, by-laws and orders in force at the time of its attachment until these acts, by-laws or orders are amended, annulled or repealed.

Unless otherwise provided in the letters patent, the apportionment of assets and liabilities between the two county corporations shall be effected in accordance with articles 50 to 61 of the Municipal Code, *mutatis mutandis*.

## DIVISION II

### ORGANIZATION AND OPERATION OF COUNTY CORPORATIONS

**159.** The council of a county corporation is composed of the mayor of each municipality in the county and, where that is the case, the additional representatives provided for for each municipality in the letters patent.

The additional representatives of a municipality shall be appointed among its members by resolution of its council.

The administrator of a municipality constituted under the Act respecting municipal organization of certain territories (1971, chapter 54) is also a member of the county corporation council but shall not be elected as warden.

**160.** Every representative of a city or town municipality is qualified to participate in the deliberations and votes of the county council for the purposes of Title I of this act, and for the other cases in which the act applicable to the city or town municipality or county corporation confers upon the latter jurisdiction to which the city or town municipality is subject, with or without the consent of the latter. Where, as the case may be, a board of delegates has been created for such cases, that board is dissolved and any decisions it may have taken become the decisions of the county council.

Every representative of a city or town municipality is also qualified to participate in the deliberations and votes of the county council for any other purpose within the jurisdiction of the county, if a majority of votes is expressed to that effect.

**161.** The sittings of the council are presided by the county warden, who is also the chief of the executive of the county municipality.

**162.** The warden is elected by a majority of two-thirds of the votes of the county council; he shall be chosen from among the mayors.

This election is by secret ballot, presided by the secretary-treasurer.

**163.** Within thirty days following the coming into force of the letters patent issued under section 142, the county council must proceed with the election provided for in section 162.

**164.** The council of the municipality whose mayor is elected warden may, by a majority of two-thirds of the votes of its members, designate a person from among its members to sit on the county council for the purpose of casting the votes of that municipality under the letters patent.

**165.** The county warden is elected for a term of four years, and shall not be elected to more than two consecutive terms.

**166.** In the case of a tie-vote, the warden has a casting vote.

**167.** The council shall appoint among its members a deputy warden who, in the absence of the warden or while the office is vacant, shall fulfil the functions of the warden, with all the privileges, rights and obligations attached thereto. The deputy warden shall be chosen from among the members.

**168.** After the election provided for in section 163, the county council shall hold a regular meeting at least once every sixty days.

**169.** One-third of the members representing at least one-half of the votes are a quorum of the county council.

**170.** Unless otherwise provided, decisions of the county council are taken by a majority of votes.

**171.** The representative of a local municipality has at least one vote in the county council and, as the case may be, additional votes in the manner stipulated in the letters patent.

**172.** The warden and the members of the county council are remunerated according to the tariff established by the Government.

**173.** The mayor of a local municipality may, with the agreement of two-thirds of the members of the municipal council, designate another member of the council to replace him at the county council meetings.

## CHAPTER II

### THE COMMISSION NATIONALE DE L'AMÉNAGEMENT

#### DIVISION I

##### ESTABLISHMENT OF THE COMMISSION

**174.** A body called the "Commission nationale de l'aménagement" is established.

**175.** The Commission shall be composed of five members, including a chairman and a vice-chairman, appointed by the Government for not more than five years. The duration of their terms of office, once fixed, shall not be reduced.

Two members of the Commission shall be appointed after consultation with the most representative organizations of the municipalities and counties.

**176.** The Government shall fix the salaries and, as the case may be, the fees, allowances or additional salaries of the members of the Commission. Their salaries, once fixed, shall not be reduced.

**177.** At the expiry of their terms, the chairman and the other members of the Commission shall remain in office until they are reappointed or replaced.

**178.** The members of the Commission shall exercise their functions on a full-time basis.

**179.** If the chairman is absent or unable to act, he shall be replaced by the vice-chairman or, failing him, by another member chosen by the Commission.

**180.** A member of the Commission shall not, on pain of forfeiture of office, have a direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Commission.

However, that forfeiture does not occur if that interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

**181.** Three members are a quorum of the Commission. In the case of a tie-vote, the chairman has a casting vote.

**182.** The secretary and the other members of the personnel of the Commission shall be appointed and remunerated according to the Civil Service Act (1978, chapter *insert here the chapter number of Bill 50*).

**183.** The Commission may nominate or appoint such experts as it considers necessary. Their remuneration shall be fixed by regulation of the Government.

**184.** The Commission shall have its head office at the place determined by the Government; a notice of the establishment or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The Commission may hold sittings anywhere in Québec.

**185.** The Commission may, at a sitting called by the chairman for such purpose, adopt rules of internal management.

The rules adopted by virtue of this section come into force upon the approval of the Government and shall be published in the *Gazette officielle du Québec*.

**186.** The assessments, opinions and notices of the Commission certified by the chairman or secretary are authentic. The same holds true for the documents or copies issued by the Commission or forming part of its records, if they are signed by the chairman or the secretary of the Commission.

**187.** The members of the Commission and its personnel cannot be sued by reason of official acts done in good faith in the exercise of their functions.

**188.** Not later than 30 June each year, the Commission shall submit a report of its activities for the preceding year to the Minister.

The Minister shall table that report before the Assemblée nationale; if he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days from the opening of the next session or from resumption, as the case may be.

## DIVISION II

### FUNCTIONS AND POWERS OF THE COMMISSION

**189.** The Commission shall give the assessments of conformity provided for in this act.

**190.** The Commission is the registrar and the custodian of the by-laws, resolutions, orders, decrees, assessments, notices and opinions the registration of which is provided for by this act.

**191.** A county council, a municipality or, in the case of section 130, the Minister shall furnish the Commission with any public document, by-law, study or public report it requests for the performance of its functions.

**192.** An assessment of conformity given by the Commission must indicate the grounds on which the Commission bases itself and must be registered.

**193.** The Commission shall keep a register of the documents and writings the registration of which is provided for by this act.

Any person may consult the register and the documents and writings registered therein and, on payment of the fee prescribed by regulation of the Government, obtain copies thereof.

## TITLE III

### SANCTIONS AND RECOURSES

**194.** The Superior Court may, at the request of the county corporation, the municipality or any other interested person, order the cessation of

(a) a use of land incompatible with a zoning by-law, a subdivision by-law or a building by-law;

(b) an operation provided for in section 128 which is not in conformity with the objectives of a development plan.

It may also order, at the expense of the owner, the demolition of any structure or the restoration of the land to its former condition.

**195.** The Superior Court may, at the request of the county corporation, the municipality or any other interested person, order the cessation of any use of land and of any operation undertaken contrary to section 56 or to the interim control by-law contemplated in section 58.

It may also, in such a case, order, at the expense of the owner, the demolition of the structure or the restoration of the land to its former condition.

**196.** Where the construction, alteration or enlargement of a building is carried out in a manner not in conformity with the zoning, building or subdivision by-law or where a building is in such a condition as to constitute a danger to persons, a judge of the Superior Court sitting in the district where that immovable is located may, on a motion of the county corporation, of the municipality, or of a property-owner or resident of the municipality, enjoin the owner of the building or any other person in charge thereof to carry out the work required to bring it into conformity with the by-laws or to ensure the safety of persons or, if there is no other useful remedy and if the owner has been put in default, to demolish it within such time as he may prescribe, and order that, on failure to do so within that time, the county corporation or the municipality will be entitled to demolish it at the expense of the owner of the building.

Where the motion concerns an immovable in such a condition as to constitute a danger to persons, it shall be served in the manner prescribed by the judge, unless he dispenses from service, and shall be heard and decided by preference; on the presentation of the motion, the judge may allow the parties to file written pleas within the delay he prescribes, and fix a date for the proof and hearing; he may also demand any evidence, if he considers it necessary.

Where the matter is exceptionally urgent, the judge may authorize the county corporation or the municipality to carry out the work or to proceed with the demolition without further delay, and the county corporation or the municipality may claim for the cost thereof from the owner of the building if it discovers who or where he is. The judge may also, in all cases, enjoin the persons living in the building to vacate it within the delay he fixes.

**197.** Where a building has lost one-half of its value through decay, fire or explosion, a judge of the Superior Court sitting

in the district where the building is situated may, on a motion of the county corporation or the municipality, render any order contemplated in section 196, following the procedure there set out.

**198.** The cost of demolition, repairs, alterations or construction or of restoring land to its former condition incurred by a county corporation or municipality in the exercise of the powers contemplated in sections 196 and 197 is a charge on the property ranking with the real estate tax and recoverable in the same manner.

**199.** Where this act requires service, it may be made by a bailiff or by registered mail.

Service by registered mail is deemed to have been made on the date of mailing.

## TITLE IV

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### CHAPTER I

##### GENERAL PROVISIONS

**200.** No permit or certificate provided for in this act may be validly granted or issued except by an officer designated for that purpose by the county council or the council of the municipality, and except in conformity with the requirements of this act and the by-laws the adoption of which it provides for.

**201.** The county council and the council of a municipality may, by by-law, establish the procedure of application for and issuance of the permits and certificates it is within their respective jurisdictions to issue under this act. They may also set the related issuance fees, subject to subparagraph *b* of the second paragraph of section 115.

**202.** Where a county corporation or a municipality fails to do a thing within the delay or term granted by this act, by a regulation or by-law, or by an order or decree adopted or rendered pursuant to this act, the Minister may act in its place, and anything he does in that case has the same effect as if the defaulting county corporation or municipality had done it by virtue of its powers.

The Minister may appoint a representative for the purposes of this section.

The decision of the Minister to exercise or to cease to exercise the powers conferred on him by this section has effect immediately; notice of it shall be published in the *Gazette officielle du Québec* within fifteen days of the decision, and be registered with the Commission.

**203.** The Minister, of his own initiative or at the request of a county corporation or municipality, may extend a delay or a term granted to it by this act or a regulation or by-law adopted or an order rendered by virtue of this act, if the delay or the term has not expired.

If the Minister deems it advisable, he may, at the request of the defaulting county corporation or municipality, grant a new delay or set a new term, on such conditions as he may fix.

In either case, the decision of the Minister granting the request has effect immediately; notice of the decision shall be published in the *Gazette officielle du Québec* within fifteen days of the decision and shall be registered with the Commission.

**204.** The Minister may, within the delay provided for in this act, apply to the Commission for an assessment of the conformity of any planning programme or planning by-law with the objectives of the development plan of the county.

The Minister may, within the delay provided for in this act, apply to the Commission for an assessment of the conformity of any zoning, subdivision or building by-law with the planning programme.

**205.** The Government may, by regulation,

(a) prescribe the rules governing the preparation and presentation of development plans;

(b) prescribe the rules governing the conduct and procedure of the meetings provided for in sections 14, 23, 86, 91 and 118;

(c) prescribe the rules and the terms and conditions of the holding of the referendum provided for in section 24;

(d) prescribe the fees provided for in section 193.

Such regulations must be registered with the Commission; they come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

**206.** For the purposes of this act, the population of a municipality is that which is recognized as valid by the Government under the Cities and Towns Act and the Municipal Code.

The population of the county is the aggregate of the populations of all the municipalities forming part of the population of the county, plus the population of the territories contemplated in article 27 of the Municipal Code.

**207.** The Minister may grant financial assistance to a county corporation for the preparation and application of a development plan.

He may also grant financial assistance to a municipality or a county corporation for the preparation and application of a planning programme, or of a zoning, subdivision or building by-law.

**208.** Title II of this act takes precedence over any contrary provision of any general law or special act or of letters patent applicable to a municipality, from the coming into force of the letters patent issued under section 142, both in respect of the county corporations to which such letters patent are issued and in respect of the local municipalities forming part of that county municipality.

Subject to the preceding paragraph,

(a) the provisions of a general law or special act or of letters patent concerning matters in respect of which this act makes no specific provision and which, before the coming into force of letters patent issued under section 142, apply to a city or town municipality, including the amendments and additions to the said provisions, continue to apply to the latter municipality notwithstanding section 143;

(b) a local municipality to which letters patent are granted under section 12 of the Cities and Towns Act after the coming into force of letters patent issued under section 142 is regarded, as for the provisions applicable to it, as a municipality which has ceased to be a member of a county corporation to which this act does not apply, notwithstanding section 143;

(c) the first paragraph and subparagraph *a* apply, *mutatis mutandis*, to the members of the council and to the officers of a county corporation the letters patent of which, issued under section 142, are in force;

(d) this section applies, *mutatis mutandis*, to a municipality incorporated under chapter 54 of the statutes of 1971.

**209.** Article 3 of the Municipal Code is replaced by the following article:

**3.** The territory governed by this code is divided into county municipalities.

County municipalities include rural and village municipalities, except for the county municipalities to which letters patent have been issued under section 142 of the Act respecting land use and development planning (1979, chapter *insert here the chapter number of Bill 125*), which may also include city or town municipalities not being members of an urban or regional community, and municipalities incorporated under the Act respecting municipal organization of certain territories (1971, chapter 54).”

## CHAPTER II

### TRANSITIONAL AND FINAL PROVISIONS

**210.** This act replaces the provisions of the Municipal Code and of the Cities and Towns Act enumerated in Schedule A, in the manner and to the extent indicated in that enumeration.

**211.** The provisions of this act which replace, pursuant to section 210, the provisions of the Municipal Code or of the Cities and Towns Act, apply notwithstanding any provision of any special act or of a charter replaced, amended or repealed, for a municipality to which this act applies, directly or indirectly, whether or not that municipality is a member of an urban or regional community.

The provisions of this act also apply to the city and town municipalities which are not contemplated in section 1 of the Cities and Towns Act.

**212.** In any general law or special act, charter, order in council or by-law, a reference to a provision replaced pursuant to section 210 is deemed to be a reference to the equivalent provision of this act.

This section applies particularly to the Québec Urban Community Act (1969, chapter 83), to the Montreal Urban Community Act (1969, chapter 84), and to the Outaouais Regional Community Act (1969, chapter 85).

**213.** Notwithstanding article 369 of the Municipal Code and section 394 of the Cities and Towns Act, a by-law which, according to the provisions of a general law or special act replaced pursuant to this act, required any approval, may be repealed or amended validly in accordance with the provisions of this act.

**214.** Any urban planning master plan, zoning plan, or zoning, subdivision or building by-law adopted by a municipality before the coming into force of this act remains in force and

retains all its effects until it is replaced, amended or repealed in conformity with the provisions of this act.

**215.** Any urban planning joint commission instituted by virtue of article 392*e* of the Municipal Code or of subsection 3 of section 68 of the Cities and Towns Act remains operative until the adoption of a resolution provided for in section 3 or of an order provided for in section 4.

**216.** The following provisions of the Municipal Code are repealed:

- (a) paragraphs *h*, *i*, *j* and *k* of article 392*f*;
- (b) article 392*h*;
- (c) article 393*b*;
- (d) article 393*c*;
- (e) article 393*e*;
- (f) article 393*f*.

**217.** The following provisions of the Cities and Towns Act are repealed:

- (a) the eighth, ninth, tenth and eleventh paragraphs of subsection 8 of section 429;
- (b) section 428*c*;
- (c) section 428*d*;
- (d) section 429*f*.

**218.** Chapters I and II of Title I apply to a county corporation only from the coming into force of letters patent issued under section 142.

**219.** This act does not apply in the territories situated north of the 55<sup>th</sup> parallel nor in the territory described in the Schedule to the James Bay Region Development Act (1971, chapter 34).

**220.** The Minister designated by the Government is responsible for the application of this act.

**221.** This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date to be fixed by proclamation of the Government.

## SCHEDULE A

Provisions of the Municipal Code and of the Cities and Towns Act (Revised Statutes, 1964, chapter 193) replaced by section 210 of this act.

PROVISIONS OF THE MUNICIPAL CODE	PROVISIONS OF THE CITIES AND TOWNS ACT	EQUIVALENT PROVISIONS OF THIS ACT
Art. 392 <i>f</i> par. <i>a, b</i>	Sec. 429, par. 8, 1 <sup>st</sup> and 2 <sup>d</sup> par.	Sec. 76, 79, 80
<p>Art. 392<i>a</i>, 1<sup>st</sup> par., the following words: "classify, for purposes of regulation, dwellings, commercial establishments, industrial establishments and all other immoveables, including public buildings; to regulate the places where each category of the aforesaid structures may be situated; to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment and destination of the structures which may be erected therein, the use of any immoveable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking, loading or unloading of vehicles and the manner of arranging such space; to divide such zones, if expedient, into sectors for purposes of the polling provided for by this article; to compel proprietors to submit previously the plans for the construction, reconstruction or alteration of or additions to buildings and projects for changes of the destination of use of an immoveable or for the moving of a building, to an officer designated for such purpose and to obtain from the latter a building permit or certificate of approval; to prevent or suspend the erection of structures or the carrying out of works or the use of buildings not in conformity with the by-laws and to order the demolition, if necessary, of any structure erected in contravention of such by-laws."</p>	<p>Sec. 426, par. 1, the following words: "classify, for purposes of regulation, dwellings, commercial establishments, industrial establishments and all other immoveables, including public buildings; to regulate the places where each category of the aforesaid structures may be situated; to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment and destination of the structures which may be erected therein, the use of any immoveable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking, loading or unloading of vehicles and the manner of arranging such space; to divide such zones, if expedient, into sectors for purposes of the polling provided for by this section;"</p> <p>Sec. 426, par. 1<i>a</i>.</p>	<p>Sec. 109, par. <i>a, b, c, e, f, g, k</i></p>

PROVISIONS OF THE MUNICIPAL CODE	PROVISIONS OF THE CITIES AND TOWNS ACT	EQUIVALENT PROVISIONS OF THIS ACT
Art. 393		Sec. 109, par. <i>h</i>
Art. 393 <i>a</i> , par. 1 <i>b</i> , <i>c</i>	Sec. 429 <i>b</i> , par. 1 <i>b</i> , <i>c</i>	Sec. 109, par. <i>q</i> , <i>r</i>
	Sec. 425, par. 2	Sec. 109, par. <i>t</i>
Art. 392 <i>a</i> , 2 <sup>d</sup> -9 <sup>th</sup> par.	Sec. 426, par. 1 <i>c</i>	Sec. 110
Art. 392 <i>b</i>	Sec. 385, 2 <sup>d</sup> par.	Sec. 111
Art. 392 <i>f</i> , par. <i>c</i> , <i>d</i> , <i>e</i> , <i>g</i>	Sec. 429, par. 8, 3 <sup>d</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> par.	Sec. 112, par. <i>b</i> , <i>e</i> , <i>f</i> , <i>h</i>
Art. 393 <i>a</i> , par. 1 <i>a</i> , <i>b</i>	Sec. 429 <i>b</i> , par. 1 <i>a</i> , <i>b</i>	Sec. 112, par. <i>c</i> , <i>d</i>
Art. 392 <i>c</i> , par. 1	Sec. 426, par. 3	Sec. 114
Art. 392 <i>a</i> , 1 <sup>st</sup> par., the following words: "Every local corporation may make, amend or repeal by-laws to regulate the materials to be used in building and the manner of as- sembling the same; to prohibit any work not of the prescribed strength and provide for its demolition; to prescribe salubrious con- ditions and the depth of cellars and base- ments and the use to be made thereof;"	Sec. 425, par. 2 Sec. 426, par. 1, the following words: "To regulate the materials to be used in building and the manner of assembling the same; to prohibit any work not of the prescribed strength and provide for its demolition; to prescribe salubrious conditions and the depth of cellars and basements and the use to be made thereof;" par. 27, 1 <sup>st</sup> , 3 <sup>d</sup> par.	Sec. 115
Art. 392 <i>d</i>	Sec. 68, par. 2	Sec. 126
Art. 393 <i>d</i>	Sec. 429 <i>e</i>	Sec. 168 and 169
Art. 392 <i>g</i> , 1 <sup>st</sup> , 2 <sup>d</sup> par.	Sec. 426, par. 1 <i>b</i> , 4 <i>a</i>	Sec. 170
	Sec. 426, par. 27, 2 <sup>d</sup> par.	Sec. 171
Art. 392 <i>g</i> , 3 <sup>d</sup> par.	Sec. 518 <i>a</i>	Sec. 172
Art. 392 <i>c</i> , par. 2 Art. 392 <i>f</i> par. <i>f</i>	Sec. 426, par. 2 Sec. 429, par. 8, 6 <sup>th</sup> par.	Sec. 201