

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1993, chapter 65  
**AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL  
TERRITORIAL ORGANIZATION AND OTHER LEGISLATIVE  
PROVISIONS**

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**Bill 118**

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 11 November 1993

Passage in principle 2 December 1993

Passage 15 December 1993

**Assented to 17 December 1993**

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**Coming into force: 17 December 1993**

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**Acts amended:**

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

Act respecting truck transportation (R.S.Q., chapter C-5.1)

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

Territorial Division Act (R.S.Q., chapter D-11)

Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)

Act respecting municipal territorial organization (R.S.Q., chapter O-9)

Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (1963, 1st session, chapter 97)

Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88)

Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55)



## CHAPTER 65

### An Act to amend the Act respecting municipal territorial organization and other legislative provisions

[Assented to 17 December 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

c. O-9, s. 1, am.      **1.** Section 1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing the second paragraph by the following paragraph:

Territories concerned      “It also comprises, at the local level, the territories of the local municipalities, whether or not they are included in the territories of the regional bodies mentioned in the first paragraph.”

c. O-9, ss. 4-6, repealed      **2.** Sections 4 to 6 of the said Act are repealed.

c. O-9, s. 11.1, added      **3.** The said Act is amended by inserting, after section 11, the following section:

Presumption      “**11.1** The Kativik Regional Government, when acting in accordance with section 244 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), is deemed to be a local municipality governed by the said Act with respect to all unorganized territory forming part of its territory, unless the context indicates otherwise.”

c. O-9, s. 14, replaced      **4.** Section 14 of the said Act is replaced by the following section:

Name      “**14.** The name of a local municipality shall include the word “Municipalité” and a place-name.

Name      However, the word “Ville” or “Village” may be used instead of the word “Municipalité” in the name of a local municipality.”

c. 0-9,  
s. 26, am.

**5.** Section 26 of the said Act is amended by replacing the words “his decision” in the first line of the second paragraph by the words “the notice provided for in section 27”.

c. 0-9,  
s. 29, am.

**6.** Section 29 of the said Act is amended by replacing the words “according to the most recent census taken for the whole territory of Québec or for the territory of the municipality and recognized as valid by” in the second, third and fourth lines of the first paragraph by the words “determined in an”.

c. 0-9,  
s. 30, am.

**7.** Section 30 of the said Act is amended

(1) by inserting, after the fourth paragraph, the following paragraph:

Population

“In the case of a reduction of territory situated in water or of an extension in water of territory, the population of each local municipality or unorganized territory affected by the reduction or extension shall be ascertained by the Minister of Municipal Affairs. The Minister shall inform each local municipality and, where applicable, the regional county municipality or the Kativik Regional Government of the population he has ascertained.”;

(2) by replacing the words “ascertained under section 29 on the basis of a census which allows for” in the second and third lines of the sixth paragraph by the words “determined in an order made under section 29 which takes into consideration”;

(3) by replacing the words “or termination of administration” in the fourth and fifth lines of the sixth paragraph by the words “, termination of administration, reduction or extension”.

c. 0-9,  
s. 32, am.

**8.** Section 32 of the said Act is amended by replacing the words “the cases described in sections 37 and” in the first and second lines by the words “the case described in section”.

c. 0-9,  
s. 37, am.

**9.** Section 37 of the said Act is amended by striking out the second paragraph.

c. 0-9,  
s. 38, am.

**10.** Section 38 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Application

“The application may set out any condition applicable to the constitution.”

c. 0-9,  
s. 45,  
replaced

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

Required documents      **“45.** The representative shall transmit the original of the application to the Minister of Municipal Affairs, together with any other document which the Minister may require.

Information      The representative shall supply the Minister with any information which he requires concerning the application.”

c. O-9,  
s. 47, am.      **12.** Section 47 of the said Act is amended by adding the following paragraph:

Extension      “The Minister may, upon a request therefor, grant an extension to the representative.”

c. O-9,  
s. 59, am.      **13.** Section 59 of the said Act is amended by adding the following paragraphs:

Extension      “He may, upon a request therefor by the representative or the regional county municipality, grant them an extension.

Applicability      The first two paragraphs do not apply where the application for constitution contains the apportionment of the assets and liabilities and has been approved by the regional county municipality. Nor do they apply where the Minister has already received either a copy of the decision of the representative or of the resolution of the regional county municipality proposing the negotiation of an agreement on such an apportionment, or a copy of the agreement they have reached.”

c. O-9,  
s. 62, am.      **14.** Section 62 of the said Act is amended by replacing the first paragraph by the following paragraph:

Copy      **“62.** The conciliator shall transmit to the Minister a copy of the agreement or, if no agreement is reached within the time granted, a report on the situation.”

c. O-9,  
Title I,  
Chap. III,  
Div. VII,  
heading,  
replaced      **15.** The heading of Division VII of Chapter III of Title II of the said Act is replaced by the following heading:

“GOVERNMENT ORDER AND MINISTERIAL DECISION”.

c. O-9,  
s. 66, am.      **16.** Section 66 of the said Act is amended by replacing the second paragraph by the following paragraph:

Approval      “Any amendment under the first paragraph must either have received prior approval by the representative and, where applicable,

by the interested persons or the persons qualified to vote in accordance with sections 50, 51 and 58, or be necessary in order to take into account the agreement reached.”

c. 0-9,  
s. 67, am.

**17.** Section 67 of the said Act is amended

(1) by inserting the words “, prepared by the Minister of Energy and Resources” after the word “municipality”, in paragraph 2;

(2) by striking out paragraphs 5 and 6;

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

Order

“The order may set out any condition applicable to the constitution.”

c. 0-9,  
s. 68, am.

**18.** Section 68 of the said Act is amended

(1) by replacing the figure “45” in the first line of the first paragraph by the figure “40”;

(2) by striking out the second paragraph.

c. 0-9,  
s. 70.1,  
added

**19.** The said Act is amended by inserting, after section 70, the following section:

Clerk or  
secretary-  
treasurer

**“70.1** The Minister shall appoint a person to act as the clerk or secretary-treasurer of the municipality until the council composed of persons elected at the first general election appoints a person to hold that office.

First sitting

He shall also fix the date, time and place of the first sitting of the council.

Public  
notice

Not later than the third day preceding the date set for this sitting, the clerk or secretary-treasurer shall give public notice, in the territory of the municipality and in accordance with the Act governing the municipality, of the date, time and place of the sitting. He shall mention in the notice any matter which a member of the council has requested be included for discussion.”

c. 0-9,  
s. 73,  
repealed

**20.** Section 73 of the said Act, amended by section 137 of chapter 3 of the statutes of 1993, is repealed.

c. 0-9,  
s. 81, am.

**21.** Section 81 of the said Act is amended by inserting the words “and to the conditions applicable to the constitution contained in the order” after the word “agreement”.

c. O-9,  
s. 84.1,  
added

**22.** The said Act is amended by inserting, after section 84, the following division:

“DIVISION II.1

“JOINT STUDY

Agreement

**“84.1** An agreement between the municipalities for the purpose of having a study carried out into the advisability of amalgamating their territories may be authorized by resolution, notwithstanding section 468 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 569 of the Municipal Code of Québec (R.S.Q., chapter C-27.1). Such an agreement is not subject to sections 468.1 to 469.1 of the Cities and Towns Act, or to articles 570 to 624 of the Municipal Code of Québec.”

c. O-9,  
s. 89, am.

**23.** Section 89 of the said Act is amended by replacing the first paragraph by the following paragraph:

Opinion

**“89.** Not later than 60 days after receiving copy of the application, the regional county municipality shall transmit its opinion on the application for amalgamation, failing which its approval is presumed.”

c. O-9,  
s. 92,  
replaced

**24.** Section 92 of the said Act is replaced by the following section:

Required  
documents

**“92.** As soon as possible after publication of the application, the clerk or secretary-treasurer of the applicant municipality having the largest population shall transmit a certified copy of the application to the Minister of Municipal Affairs, together with any other document which the Minister may require.

Information

The clerk or secretary-treasurer shall supply the Minister with any information which he requires concerning the application.”

c. O-9,  
s. 95, am.

**25.** Section 95 of the said Act is amended

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

Consultation

**“95.** The Minister may order the consultation of the qualified voters either of all the applicant municipalities or of one or several of them.”;

(2) by replacing the seventh paragraph by the following paragraph:

Expenses “All expenses incurred by reason of the consultation shall be paid by the municipality conducting it.”

c. O-9,  
s. 97, am. **26.** Section 97 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

Extension “The Minister may, upon a request therefor, grant an extension to the council of an applicant municipality.”;

(2) by striking out the words “of each applicant municipality” in the first line of the second paragraph.

c. O-9,  
s. 100, am. **27.** Section 100 of the said Act is amended by replacing the first paragraph by the following paragraph:

Opinion “**100.** Not later than 30 days after receiving copy of the notice and of each resolution, the regional county municipality shall inform the Minister in writing of its opinion on the amendment proposal.”

c. O-9,  
s. 106, am. **28.** Section 106 of the said Act is amended by replacing the first two paragraphs by the following paragraph:

Consultation “**106.** The Minister may order the consultation of the qualified voters either of all the applicant municipalities or of one or several of them.”

c. O-9,  
Title I,  
Chap. IV,  
Div. VI,  
heading,  
replaced **29.** The heading of Division VI of Chapter IV of Title II of the said Act is replaced by the following heading:

“GOVERNMENT ORDER AND MINISTERIAL DECISION”.

c. O-9,  
s. 108,  
replaced **30.** Section 108 of the said Act is replaced by the following section:

Order “**108.** The order constituting the local municipality resulting from the amalgamation must contain

(1) the name of the municipality;

(2) the description of the territory of the municipality prepared by the Minister of Energy and Resources;

(3) a statement to the effect that the municipality is governed by the Municipal Code of Québec (R.S.Q., chapter C-27.1), by the Cities

and Towns Act (R.S.Q., chapter C-19), by the Charter of the city of Montréal (1959-60, chapter 102) or by the Charter of the city of Québec (1929, chapter 95);

(4) any special legislative provisions applicable to either municipality before the amalgamation which apply to the municipality resulting from the amalgamation, where that is the case;

(5) the composition of the provisional council which is empowered to administer the affairs of the municipality until a majority of the council members elected at the first general election take office;

(6) the division of the territory of the municipality into electoral districts or, if not available, the manner in which the division will be made for the purposes of the first general election;

(7) the date of the first general election and the calendar year in which the second general election will be held;

(8) the name of the regional county municipality in which the municipality resulting from the amalgamation is situated.

Order           The order may set out any condition applicable to the amalgamation.”

c. O-9,  
s. 109, am.

**31.** Section 109 of the said Act is amended

(1) by replacing the figure “92” in the first line of the first paragraph by the figure “87”;

(2) by striking out the second paragraph.

c. O-9,  
s. 110.1,  
added

**32.** The said Act is amended by inserting, after section 110, the following section:

Clerk or  
secretary-  
treasurer

**“110.1** The Minister shall appoint a person to act as the clerk or secretary-treasurer of the municipality until the council composed of persons elected at the first general election appoints a person to hold that office.

First sitting

He shall also fix the date, time and place of the first sitting of the provisional council.

Public  
notice

Not later than the third day preceding the date set for the sitting, the clerk or secretary-treasurer shall give public notice, in the municipality and in accordance with the Act governing the said municipality, of the date, time and place of the sitting. He shall

mention in the notice any matter which a member of the provisional council has requested be set down for discussion.”

c. O-9,  
s. 112,  
repealed      **33.** Section 112 of the said Act, amended by section 138 of chapter 3 of the statutes of 1993, is repealed.

c. O-9,  
s. 127,  
repealed      **34.** Section 127 of the said Act is repealed.

c. O-9,  
s. 129,  
replaced      **35.** Section 129 of the said Act is replaced by the following section:

Description      **“129.** The by-law must contain a description of the area to be annexed, prepared by a land surveyor.

Identifica-  
tion      The by-law shall, where applicable, identify the electoral district or ward to which will be added the area to be annexed or provide that such territory will form a new district or ward either for the purposes of any election prior to the first general election held after the annexation comes into force, or, in the event that the annexation comes into force after the coming into force of the division into electoral districts for the purposes of that first general election, for the purposes of any election prior to the second general election held after the annexation comes into force.

Contents      The by-law may set out any other condition applicable to the annexation.”

c. O-9,  
s. 131, am.      **36.** Section 131 of the said Act is amended by replacing the third paragraph by the following paragraph:

Copy of  
resolution      “Where the council disapproves the by-law within the time prescribed, the clerk or secretary-treasurer of the annexing municipality shall transmit a copy of the resolution to that effect to the Minister of Municipal Affairs. Where the council fails to vote on the by-law within the time prescribed, the clerk or secretary-treasurer shall draw up a certificate attesting the failure to vote and shall transmit a certified copy of the certificate to the Minister.”

c. O-9,  
s. 133, am.      **37.** Section 133 of the said Act is amended by striking out the fourth paragraph.

c. O-9,  
s. 134,  
replaced      **38.** Section 134 of the said Act is replaced by the following section:

Approval      **“134.** Where the council of the municipality affected by the annexation disapproves or fails to vote on the by-law, the by-law must

be submitted for approval to the qualified voters of the territory concerned.

Provisions  
applicable

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies for the purposes of the approval as if the by-law had been adopted by the council of the municipality affected by the annexation.

Duties

However, the duties of the clerk or secretary-treasurer provided for in section 133 and by the Act respecting elections and referendums in municipalities shall be carried out by the person appointed for that purpose by the Minister of Municipal Affairs.”

c. 0-9,  
s. 135,  
replaced

**39.** Section 135 of the said Act is replaced by the following section:

Exclusive  
powers

“**135.** For the purposes of sections 133 and 134, only the council of the annexing municipality may order the holding of a poll or the withdrawal of the by-law. If the council decides that a poll must be held, it shall fix the date of the poll not later than at its first sitting following receipt of the copy of the certificate stating the results of the registration procedure. Only the mayor of the annexing municipality may give a voice vote to break a tie in the votes cast.

Expenses

All expenses incurred for the application of sections 133 and 134 shall be paid by the annexing municipality.”

c. 0-9,  
s. 136,  
repealed

**40.** Section 136 of the said Act is repealed.

c. 0-9,  
s. 137, am.

**41.** Section 137 of the said Act is amended by striking out the words “and interested persons” in the first and in the third lines of the second paragraph.

c. 0-9,  
s. 138, am.

**42.** Section 138 of the said Act is amended by replacing the first paragraph by the following paragraph:

Opinion

“**138.** Not later than 60 days after receiving copy of the by-law, the regional county municipality shall transmit its opinion on the application for annexation, failing which its approval is presumed.”

c. 0-9,  
s. 139,  
replaced

**43.** Section 139 of the said Act is replaced by the following section:

Required  
documents

“**139.** The clerk or secretary-treasurer of the annexing municipality shall transmit a certified copy of the by-law to the Minister of Municipal Affairs together with any other document which the Minister may require.

- Information      The clerk or secretary-treasurer shall supply the Minister with any information which he requires concerning the by-law.”
- c. O-9,  
s. 142, am.      **44.** Section 142 of the said Act is amended by replacing the first sentence of the second paragraph by the following sentence: “Where the area to be annexed is situated within the territory of more than one local municipality, the Minister may order a consultation in one or several such municipalities.”
- c. O-9,  
s. 144, am.      **45.** Section 144 of the said Act is amended by inserting, after the first paragraph, the following paragraph:
- Extension      “The Minister may, upon a request therefor, grant an extension to the council of the municipality.”
- c. O-9,  
s. 147, am.      **46.** Section 147 of the said Act is amended by replacing the second paragraph by the following paragraph:
- Opinion      “Not later than 30 days after receiving copy of the notice and resolution, the regional county municipality shall inform the Minister in writing of its opinion on the amendment proposal.”
- c. O-9,  
s. 148, am.      **47.** Section 148 of the said Act is amended by adding, at the end, the following paragraph:
- Interested person      “For the purposes of the first paragraph and of section 149, an interested person is any person who would be a qualified voter entitled to have his name entered on the referendum list of the area to be annexed if the date of reference within the meaning of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) was the date of publication of the notice.”
- c. O-9,  
s. 153, am.      **48.** Section 153 of the said Act is amended by replacing the first sentence of the second paragraph by the following sentence: “Where the area to be annexed is situated within the territory of more than one local municipality, the Minister may order a consultation in one or several such municipalities.”
- c. O-9,  
s. 154,  
replaced      **49.** Section 154 of the said Act is replaced by the following section:
- Notice      **“154.** The Minister shall give to the annexing municipality and to the municipality affected by the annexation a written notice indicating the time granted for the presentation of a proposal for the negotiation of an agreement on the apportionment of the assets and liabilities relating to the area to be annexed.

**Extension** The Minister may, upon a request therefor by either municipality, grant them an extension.

**Applicability** The first two paragraphs do not apply where the by-law contains the apportionment of the assets and liabilities and where it has been approved by the council of the municipality affected by the annexation. Nor do they apply where the Minister has already received either a copy of a resolution of one of the municipalities proposing the negotiation of an agreement on such an apportionment, or a copy of the agreement they have reached.”

c. 0-9,  
s. 157, am. **50.** Section 157 of the said Act is amended by replacing the first paragraph by the following paragraph:

**Copy** “**157.** The conciliator shall transmit to the Minister a copy of the agreement or, if no agreement is reached within the time granted, a report on the situation.”

c. 0-9,  
s. 162, am. **51.** Section 162 of the said Act is amended by inserting the words “prepared by the Minister of Energy and Resources” after the word “area” in the second paragraph.

c. 0-9,  
s. 163, am. **52.** Section 163 of the said Act is amended  
(1) by replacing the figure “139” by the figure “130” in the first line of the first paragraph;  
(2) by striking out the second paragraph.

c. 0-9,  
s. 167,  
repealed **53.** Section 167 of the said Act, amended by section 139 of chapter 3 of the statutes of 1993, is repealed.

c. 0-9,  
s. 176,  
replaced **54.** Section 176 of the said Act is replaced by the following section:

**Applicability** “**176.** The provisions of this division apply subject to the provisions of the agreement and to the conditions applicable to the annexation contained in the by-law.”

c. 0-9,  
s. 178,  
replaced **55.** Section 178 of the said Act is replaced by the following section:

**Territorial boundaries** “**178.** The Government may, by order, rectify the territorial boundaries of a local municipality where the description thereof is erroneous or imprecise, does not mention the perimeter or does not include an unorganized territory not under the jurisdiction of a

regional county municipality, where one of the boundaries is a thoroughfare or water or where a municipality has acted without right in a territory not subject to its jurisdiction.”

c. O-9,  
s. 179, am. **56.** Section 179 of the said Act is amended

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

Notice **“179.** Before recommending to the Government that it rectify the boundaries, the Minister of Municipal Affairs shall transmit to the municipality affected a written notice containing the proposed rectification and a statement to the effect that the municipality may submit its opinion on the proposed rectification to the Minister in writing.”;

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

Information **“The clerk or secretary-treasurer of the municipality shall supply the Minister with any information which he requires concerning the rectification.”**

c. O-9,  
s. 180,  
replaced **57.** Section 180 of the said Act is replaced by the following section:

Opinion **“180.** Not later than 60 days after receiving the notice, the local municipality may submit its opinion of the proposed rectification to the Minister in writing.

Opinion Within the same period, the regional county municipality shall submit its opinion to the Minister in writing, failing which its approval is presumed.”

c. O-9,  
s. 183, am. **58.** Section 183 of the said Act is amended by replacing the words “each local municipality” in the first line by the words “the local municipality”.

c. O-9,  
s. 185, am. **59.** Section 185 of the said Act is amended by replacing the words “every local municipality” in the third line by the words “the local municipality”.

c. O-9,  
s. 186, am. **60.** Section 186 of the said Act is amended

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

Consultation **“186.** The Minister may order the consultation of the qualified voters either of the local municipality concerned or of the territory to be transferred as a result of the rectification.”;

(2) by adding, at the end of the second paragraph, the following sentence: “In the case of a consultation of the qualified voters of the territory to be transferred as a result of the rectification, the Minister shall determine which municipality will conduct the referendum poll.”

c. O-9,  
s. 187, am. **61.** Section 187 of the said Act is amended by replacing the word “municipalities” in the second line of the first paragraph by the words “the municipality”.

c. O-9,  
s. 192, am. **62.** Section 192 of the said Act, amended by section 140 of chapter 3 of the statutes of 1993, is again amended by striking out the second sentence of the second paragraph.

c. O-9,  
s. 193, am. **63.** Section 193 of the said Act is amended

(1) by replacing the word “par” in the fourth line of the first paragraph of the French text by the word “pas”;

(2) by replacing the words “secretary-treasurer of” in the first line of the second paragraph by the words “local municipality and to”.

c. O-9,  
s. 193.1,  
added **64.** The said Act is amended by inserting, after section 193, the following section :

Jurisdiction **“193.1** The municipality which receives the notice from the Minister shall continue to act in the territory not subject to its jurisdiction until the order comes into force or, where applicable, as provided by the conditions for terminating the administration of the affairs of the territory by the municipality.”

c. O-9,  
s. 194,  
replaced **65.** Section 194 of the said Act is replaced by the following section :

Opinion **“194.** Not later than 60 days after receiving the notice, the local municipality may submit its opinion on the validation proposal to the Minister in writing.

Opinion Within the same period, the regional county municipality shall submit its opinion to the Minister in writing, failing which its approval is presumed.”

c. O-9,  
Title II,  
Chap. VIII,  
heading,  
am. **66.** The heading of Chapter VIII of Title II of the said Act is amended by striking out the words “REDUCTION OF”.

c. O-9,  
s. 201, am. **67.** Section 201 of the said Act is amended by replacing the words “reduction of territory in respect of” in the third line by the

words “change in the boundaries of its territory in order to extend it into the water or to reduce”.

c. O-9,  
s. 204, am. **68.** Section 204 of the said Act is amended by replacing the first paragraph by the following paragraph:

Opinion **“204.** Not later than 60 days after receiving copy of the by-law, the regional county municipality shall transmit its opinion on the application for a reduction of territory, failing which its approval is presumed.”

c. O-9,  
s. 205,  
replaced **69.** Section 205 of the said Act is replaced by the following section:

Required documents **“205.** The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the by-law to the Minister together with any other document which the Minister may require.

Information The clerk or secretary-treasurer shall supply the Minister with any information which he requires concerning the by-law.”

c. O-9,  
s. 206,  
replaced **70.** Section 206 of the said Act is replaced by the following section:

Request **“206.** The Minister may, by order, grant the request.

Approval The plan referred to in section 203 must be approved by the Minister of Energy and Resources before the order is made.”

c. O-9,  
s. 210,  
replaced **71.** Section 210 of the said Act is replaced by the following sections:

Revision **“210.** The council of a local municipality may ask the Minister of Energy and Resources to revise the description of its territorial boundaries.

Resolution The resolution requesting a revision shall contain a description of the territorial boundaries of the municipality, prepared by a land surveyor.

Required documents **“210.1** The clerk or secretary-treasurer of the municipality shall transmit to the Minister of Energy and Resources a certified copy of the resolution, accompanied with the originals of the description of the territorial boundaries of the municipality and the plan, prepared by a land surveyor.

Information The clerk or secretary-treasurer shall supply the Minister with any information which he requires concerning the resolution.

Notice **“210.2** The Minister of Energy and Resources shall publish in the *Gazette officielle du Québec* a notice of the description he has prepared of the territorial boundaries of the municipality.

Description **“210.3** From the date of publication of the notice, the description of the territorial boundaries of the municipality is the description prepared by the Minister of Energy and Resources.

## “TITLE II.1

### “REGIONAL COUNTY MUNICIPALITY

#### “CHAPTER I

##### “SCOPE

Applicability **“210.4** This Title applies to the whole territory of Québec with the exception of the territory of an urban community, the territory situated north of the fifty-fifth parallel and the territory described in the Schedule to the James Bay Region Development Act (R.S.Q., chapter D-8).

#### “CHAPTER II

### “JURIDICAL PERSONALITY, NAME, POPULATION, TERRITORIAL JURISDICTION AND COMPOSITION OF THE COUNCIL

#### “DIVISION I

##### “JURIDICAL PERSONALITY

Regional county municipality **“210.5** A regional county municipality is a legal person in the public interest consisting of the inhabitants and ratepayers of the territory under its jurisdiction.

#### “DIVISION II

##### “NAME

Name **“210.6** The name of a regional county municipality includes the words “Municipalité régionale de comté” and a place-name.

Name **“210.7** The name of a new regional county municipality shall be assigned by the Government by way of an order.

Name The Government may assign to a new regional county municipality a name that has not been approved by the Commission de toponymie. The place-name included in the name of the regional county municipality must be officialized as the name of the locality

comprising the territory under the jurisdiction of the regional county municipality in accordance with the Charter of the French language (R.S.Q., chapter C-11), as if it had been approved by the Commission.

**Change of name**            **“210.8** The Minister of Municipal Affairs may, on an application therefor by a regional county municipality, change its name.

**Certified copy**            **“210.9** The secretary-treasurer of the regional county municipality shall transmit to the Commission de toponymie a certified copy of the resolution authorizing the presentation of an application for a change of name to enable the Commission to formulate an opinion on the proposed name.

**Opinion**                Not later than 60 days after receiving copy of the resolution, the Commission shall transmit its opinion in writing to the secretary-treasurer of the regional county municipality, failing which the approval of the Commission is presumed.

**Certificate**            Where applicable, the secretary-treasurer shall draw up a certificate attesting the failure of the Commission to transmit its opinion.

**Certified copy**            **“210.10** The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution to the clerk or secretary-treasurer of any local municipality whose territory is comprised in that of the regional county municipality.

**Required documents**            **“210.11** The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution to the Minister of Municipal Affairs together with the opinion of the Commission de toponymie or the certificate of the secretary-treasurer attesting the failure of the Commission to transmit its opinion.

**Notice**                 **“210.12** As soon as possible after being required to do so by the Minister, the secretary-treasurer of the regional county municipality shall publish, in a newspaper distributed in the regional county municipality, a notice containing

(1) the proposed change of name;

(2) a statement to the effect that any person may submit his objection to the application to the Minister in writing, within 30 days of publication of the notice;

(3) the address of the place where objections must be sent.

- Certified copy** He shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.
- Objection** “**210.13** Any person may submit his objection to the application to the Minister in writing within 30 days of publication of the notice.
- Notice** “**210.14** The Minister shall notify the regional county municipality in writing of every objection received within the prescribed time.
- Public hearing** “**210.15** The Commission municipale du Québec shall, at the Minister’s request, hold a public hearing on the application for a change of name.
- Report** “**210.16** As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the council of the regional county municipality and to the Commission de toponymie.
- Consultation** “**210.17** The Minister may order the consultation of the qualified voters either of all the local municipalities whose territory is comprised in that of the regional county municipality, or of one or several of them.
- Consultation** The consultation shall be made by way of a referendum poll conducted by each local municipality concerned, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).
- Referendum poll** The referendum poll shall be held on the date fixed by the Minister.
- Statement** The statement of the final results of the poll must be transmitted to the Minister as soon as possible.
- Expenses** Expenses incurred by reason of the consultation shall be paid by the local municipality conducting it.
- Approval** “**210.18** The Minister may approve the application for a change of name even if the name has not been approved by the Commission de toponymie.
- Place-name** The place-name included in the name of the regional county municipality must be officialized as the name of the locality comprising the territory under the jurisdiction of the regional county municipality in accordance with the Charter of the French language (R.S.Q., chapter C-11), as if it had been approved by the Commission.

Correction        **“210.19** The Minister may, on the recommendation of the Commission de toponymie, correct, by order, the spelling of the name of a regional county municipality.

Notice            Not later than the sixtieth day preceding the date of publication of the notice provided for in section 210.20, the Minister shall notify in writing the regional county municipality of his intention to correct the spelling of its name.

Notice            **“210.20** The Minister shall publish a notice of the change of name or correction of spelling in the *Gazette officielle du Québec*.

Coming into force    The change of name or correction of spelling shall come into force on the date of publication of the notice or on any later date indicated therein.

Public notice      **“210.21** As soon as possible after the coming into force of the decision, the secretary-treasurer of the regional county municipality shall give public notice of the change of name or of the correction of spelling.

### “DIVISION III

#### “POPULATION

Population        **“210.22** The population of a regional county municipality is the total population of the local municipalities whose territories are comprised in that of the regional county municipality, including the population of any unorganized territory in respect of which the regional county municipality shall be regarded as a local municipality.

### “DIVISION IV

#### “TERRITORIAL JURISDICTION

Jurisdiction      **“210.23** Subject to any contrary legislative provision, a regional county municipality has jurisdiction over its territory.

### “DIVISION V

#### “COMPOSITION OF THE COUNCIL

Composition      **“210.24** The council of a regional county municipality is composed of the mayor of each local municipality whose territory is comprised in that of the regional county municipality and, where applicable, of any other representative of such local municipality, in accordance with the provisions of the order constituting the regional county municipality and with section 210.27.

- Appointment** Any representative other than the mayor shall be appointed by the council of the local municipality from among its members.
- Substitute** If the mayor is absent, is unable or refuses to act, or if the office of mayor is vacant, the mayor shall be replaced on the council of the regional county municipality by a substitute designated by the council of the local municipality from among its members.
- Warden** **“210.25** At its first sitting, the council of the regional county municipality shall elect the warden.
- Election** **“210.26** The warden shall be elected by the members of the council, from among those members who are mayors.
- Election** The election shall be held by secret ballot at a sitting of the council.
- Ballot papers** Each member shall mark as many ballot papers as he has votes according to the order constituting the regional county municipality.
- Secretary-treasurer** The secretary-treasurer shall preside over the sitting until the warden is elected. He shall establish the nominating and voting procedure. Subject to the order constituting the regional county municipality, he shall declare elected the person who has obtained the number of votes corresponding to the absolute majority of the votes ascribed by the order to the members of the council. He shall hold as many ballots as are necessary in order to elect a warden; he may, at the beginning of the sitting, establish rules whereby the number of candidates will diminish with each ballot.
- Substitute** **“210.27** The council of the local municipality whose mayor is elected warden may designate, from among its members, a person to replace the mayor as the representative of the municipality.
- Term of office** **“210.28** The term of office of the warden, as warden, is two years. However, it comes to an end where he resigns from that office, is removed from office in accordance with the provisions of the third paragraph or ceases to be the mayor of a local municipality whose territory is comprised in that of the regional county municipality.
- Resignation** The resignation of the warden takes effect on the date of the receipt by the secretary-treasurer of the regional county municipality of a written communication to that effect, signed by the resigning warden, or on any subsequent date indicated therein.
- Warden** The council of the regional county municipality may, by an absolute majority of the votes of its members, remove the warden

from office. The council may, in that case, elect a new warden, at the same sitting, in accordance with section 210.26.

**Warden** When the term of office of the incumbent warden expires, or comes to an end by reason of the termination of his mandate as mayor of a local municipality, he may continue to discharge the duties of warden until his re-election or the election of his successor in that office, unless he is prevented by law from attending the sittings of the council of the regional county municipality.

**Vacancy** **“210.29** When the office of warden becomes vacant, the council of the regional county municipality shall elect a new warden, in accordance with section 210.26, at the next regular sitting or at a special sitting called for that purpose.

### “CHAPTER III

#### “CONSTITUTION

**Regional county municipality** **“210.30** The Government may, by order, constitute a regional county municipality.

**Proposed contents of order** **“210.31** Before recommending to the Government the constitution of a regional county municipality, the Minister of Municipal Affairs shall transmit to each local municipality whose territory is comprised in that of the proposed regional county municipality a document setting out the elements which he proposes to include in the order and indicating the right provided for in the second paragraph.

**Opinion** Not later than 45 days after receiving the document, any local municipality may submit its opinion on the proposal to the Minister in writing.

**Copy** **“210.32** The Minister shall transmit a copy of the document to the Commission de toponymie to enable it to formulate an opinion on the proposed name.

**Opinion** Not later than 60 days after receiving the copy, the Commission shall transmit its opinion to the Minister in writing, failing which the approval of the Commission is presumed.

**Notice** **“210.33** As soon as possible after being required to do so by the Minister, the clerk or secretary-treasurer of the local municipality with the largest population shall publish, in a newspaper distributed in the proposed regional county municipality, a notice containing

(1) the elements which the Minister proposes to include in the order;

(2) a statement to the effect that any person may submit his objection to the proposal to the Minister in writing, within 30 days of publication of the notice;

(3) the address of the place where objections must be sent.

Certified  
copy

The clerk or secretary-treasurer shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

Objection

**“210.34** Any person may submit his objection to the proposal to the Minister in writing within 30 days of publication of the notice.

Public  
hearing

**“210.35** The Commission municipale du Québec shall, at the Minister’s request, hold a public hearing on the proposal.

Report

**“210.36** As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to each of the local municipalities whose territory is comprised in that of the proposed regional county municipality.

Consultation

**“210.37** The Minister may order the consultation of the qualified voters either of all the local municipalities whose territory is comprised in that of the proposed regional county municipality, or of one or several of them.

Consultation

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Referendum  
poll

The referendum poll shall be held on the date fixed by the Minister.

Ballot  
paper

The question appearing on the ballot paper shall be as follows: “Are you in favour of the constitution of a regional county municipality called *Municipalité régionale de comté* (*fill in the name of the proposed regional county municipality*)?”

Statement

The statement of the final results of the poll for each of the local municipalities must be transmitted to the Minister as soon as possible.

Expenses

Expenses incurred by reason of the consultation shall be paid by the municipality conducting it.

Constituting  
order

**“210.38** The constituting order must include the name of the regional county municipality and the description of the territory

prepared by the Minister of Energy and Resources, together with the number of representatives on the council from each local municipality and the number of votes of each representative, which numbers shall be established according to segments of population.

Order           The order may include the power of veto conferred upon one or several members of the council of the regional county municipality or the majority required for any council decision or for the election of a warden, except decisions made pursuant to articles 10, 678.0.1 and 678.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and paragraph 2 of section 210.39 of this Act.

Order           The order may set out any condition applicable to the constitution.

Amendment     **“210.39** The Government may amend the constituting order with regard to the number of representatives, the number of votes, the power of veto or the majority required, where the following conditions are met:

(1) the regional county municipality concerned requests the amendment by way of a council resolution, a certified copy of which is transmitted to the Minister of Municipal Affairs;

(2) the resolution is passed by the affirmative vote of a number of council members representing at least 75% of the population of the regional county municipality.

Coming into force     **“210.40** The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Notice           **“210.41** As soon as possible after the publication of the order, the secretary-treasurer of the regional county municipality shall publish a notice of the constitution in a newspaper distributed in the regional county municipality.

Secretary-treasurer     **“210.42** The Minister shall appoint a person to act as secretary-treasurer of the regional county municipality until the council appoints a person to that office.

First sitting       He shall also fix the date, time and place of the first sitting of the council.

Notice           The secretary-treasurer shall publish, in a newspaper distributed in the regional county municipality, a notice of the date, time and place

of the first sitting of the council. He shall mention in the notice, in addition to the election of the warden, any matter which a member of the council has requested be set down for discussion.

#### “CHAPTER IV

#### “AMALGAMATION

Amalgamation

**“210.43** The Government may, by order, amalgamate the territories of two or more regional county municipalities in order to constitute one regional county municipality whose territory corresponds to the whole of the amalgamated territories.

Applicable provisions

**“210.44** Sections 210.31 to 210.42 apply to the constitution of a regional county municipality resulting from an amalgamation.

Applicability

The provisions referred to in the first paragraph apply with the following adjustments:

(1) for the purposes of sections 210.31 and 210.36, each regional county municipality affected by the amalgamation shall be regarded as a local municipality referred to in those sections, except that the time limit provided for in the second paragraph of section 210.31 shall be 60 days;

(2) the notice provided for in section 210.33 shall be published and transmitted, where applicable, by the secretary-treasurer of the regional county municipality with the largest population among those affected by the amalgamation;

(3) the Minister of Municipal Affairs shall decide who is to pay the expenses incurred by reason of the consultation conducted in accordance with section 210.37.

Cessation of existence

**“210.45** The regional county municipalities whose territories have been amalgamated cease to exist on the date on which the order comes into force and are replaced by the regional county municipality resulting from the amalgamation.

Succession

**“210.46** The regional county municipality resulting from the amalgamation succeeds to the rights and obligations of the regional county municipalities which have ceased to exist.

New regional county municipality

The new regional county municipality becomes, without continuance of suit, a party to all proceedings in the place and stead of the former regional county municipalities.

- By-laws, resolutions, acts      **“210.47** All by-laws, resolutions or other acts made or adopted by a regional county municipality which has ceased to exist remain in force in the territory of the regional county municipality until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.
- Presumption      They are deemed to be by-laws, resolutions or acts of the regional county municipality resulting from the amalgamation.
- Acts      **“210.48** Every act performed in respect of its territory by a regional county municipality which has ceased to exist shall retain its effects to the extent that it remains expedient.
- Acts      Every such act is deemed to be an act of the regional county municipality resulting from the amalgamation.
- Budget and expenses      **“210.49** If, on the day of the coming into force of the order, a regional county municipality which ceases to exist has not adopted a budget or has not determined the share of its expenses that is payable by each local municipality in the territory under its jurisdiction, the regional county municipality resulting from the amalgamation must do so with respect to the territory concerned, for its first fiscal year.
- Expiry date      The period for performance of each of those acts expires 30 days after the expiry of the period for performance of the preceding act; the first period runs from the date on which the order comes into force.
- Officers and employees      **“210.50** The officers and employees of the regional county municipalities which have ceased to exist become, without salary reduction, officers and employees of the regional county municipality resulting from the amalgamation and they retain their seniority and social benefits.
- Prohibition      No officer or employee may be laid off or dismissed solely by reason of the amalgamation.
- Applicability      **“210.51** The provisions of this chapter apply subject to the conditions applicable to constitution contained in the order.

## “CHAPTER V

### “DIVISION

- Division      **“210.52** The Government may, by order, divide the territory of a regional county municipality in order to constitute several regional county municipalities whose territories correspond to the territory which has been divided.

Applicable provisions      **“210.53** Sections 210.31 to 210.42 apply to the constitution of a regional county municipality resulting from a division.

Applicability      The provisions referred to in the first paragraph apply with the following adjustments:

(1) for the purposes of sections 210.31 and 210.36, the regional county municipality affected by the division shall be regarded as a local municipality referred to in those sections, except that the time limit provided for in the second paragraph of section 210.31 shall be 60 days;

(2) the notice provided for in section 210.33 shall be published and transmitted, where applicable, by the secretary-treasurer of the regional county municipality affected by the division;

(3) the Minister of Municipal Affairs shall determine who is to pay the expenses incurred by reason of the consultation conducted in accordance with section 210.37;

(4) in addition to other conditions applicable to the constitution, if any, the order shall set out the terms and the conditions of the succession between the regional county municipality affected by the division and the regional county municipality resulting from the division;

(5) the date of the coming into force of the order shall be the same for every regional county municipality resulting from the division.

Cessation of existence      **“210.54** The regional county municipality whose territory has been divided ceases to exist on the date on which the orders come into force and is replaced by the regional county municipalities resulting from the division.

Succession      **“210.55** In respect of its territory, each regional county municipality resulting from the division succeeds to the rights and obligations of the regional county municipality which has ceased to exist.

New regional county municipality      It becomes, without continuance of suit, a party to all proceedings in the place and stead of the regional county municipality which has ceased to exist.

By-laws, resolutions, acts      **“210.56** All by-laws, resolutions or other acts made or adopted by the regional county municipality which has ceased to exist remain in force until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

- Presumption** They are deemed to be by-laws, resolutions or acts of the regional county municipalities resulting from the division, for each one with respect to its territory.
- Acts** **“210.57** All acts performed by a regional county municipality which has ceased to exist shall retain their effects to the extent that they remain expedient.
- Acts** They are deemed to be acts of the regional county municipalities resulting from the division, for each one with respect to its territory.
- Budget and expenses** **“210.58** If, on the day of the coming into force of the orders, the regional county municipality which ceases to exist has not adopted a budget or has not determined the share of its expenses that is payable by each local municipality in the territory under its jurisdiction, each regional county municipality resulting from the division must do so with respect to the territory concerned, for its first fiscal year.
- Expiry date** The period for performance of each of those acts expires 30 days after the expiry of the period for performance of the preceding act; the first period runs from the date on which the orders come into force.
- Officers and employees** **“210.59** The officers and employees of the regional county municipality which has ceased to exist become, without salary reduction and in accordance with the terms and the conditions of succession set out in the orders, officers and employees of the regional county municipalities resulting from the division and they retain their seniority and social benefits.
- Prohibition** No officer or employee may be laid off or dismissed solely by reason of the division.
- Applicability** **“210.60** The provisions of this chapter apply subject to the conditions applicable to the constitution contained in the orders, particularly the terms and conditions of succession.

## “CHAPTER VI

### “TRANSFER OF TERRITORY

#### “DIVISION I

##### “POWERS OF THE GOVERNMENT

- Attached territory** **“210.61** The Government may, by order, following an application by a local municipality, detach the territory of the local

municipality from that of the regional county municipality to which it belongs and attach it to that of another regional county municipality.

“DIVISION II

“APPLICATION

Resolution      **“210.62** The resolution by which a local municipality makes an application under section 210.61 may include any condition applicable to the transfer of territory.

Certified copy      **“210.63** The clerk or secretary-treasurer of the applicant municipality shall transmit a certified copy of the resolution to the Minister of Municipal Affairs and to each of the regional county municipalities concerned.

Notice           **“210.64** As soon as possible after being required to do so by the Minister, the clerk or secretary-treasurer of the applicant municipality shall publish, in a newspaper distributed in the municipality, a notice containing

(1) the elements included in the resolution referred to in section 210.62;

(2) a statement to the effect that any person may submit his objection to the application for transfer of territory to the Minister in writing, within 30 days of publication of the notice;

(3) the address of the place where objections must be sent.

Certified copy      The clerk or secretary-treasurer shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

Objection       **“210.65** Any person may submit to the Minister in writing his objection to the application for transfer of territory within 30 days of publication of the notice.

Notice           **“210.66** The Minister shall notify the applicant municipality and the regional county municipalities concerned in writing of every objection received within the prescribed time.

Public hearing      **“210.67** The Commission municipale du Québec shall, at the Minister’s request, hold a public hearing on the application for a transfer of territory.

Report           **“210.68** As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified

copy thereof to the applicant municipality and to the regional county municipalities concerned.

Consultation “**210.69** The Minister may order the consultation of the qualified voters of the applicant municipality.

Consultation The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Referendum poll The referendum poll shall be held on the date fixed by the Minister.

Ballot paper The question appearing on the ballot paper shall be as follows: “Are you in favour of attaching the territory of (*fill in the name of the applicant municipality*) to that of the Municipalité régionale de comté (*fill in the name of the regional county municipality to which the applicant municipality would be attached*)?”

Statement The statement of the final results of the poll must be transmitted to the Minister as soon as possible.

Expenses Expenses incurred by reason of the consultation shall be paid by the applicant municipality.

### “DIVISION III

#### “AMENDMENT PROPOSAL OF THE MINISTER

#### “§ 1.—*Notice of the amendment proposal*

Amendment “**210.70** Where the Minister is of the opinion that the application must be amended, he shall transmit to the applicant municipality a written notice setting out the amendment he intends to make to the application.

Decision “**210.71** Not later than 30 days after receiving the notice, the council of the applicant municipality shall inform the Minister in writing of its decision on the amendment proposal.

Certified copy The clerk or secretary-treasurer of the applicant municipality shall transmit to the Minister a certified copy of the council’s resolution.

Extension The Minister may, upon a request therefor, grant an extension to the applicant municipality.

“§ 2.— *Consultation*”

- Applicability** “**210.72** Sections 210.73 to 210.79 do not apply if the applicant municipality does not approve the proposal or if the Minister has not received the resolution of the applicant municipality within the time prescribed in section 210.71.
- Copies** “**210.73** The clerk or secretary-treasurer of the applicant municipality shall transmit to each regional county municipality concerned, at the Minister’s request, copies of the Minister’s notice and of the resolution of the applicant municipality.
- Notice** “**210.74** As soon as possible after being required to do so by the Minister, the clerk or secretary-treasurer of the applicant municipality shall publish, in a newspaper distributed in the municipality, a notice containing
- (1) the amendment proposal made by the Minister;
  - (2) a statement to the effect that the proposal has been approved by the council of the applicant municipality;
  - (3) a statement to the effect that any person may submit his objection to the amendment proposal to the Minister in writing, within 30 days of publication of the notice;
  - (4) the address of the place where objections must be sent.
- Certified copy** The clerk or secretary-treasurer shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.
- Objection** “**210.75** Any person may submit his objection to the amendment proposal to the Minister in writing within 30 days of publication of the notice.
- Notice** “**210.76** The Minister shall notify the applicant municipality and the regional county municipalities concerned in writing of every objection received within the prescribed time.
- Public hearing** “**210.77** The Commission municipale du Québec shall, at the Minister’s request, hold a public hearing on the amendment proposal.
- Report** “**210.78** As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the applicant municipality and to the regional county municipalities concerned.

- Consultation      **“210.79** The Minister may order the consultation of the qualified voters of the applicant municipality.
- Consultation      The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).
- Referendum poll      The referendum poll shall be held on the date fixed by the Minister.
- Ballot paper      The question appearing on the ballot paper shall be as follows: “Are you in favour of the amendment proposal made by the Minister of Municipal Affairs?”
- Statement      The statement of the final results of the poll must be transmitted to the Minister as soon as possible.
- Expenses      Expenses incurred by reason of the consultation shall be paid by the municipality.

“DIVISION IV

“ORDER OF THE GOVERNMENT

- Application for transfer      **“210.80** The Minister may recommend that the application for a transfer of territory be granted by the Government with or without amendment.
- Approval      Any amendment under the first paragraph requires prior approval by the council of the applicant municipality and, where applicable, by the persons qualified to vote in accordance with section 210.79.
- Amendment      **“210.81** The Government may, to give effect to the recommendation of the Minister, amend the orders constituting the regional county municipalities affected by the transfer of territory.
- Contents      The amending order shall describe the new territory of the regional county municipalities and shall set out the conditions applicable to the transfer of territory.
- Coming into force      **“210.82** The amending order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

## “DIVISION V

## “TRANSITIONAL PROVISIONS

By-laws,  
resolutions,  
acts

**“210.83** All by-laws, resolutions or other acts made or adopted by the regional county municipality from whose territory the applicant municipality has been detached remain in force in respect of the applicant municipality until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

Presumption

They are deemed to be by-laws, resolutions or acts of the regional county municipality to which the applicant municipality has been attached.

Acts

**“210.84** Every act performed by the regional county municipality from whose territory the applicant municipality has been detached shall retain its effects in respect of the applicant municipality to the extent that it remains expedient.

Applicability

**“210.85** The provisions of this division apply subject to the conditions applicable to the transfer of territory contained in the amending orders.”

c. O-9,  
s. 214, am.

**72.** Section 214 of the said Act is amended by replacing the words “municipality of the parish of” in the first and second lines by the words “Paroisse de”.

c. O-9,  
ss. 214.1-  
214.3, added

**73.** The said Act is amended by inserting, after section 214, the following sections:

Change in  
territory

**“214.1** Whenever the constitution of a municipality, the rectification, reduction or extension of territorial boundaries, an amalgamation or an annexation produces a change in the territory of a regional county municipality, the Minister of Municipal Affairs shall publish a description of the new territory of the regional county municipality in the *Gazette officielle du Québec*, together with a notice indicating the date on which the constitution, rectification, reduction or extension of boundaries, the amalgamation or annexation comes into force.

Change in  
enumeration

Whenever the constitution of a municipality, an amalgamation or change of name causes a change in the enumeration of local municipalities included in the description of the territory of a regional county municipality, the Minister shall publish a new enumeration in the *Gazette officielle du Québec*, together with a notice indicating the date on which the constitution, amalgamation or change of name comes into force.

Amendment **“214.2** Except for the correction of an error in writing or the supply of an obvious omission, the Government may amend an order made under this Act only to the extent provided for in this Act.

Conditions **“214.3** The conditions contained in an order, an annexation by-law or an agreement made, adopted or reached under this Act may, in order to ensure the transition, create a rule of municipal law or derogate from any provision of an Act under the administration of the Minister of Municipal Affairs, from a special Act governing a municipality or from an act executed under either Act.”

c. O-9,  
s. 275, am. **74.** Section 275 of the said Act is amended

(1) by replacing the second and third sentences of the first paragraph by the following: “In the name under which a municipality shall continue to exist:

(1) the words “*cit *” or “*corporation de la cit *” are replaced by the word “*Cit *”;

(2) the words “*ville*” or “*corporation de la ville*” are replaced by the word “*Ville*”;

(3) the words “*corporation du village*” are replaced by the word “*Village*”;

(4) the words “*corporation de la paroisse*” are replaced by the word “*Paroisse*”;

(5) the words “*corporation du canton*” are replaced by the word “*Canton*”;

(6) the words “*corporation des cantons-unis*” are replaced by the words “*Cantons-Unis*”;

(7) the words “*corporation de la partie ... de la paroisse*” are replaced by the words “*Partie ... de la Paroisse*”;

(8) the words “*corporation de la partie ... du canton*” are replaced by the words “*Partie ... du Canton*”;

(9) in other cases, the word “*corporation*” is replaced by the word “*Municipalit *”;

(2) by inserting, after the first paragraph, the following paragraph:

Name **“A municipality whose name begins with the word “*Paroisse*” or “*Canton*” may also be designated by a name including the words**

“Municipalité de la paroisse” or “Municipalité du canton”, as the case may be, and the place-name included in its name.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,  
s. 1, am. **75.** Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 1 of chapter 3 of the statutes of 1993, is again amended by striking out paragraph 6.

c. A-19.1,  
Title II,  
Chap. I,  
Div. I and  
II, repealed **76.** Divisions I and II of Chapter I of Title II of the said Act are repealed.

c. A-19.1,  
Title II,  
Chap. I,  
Div. III,  
heading,  
replaced **77.** The heading of Division III of Chapter I of Title II of the said Act is replaced by the following heading:

“DELIBERATIONS OF THE COUNCIL”.

c. A-19.1,  
s. 187,  
repealed **78.** Section 187 of the said Act is repealed.

c. A-19.1,  
ss. 192  
and 193,  
repealed **79.** Sections 192 and 193 of the said Act are repealed.

c. A-19.1,  
ss. 195  
and 196,  
repealed **80.** Sections 195 and 196 of the said Act are repealed.

c. A-19.1,  
s. 199, am. **81.** Section 199 of the said Act is amended by replacing the words “provided for in section 193” in the first line by the words “of the first warden”.

c. A-19.1,  
s. 201, am. **82.** Section 201 of the said Act is amended by replacing the first paragraph by the following paragraph:

Decisions **“201.** Unless otherwise provided and subject to the order constituting the regional county municipality, the decisions of the council are taken by the majority vote of the members present.”

c. A-19.1,  
s. 202, am. **83.** Section 202 of the said Act is amended

(1) by replacing the words “the letters patent” in the third line of the first paragraph by the words “the order”;

(2) by replacing the words “letters patent so provide” in the first and second lines of the second paragraph by the words “order so provides”.

c. A-19.1,  
s. 203, am. **84.** Section 203 of the said Act is amended by replacing the words “letters patent issued under section 166 grant” in the first line of the first paragraph by the words “order grants”.

c. A-19.1,  
s. 242,  
repealed  
c. A-19.1,  
s. 245,  
repealed  
c. A-19.1,  
s. 264, am.

**85.** Section 242 of the said Act is repealed.

**86.** Section 245 of the said Act is repealed.

**87.** Section 264 of the said Act, amended by section 88 of chapter 3 of the statutes of 1993, is again amended

(1) by striking out the words “within the meaning of Chapter I of Title II” in the second line of the first paragraph;

(2) by replacing the words “Except section 170, this” in the first line of the second paragraph by the word “This”.

c. A-19.1,  
s. 264.0.1,  
am.

**88.** Section 264.0.1 of the said Act, amended by section 89 of chapter 3 of the statutes of 1993, is again amended

(1) by striking out the words “within the meaning of Chapter I of Title II” in the second and third lines of the first paragraph;

(2) by replacing the words “Except section 170, this” in the first line of the second paragraph by the word “This”.

#### ACT RESPECTING TRUCK TRANSPORTATION

c. C-5.1,  
s. 3, am.

**89.** Section 3 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by striking out the words “established under the Act respecting land use planning and development (chapter A-19.1)” in the second and third lines of the second paragraph.

#### MUNICIPAL CODE OF QUÉBEC

c. C-27.1,  
a. 3,  
repealed

**90.** Article 3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is repealed.

c. C-27.1,  
a. 5,  
repealed

**91.** Article 5 of the said Code is repealed.

c. C-27.1,  
a. 10, am.

**92.** Article 10 of the said Code is amended

(1) by replacing the words “Notwithstanding the letters patent of the regional county municipality, the” in the third and fourth lines of the second paragraph by the word “The”;

(2) by replacing the words “Notwithstanding the letters patent of the regional county municipality, the” in the third and fourth lines of the third paragraph by the word “The”.

c. C-27.1,  
Title I,  
repealed  
c. C-27.1,  
Title II,  
Chap. III,  
Div. I,  
repealed  
c. C-27.1,  
a. 144,  
replaced

**93.** Title I of the said Code is repealed.

**94.** Division I of Chapter III of Title II of the said Code is repealed.

**95.** Article 144 of the said Code is replaced by the following article:

**“144.** The council of the regional county municipality sits at the place established for its first sitting by the Minister of Municipal Affairs in accordance with the Act respecting municipal territorial organization (R.S.Q., chapter O-9), until, by resolution, it has fixed upon some other place to hold its sittings.”

c. C-27.1,  
a. 161, am.

**96.** Article 161 of the said Code is amended

(1) by replacing the word “mayor” in the first line by the words “head of the council”;

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

“However, the warden who has been replaced as representative of the municipality, in accordance with section 210.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), only has the right to vote as provided for in section 197 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).”

c. C-27.1,  
a. 678.0.1,  
am.

**97.** Article 678.0.1 of the said Code is amended by replacing the words “Notwithstanding any provision of its letters patent, a” in the first line of the first paragraph by the word “A”.

c. C-27.1,  
a. 678.1,  
am.

**98.** Article 678.1 of the said Code is amended by replacing the words “Notwithstanding any inconsistent provision of any Act, regulation, by-law or of the letters patent of the regional county municipality, for” in the first, second and third lines of the second paragraph by the word “For”.

c. C-27.1,  
a. 975, am.

**99.** Article 975 of the said Code is amended by replacing the words “letters patent of” in the first line of the fourth paragraph by the words “order constituting”.

#### TERRITORIAL DIVISION ACT

c. D-11,  
s. 12.1,  
repealed

**100.** Section 12.1 of the Territorial Division Act (R.S.Q., chapter D-11) is repealed.

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2,  
s. 514, am. **101.** Section 514 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing subparagraph *b* of paragraph 1 by the following subparagraph:

“(b) in the case of an annexation, the date on which the municipality whose territory is affected approves the by-law of the annexing municipality or, if the former municipality disapproves the by-law or does not vote on it within the time prescribed, the date of the appointment by the Minister of Municipal Affairs, in accordance with section 134 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), of the person who shall carry out the duties of the clerk or secretary-treasurer provided for by this Title;”.

c. E-2.2,  
s. 517, am. **102.** Section 517 of the said Act is amended by adding, at the end, the following paragraph:

Referendum  
poll “The council may order that a referendum poll be held without it being subject to the provisions of Chapter IV.”

c. E-2.2,  
s. 532, am. **103.** Section 532 of the said Act is amended by inserting the words “if the council has so decided in accordance with the third paragraph of section 517” after the word “referendum” in subparagraph 1 of the second paragraph.

c. E-2.2,  
s. 566,  
replaced **104.** Section 566 of the said Act is replaced by the following section:

Applicability “**566.** This chapter applies to a referendum poll required as a result of a registration procedure carried out in accordance with the provisions of Chapter IV, and to a referendum poll required pursuant to the Act providing for the referendum or as a result of a decision taken in accordance with the third paragraph of section 517.”

ACT RESPECTING THE MUNICIPALITY OF THE NORTH SHORE  
OF THE GULF OF ST. LAWRENCE

1963,  
1<sup>st</sup> session,  
c. 97, s. 9,  
replaced **105.** Section 9 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (1963, 1<sup>st</sup> session, chapter 97), replaced by section 11 of chapter 55 of the statutes of 1988, is again replaced by the following sections:

Termination “**9.** The Government may, by the order constituting a regional county municipality whose territory includes that of the municipality

created under this Act, terminate the existence of the latter municipality.

**Succession**           **“9.1** The regional county municipality succeeds to the municipality created under this Act.

**By-laws, resolutions, documents**           The by-laws, resolutions and other documents, the rights and obligations and the material, financial and human resources of the municipality become those of the regional county municipality.

**Proceedings**           The proceedings to which the municipality is a party are continued by the regional county municipality, without continuance of suit.”

ACT RESPECTING CERTAIN MUNICIPALITIES OF THE OUTAOUAIS AND HAUT-SAGUENAY

**1974, c. 88, ss. 12-16, repealed**           **106.** Sections 12 to 16 of the Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88), enacted, amended or replaced, as the case may be, by sections 2 and 3 of chapter 81 of the statutes of 1977 and by sections 1 to 4 of chapter 97 of the statutes of 1979, are repealed.

ACT RESPECTING THE MUNICIPAL REORGANIZATION OF THE TERRITORY OF THE MUNICIPALITY OF THE NORTH SHORE OF THE GULF OF ST. LAWRENCE

**1988, c. 55, s. 2, am.**           **107.** Section 2 of the Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55) is amended by replacing the words and figures “and sections 211 to 213 of the Act respecting municipal territorial organization (1988, chapter 19), except sections 32, 36 and 37, paragraph 7 of the second paragraph of section 38, section 44, paragraph 4 of section 45, sections 54 and 55, paragraph 7 of section 67 and section 79,” in the first, second, third, fourth and fifth lines of the first paragraph by the following words and figures “except sections 32, 36 and 37, subparagraph 7 of the second paragraph of section 38, sections 44, 54 and 55, subparagraph 7 of the first paragraph of sections 67 and 79, and sections 211 to 213, 214.2 and 214.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9),”.

**1988, c. 55, s. 6, am.**           **108.** Section 6 of the said Act is amended by replacing the words “ascertained under section 29 of the Act respecting municipal territorial organization on the basis of a census which allows for” in the second, third and fourth lines of the third paragraph by the words “determined in an order made under section 29 of the Act respecting municipal territorial organization, which takes into consideration”.

## MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Continued  
existence

**109.** Every regional county municipality constituted before 17 December 1993 under section 166 of the Act respecting land use planning and development, as it read before that date, shall continue to exist in accordance with the provisions of its letters patent, as if it had been constituted under section 210.30 of the Act respecting municipal territorial organization enacted by section 71 of this Act.

Letters  
patent

The letters patent of such a regional county municipality shall be regarded as its constituting order.

Warden and  
members

The warden and other members of a regional county municipality who are in office on the date mentioned in the first paragraph shall so remain until they cease to hold those positions in accordance with the law.

Provisions  
applicable

**110.** Subject to any inconsistent provision of the Act respecting municipal territorial organization and the Act respecting land use planning and development, the provisions of the Municipal Code of Québec or of any other Act applicable to county corporations, county councils or county municipalities apply to regional county municipalities other than those of Laval and Mirabel. For the purposes of such a provision, the regional county municipality shall be regarded as a county corporation or a county council and its territory that of a county municipality.

c. O-9,  
s. 214.3,  
effect

**111.** Section 214.3 of the Act respecting municipal territorial organization, enacted by section 73 of this Act, has effect from 1 January 1989.

References

**112.** Any reference in an Act, a regulatory instrument, a contract or any other document to a provision replaced or repealed by this Act is a reference to the corresponding provision of the Act respecting municipal territorial organization.

Procedures

**113.** Every procedure concerning the constitution of a regional county municipality and every procedure concerning the transfer of territory of a local municipality to that of a regional county municipality, in progress on 16 December 1993, shall be continued in accordance with the provisions of the Act respecting municipal territorial organization enacted by this Act.

Procedures

**114.** Every procedure concerning the annexation or amalgamation of local municipalities which, on 16 December 1993, has been commenced in accordance with a provision amended, replaced or repealed by this Act may be continued in accordance with that

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provision as it read on that date, where it is impossible to proceed in accordance with this Act.

Coming into  
force

**115.** This Act comes into force on 17 December 1993.