

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 102

**AN ACT TO AMEND THE ACT RESPECTING
LAND USE PLANNING AND DEVELOPMENT,
THE CITIES AND TOWNS ACT AND
THE MUNICIPAL CODE OF QUÉBEC**

Bill 88

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

Introduced 12 November 1987

Passage in principle 9 December 1987

Passage 18 December 1987

Assented to 18 December 1987

Coming into force: 1 January 1988, except section 23 which will come into force on 1 July 1989 and section 22 which will come into force by proclamation of the Government

Acts amended:

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

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

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



Éditeur officiel
Québec



CHAPTER 102

An Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the Municipal Code of Québec

[Assented to 18 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

AMENDMENTS TO THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,
s. 25, am.

1. Section 25 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the words “, to every municipality in the territory of the regional county municipality, and to the Minister, and be” in the third and fourth lines of the second paragraph by the words “and to every municipality in the territory of the regional county municipality and served on the Minister, and”.

c. A-19.1,
s. 26, am.

2. Section 26 of the said Act is amended by replacing the first paragraph by the following paragraph:

Coming into
force

“**26.** Subject to sections 27 to 29, the adopted development plan comes into force ninety days after the date of its service on the Minister or on the date the Minister serves on the regional county municipality a notice of his intention not to send any notice under section 27.”

c. A-19.1,
s. 28, am.

3. Section 28 of the said Act is amended by replacing the third paragraph by the following paragraph:

Notice “The amended plan comes into force on the date the Minister, by means of a notice served on the regional county municipality, declares the plan consistent with the aims or projects of the Government, the government departments and agencies or public bodies.”

c. A-19.1,
s. 33,
replaced

4. Section 33 of the said Act is replaced by the following section:

Planning
program

“**33.** Every municipality in the regional county municipality is required, within twenty-four months following the coming into force of the development plan, to adopt, for the whole of its territory, a planning program consistent with the objectives of the development plan and with the complementary document and to send a copy thereof to every contiguous municipality, to the council of the regional county municipality, and to the Commission for registration.”

Applicability

The first paragraph does not apply to the municipality of Saint-Benoît-du-Lac or to the parish of Saint-Louis-de-Gonzague-du-Cap-Tourmente.”

c. A-19.1,
s. 34,
replaced

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

Amendment
of planning
program

“**34.** Every municipality having a master plan or a planning program is required to amend it, if necessary, to bring it into conformity with the objectives of the development plan and with the complementary document and to send a copy, whether or not it has been amended, to every contiguous municipality, to the council of the regional county municipality, and to the Commission for registration, within twenty-four months of the coming into force of the development plan.”

Resolution

Where the council of the municipality is of opinion that the master plan or the planning program is consistent with the objectives of the development plan and with the complementary document, it shall adopt a resolution indicating that it does not intend to amend it. A copy of the resolution shall be sent, with the plan or program, to every contiguous municipality, to the council of the regional county municipality, and to the Commission for registration.”

c. A-19.1,
s. 35,
repealed

6. Section 35 of the said Act, amended by section 662 of chapter 57 of the statutes of 1987, is repealed.

c. A-19.1,
s. 36,
replaced

7. Section 36 of the said Act is replaced by the following section:

Examination
and ap-
proval

“**36.** Within forty-five days following the sending of the plan or program contemplated in section 33 or 34 or of a by-law contemplated in section 102, the council of the regional county municipality shall

examine it and approve it if it is consistent with the objectives of the development plan and with the complementary document.”

c. A-19.1,
s. 37, am. **8.** Section 37 of the said Act is amended by replacing the first paragraph by the following paragraph:

Assessment
of
conformity **“37.** If, at the expiration of forty-five days following the sending of the plan or program contemplated in section 33 or 34 or of a by-law contemplated in section 102, the certificate of conformity has not been issued, the municipality which sent the plan, program or by-law for approval by the council of the regional county municipality may apply to the Commission for an assessment of conformity.”

c. A-19.1,
s. 38, am. **9.** Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

Grounds **“38.** Within forty-five days following the service of the application, the Commission must give an assessment based solely on whether or not the plan or program contemplated in section 33 or 34 or the by-law contemplated in section 102 is consistent with the objectives of the development plan and with the complementary document.”

c. A-19.1,
s. 40, am. **10.** Section 40 of the said Act is amended by replacing the second paragraph by the following paragraph:

By-law “The amendments are effected by a by-law which must be sent, on being adopted, to every contiguous municipality, to the council of the regional county municipality, and to the Commission for registration.”

c. A-19.1,
s. 43,
replaced **11.** Section 43 of the said Act is replaced by the following section:

Provisions
applicable **“43.** Section 42, adapted as required, applies where a municipality fails to comply with section 33, 34 or 102.”

c. A-19.1,
s. 44, am. **12.** Section 44 of the said Act, amended by section 1 of chapter 53 of the statutes of 1987, is again amended

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

Coming into
force “A plan, program or by-law contemplated in section 33, 34, 40, 42, 43 or 102 comes into force on the date of issuance of a certificate of conformity in respect thereof, subject to the first paragraph of section 105.”;

(2) by striking out the words “or by-law” in the fourth and fifth lines of the fourth paragraph.

c. A-19.1,
s. 48, am.

13. Section 48 of the said Act is amended

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

Content of
the resolu-
tion

“The resolution must indicate whether the amendment envisaged will affect the objectives of the plan or the complementary document and, where necessary, identify each municipality where the planning program or by-law contemplated in section 102 is likely to require amendment, or which would be required to adopt a by-law under section 116.”;

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

Copies

“As soon as practicable after the adoption of the resolution, a copy thereof shall be sent to every municipality in the territory of the regional county municipality, to the adjacent regional county municipalities, and to the Commission for registration. The copy of the resolution shall be accompanied with a notice of the date of its adoption and, where applicable, with a notice indicating the nature of the amendment to be made, and, where such is the case, the interim control measures. A copy of the resolution and all accompanying documents shall be served on the Minister.”;

(3) by replacing the fifth paragraph by the following paragraphs:

Public do-
main

“Where the amendment envisaged affects lands of the public domain, sections 27 to 30, adapted as required, apply.

Adoption

Subject to sections 52 and 53, the by-law amending the development plan shall be adopted at the expiration of ninety days following the service of the draft by-law on the Minister or following receipt of a notice under section 16 or of a notice from the Minister indicating his intention not to send a notice under section 15.”

c. A-19.1,
s. 49, am.

14. Section 49 of the said Act is amended

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

Provisions
applicable

“**49.** Where the resolution of the council of the regional county municipality indicates that the amendment envisaged will affect the objectives of the development plan or the complementary document, sections 16 and 18 to 31, adapted as required, apply to the adoption of a by-law to amend the plan.”;

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

Public
meeting

“A public meeting must be held in the territory of at least one of the municipalities affected by the amendment. The municipality or municipalities where such a meeting is held and the municipalities contiguous thereto which are affected by the amendment must represent at least half the municipalities affected by the amendment and their population must represent at least two-thirds of the population of the affected municipalities.”

c. A-19.1,
s. 58, am.

15. Section 58 of the said Act is amended by replacing the words “the zoning, subdivision or building by-law of a municipality” in the second and third lines by the words “a by-law contemplated in section 102”.

c. A-19.1,
s. 95, am.

16. Section 95 of the said Act is amended by striking out the word and figure “34 or” in the fourth line of the second paragraph.

c. A-19.1,
s. 102, am.

17. Section 102 of the said Act, amended by section 668 of chapter 57 of the statutes of 1987, is again amended by replacing the first four paragraphs by the following paragraphs:

By-laws

“**102.** The council of a municipality shall, within ninety days following the coming into force of the planning program or the issuance of the certificate of conformity in the case contemplated in the fourth paragraph of section 44, adopt for its whole territory a zoning by-law, a subdivision by-law, a building by-law and, where the complementary document so requires, the by-law contemplated in section 116, and send a copy of them to the council of the regional county municipality, if applicable, and to the Commission for registration. The by-laws must be in conformity with the planning program and, where such is the case, with the objectives of the development plan and with the complementary document.

Amendment

However, if a zoning by-law, a subdivision by-law, a building by-law, a by-law contemplated in section 116 or a by-law to the same effect adopted under another Act is in force at the time of the coming into force of the planning program or of an amendment thereto, the council shall, if necessary, amend the said by-law, within the same time, to bring it into conformity with the planning program and, where such is the case, with the objectives of the development plan and with the complementary document, and send a copy of it to the regional county municipality, if applicable, and to the Commission for registration,

whether amended or not; the approval provided for in sections 131 to 137 is not required in this case.

Resolution Where the council is of opinion that the zoning by-law, the subdivision by-law, the building by-law, the by-law contemplated in section 116 or a by-law to the same effect adopted under another Act is consistent with the planning program and, where such is the case, with the objectives of the development plan and with the complementary document, it shall adopt a resolution and publish a notice indicating its intention not to amend the by-law. A copy of the resolution must be sent with the copy of the by-law.”

c. A-19.1,
s. 103, am. **18.** Section 103 of the said Act, amended by section 669 of chapter 57 of the statutes of 1987, is again amended by striking out the words “zoning by-law, subdivision by-law or building” in subparagraph 1 of the first paragraph and the words “zoning by-law, a subdivision by-law or a building” in subparagraph 2 of the first paragraph.

c. A-19.1,
s. 105, am. **19.** Section 105 of the said Act is amended
(1) by replacing that which precedes subparagraph 1 of the first paragraph by the following:

Coming into force “**105.** A by-law contemplated in section 102 for which a certificate of conformity has been issued under section 44, comes into force, or in the case contemplated in the third paragraph of section 102, is deemed to be consistent with the planning program”;

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

Coming into force “However, if a certificate under section 44 is issued after the date contemplated in the first paragraph, the by-law comes into force upon such issuance.”

c. A-19.1,
s. 106, am. **20.** Section 106 of the said Act, amended by section 670 of chapter 57 of the statutes of 1987, is again amended by replacing the first paragraph by the following paragraph:

Amendment “**106.** If the assessment of the Commission is that a by-law contemplated in section 102 is not consistent with the planning program, the municipality shall, within ninety days, amend it to bring it into conformity with the planning program. A copy of the amending by-law must be sent to the Commission for registration.”

c. A-19.1,
s. 113, am. **21.** Section 113 of the said Act, amended by section 3 of chapter 53 and by section 672 of chapter 57 of the statutes of 1987, is again

amended by inserting, after the second paragraph, the following paragraph:

Agricultural
zone

“In an agricultural zone within the meaning of the Act to preserve agricultural land (R.S.Q., chapter P-41.1),

(1) subparagraph 4 of the second paragraph applies where the council wishes to ensure protection against air pollution from animal production operations or the preservation of a water supply;

(2) for purposes other than those referred to in subparagraph 1, the by-law may contain provisions to specify the open space that must be left between structures or between the various uses on adjacent lots and situated in contiguous zones, and the use and development of such open space;”.

c. A-19.1,
ss. 148.1-
148.3,
added

22. The said Act is amended by inserting, after section 148, the following:

“CHAPTER V.1

“AGRICULTURAL ZONING COORDINATION COMMITTEE

Establish-
ment of the
committee

“**148.1** Where the council of a municipality plans to adopt a by-law to amend the zoning by-law pertaining specifically to a territory or zone referred to in subparagraph 5 of the first paragraph of section 5 or in paragraph 1 of section 84 which forms part of the agricultural zone within the meaning of the Act to preserve agricultural land (R.S.Q., chapter P-41.1), it shall establish an agricultural zoning coordination committee.

By-law

“**148.2** The agricultural zoning coordination committee shall be established by by-law. Paragraphs 1, 3 and 4 of section 146 and sections 147 and 148, adapted as required, apply to the committee. However, not less than half the members of the committee must be farm producers who reside in the municipality.

Members

“**148.3** The farm producers appointed to the committee shall be chosen by the council from among farm producers within the meaning of the Farm Producers Act (R.S.Q., chapter P-28) whose names appear on the list drawn up pursuant to the second paragraph.

List of
prospective
members

The council shall, whenever it is required to appoint a farm producer to the committee, transmit a resolution to the Minister of Agriculture, Fisheries and Food to request him to draw up a list containing three times the number of names required to fill the seats on the committee.

If the number of farm producers residing in a municipality is lower than the number of seats, the list shall include all such farm producers.

Residence requirement No farm producer other than a farm producer residing in the municipality may be entered on the list.

Consultation Before drawing up the list, the Minister shall consult with agricultural circles. He shall forward the list to the council within 45 days of receipt of the resolution.”

c. A-19.1,
s. 166, am. **23.** Section 166 of the said Act is amended by adding, at the end, the following paragraph:

Restriction “Notwithstanding the third paragraph, the Government may amend the letters patent of a regional county municipality with respect to an element referred to in subparagraph 3 of the first paragraph of section 168 or in paragraph 3 of section 169, only if the resolution of the council requesting an amendment with respect to that element has been adopted by the affirmative vote of a number of members representing not less than 75% of the population of the regional county municipality.”

c. A-19.1,
s. 169, am. **24.** Section 169 of the said Act is amended by adding, after paragraph 2, the following paragraph:

“(3) determine the majority required for any decision of the council, subject to articles 10 and 678.0.1 of the Municipal Code of Québec and section 166 of this Act.”

c. A-19.1,
s. 188, am. **25.** Section 188 of the said Act is amended by adding, at the end, the following paragraphs:

Withdrawal “A municipality may, in accordance with the procedure provided in articles 10.1, 10.2 and 678.0.4 of the Municipal Code of Québec, adapted as required, withdraw from deliberations on the exercise of a function not contemplated in the second paragraph.

Restriction No municipality may withdraw from deliberations where they concern

- (1) the exercise of powers provided for in this Act;
- (2) the adoption of the budget of the regional county municipality;
- (3) any matter relating to the general administration of the regional county municipality.”

c. A-19.1,
ss. 189-191,
repealed **26.** Sections 189 to 191 of the said Act are repealed.

c. A-19.1,
s. 193, am.

27. Section 193 of the said Act is amended by replacing the first paragraph by the following paragraph:

Election

“193. Subject to the letters patent, the warden is elected from among the mayors by the vote of the absolute majority of the members.”

c. A-19.1,
s. 197,
replaced

28. Section 197 of the said Act is replaced by the following section:

Casting vote

“197. In the case of a tie-vote, the warden has a casting vote in the council, except when he is the mayor of a municipality whose representatives are not qualified to vote on the question that is the subject of the deliberations and voting.”

c. A-19.1,
s. 200, am.

29. Section 200 of the said Act is amended by inserting, after the figure “188” in the second line of the second paragraph, the words “or in any other provision limiting the number of members qualified to vote,”.

c. A-19.1,
s. 201,
replaced

30. Section 201 of the said Act is replaced by the following section:

Majority

“201. Unless otherwise provided and subject to the letters patent, the decisions of the council of the regional county municipality are taken by the majority vote of the members present.

Representa-
tion

Where a provision of this Act or of any general law or special Act requires that the vote of the members of the council represent a proportion of the total population in the regional county municipality, each representative of any municipality on the council shall be awarded the percentage of the population in the municipality obtained by dividing the total population by the number of representatives in that municipality.”

c. A-19.1,
s. 205, am.

31. Section 205 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Exclusion

“A municipality whose representatives are not qualified to participate in the deliberations of the council of a regional county municipality under the third paragraph of section 188 shall not contribute to the expenses related to the exercise of the jurisdictions that are the subject of the deliberations.”

c. A-19.1,
s. 221, am.

32. Section 221 of the said Act is amended by replacing the second paragraph by the following paragraph:

Assessment
of
conformity

“Where applicable, the Commission shall also give assessments respecting the conformity of a by-law contemplated in section 116 with

the objectives of the development plan, with the complementary document and with the planning program.”

c. A-19.1,
s. 239, am.

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

c. A-19.1,
s. 240, am.

34. Section 240 of the said Act, amended by section 678 of chapter 57 of the statutes of 1987, is again amended:

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

Assessment
of
conformity

“The Minister may, within the time prescribed under this Act, apply to the Commission for an assessment of the conformity of a by-law adopted pursuant to section 102 with the planning program of a municipality.”;

(2) by replacing the words “complementary document” in the third and fourth lines of the fourth paragraph by the words “objectives of the development plan, with the complementary document and with the planning program”.

c. A-19.1,
s. 264.1,
am.

35. Section 264.1 of the said Act, amended by section 681 of chapter 57 of the statutes of 1987, is again amended

(1) by replacing the word and figure “Chapters I” in the first line of the first paragraph by the words and figures “Chapter I of Title I, section 102, Chapters”;

(2) by replacing the figures “34, 36 to 45, 57, 59, 60,” in the fourth and fifth lines of subparagraph 10 of the second paragraph by the figures “36 to 45, 57, 59, 60, 102,”.

c. A-19.1,
s. 264.2,
am.

36. Section 264.2 of the said Act, amended by section 682 of chapter 57 of the statutes of 1987, is again amended by inserting the word and figure “, section 102” after the word and figure “Title I” in the second line of the first paragraph.

c. A-19.1,
s. 264.3,
am.

37. Section 264.3 of the said Act is amended by inserting the word and figure “section 102,” before the word “Chapters” in the second line of the first paragraph.

DIVISION II

AMENDMENTS TO THE CITIES AND TOWNS ACT

c. C-19,
s. 29.1, am. **38.** Section 29.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the first paragraph by the following paragraph:

Delegation **“29.1** A corporation may accept the delegation of any power from the Government, a minister of the Government or any agency or body of the Government, where the law allows such a delegation, and exercise that power.”

c. C-19,
s. 468.8,
am. **39.** Section 468.8 of the said Act is amended by striking out the second paragraph.

DIVISION III

AMENDMENTS TO THE MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
a. 10,
replaced,
aa. 10.1-
10.4, added **40.** Article 10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is replaced by the following articles:

“10. A corporation may accept the delegation of any power from the Government, a minister of the Government or any agency or body of the Government, where the law allows such a delegation, and exercise that power.

The council of the regional county municipality shall, if it wishes to accept such a delegation, adopt a resolution by which it expresses its intention to do so. Copy of the resolution must be sent by registered mail to each corporation whose territory forms part of that of the regional county municipality, including cities and towns.

The council of the regional county municipality may, not less than 90 days after service of the resolution referred to in the second paragraph, accept the delegation. Notwithstanding the letters patent of the regional county municipality, the resolution by which the delegation is accepted must be adopted by the majority vote of two-thirds of the members of the council or, in the case of a power which, under a legislative provision, may be exercised only by a regional county municipality, by a majority vote of three-quarters of the members.

“10.1 A corporation, a city or a town may adopt a resolution expressing its disagreement in relation to the exercise of the delegated power by the regional county municipality. From the sending of the resolution by registered mail to the regional county municipality, the corporation ceases to be subject to the jurisdiction of the regional county

municipality with respect to that power and is not required to contribute to the payment of expenses, and its representatives on the council of the regional county municipality are not entitled to participate in subsequent deliberations and voting with respect to that power.

“10.2 A corporation, a city or a town which has availed itself of article 10.1 may, by resolution, become subject to the jurisdiction of the regional county municipality with respect to the delegated power. From the sending, by registered mail, of the resolution to the regional county municipality, the municipality, city or town shall contribute to the payment of expenses and its representatives shall participate in subsequent deliberations and voting with respect to the exercise of such power.

“10.3 The council of the regional county municipality shall prescribe, by by-law, the administrative and financial terms and conditions governing the application of articles 10.1 and 10.2, in particular the amounts to be paid where a corporation, a city or a town becomes or ceases to be subject to the regional county municipality.

On the adoption of the by-law, the secretary-treasurer shall send a copy of it to the clerk or to the secretary-treasurer of each corporation, city or town that has not exercised its right of withdrawal.

“10.4 Article 10.1 does not apply where, under a legislative provision, the delegated power may be exercised only by a regional county municipality.”

c. C-27.1,
a. 549, am.

41. Article 549 of the said Code is amended

(1) by replacing subarticle 1 by the following subarticle:

“549. (1) The county corporation has the power to operate a waste management system or part of such a system in the territory of local corporations and city or town corporations forming part of its territory or not, provided an agreement to that effect is signed with such corporations.”;

(2) by replacing the second paragraph of subarticle 3 by the following paragraph:

“For the purposes of exercising such competence, and if so provided in the agreement, the municipalities contemplated in subarticle 1 which do not form part of the county corporation form part of the county corporation to the same extent and with the same rights and obligations as the municipalities forming part of the county corporation, and the

number of the members of the county council and of the executive committee, if any, is then increased by a number determined therefor in the agreement.”;

(3) by replacing the first paragraph of subarticle 8 by the following paragraph:

“(8) A municipal corporation which is a party to an agreement made under this article may withdraw therefrom by following the procedure provided therefor in the agreement or, if there is no such procedure, by following the procedure and obtaining the approvals provided for in subarticle 4, adapted as required.”

c. C-27.1,
a. 578, am.

42. Article 578 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Where the corporation to which the jurisdiction is delegated is a regional county municipality, it shall have, for the purposes of the agreement, all the powers of a local corporation, city or town, as the case may be, except that of making by-laws or levying taxes.”

c. C-27.1,
a. 678, am.

43. Article 678 of the said Code is amended by inserting, after the figure “544” in the fourth line, the words and figures “, in Section XXV of the said Chapter II (articles 569 to 624)”.

c. C-27.1,
aa. 678.0.1-
678.0.4,
added

44. The said Code is amended by inserting, after article 678, the following articles:

“**678.0.1** Notwithstanding any provision of its letters patent, a regional county municipality may, by a resolution adopted by a majority vote of two-thirds of the members of its council, affirm its jurisdiction in respect of the corporations, cities and towns in its territory with respect to the providing, in whole or in part, of a municipal service.

For the purposes of the first paragraph, the words “municipal service” mean services related to water, sewers, police, fire safety, recreation, cultural activities, roads, the removal or disposal of waste, lighting, the removal of snow, the emptying of septic tanks and the collection of taxes. They also mean, in respect of a city or town, the preparation and updating of the assessment roll and the sale of immovables for failure to pay taxes.

“**678.0.2** The second and third paragraphs of article 10 and articles 10.1 to 10.3 apply, adapted as required.

“**678.0.3** A regional county municipality which exercises a jurisdiction pursuant to article 678.0.1 shall have, for that purpose, all

the powers of a corporation, city or town, except that of levying taxes. The powers of the regional county municipality shall then exclude the exercise of that jurisdiction from the powers of the corporation, city or town. In that case, the regional county municipality shall be substituted in the rights and obligations of such corporation.

The by-laws, resolutions, *procès-verbaux*, collection rolls and other instruments of the corporation for which the regional county municipality is substituted, which are relevant to the jurisdiction exercised by the latter under article 678.0.1, remain in force until they are replaced or repealed.

Article 616 applies to the contribution of the corporation in respect of a service provided under article 678.0.1.

“678.0.4 Where a corporation adopts a resolution pursuant to article 10.1 and article 678.0.2 after the regional county municipality has begun to exercise a jurisdiction under article 678.0.1, article 678.0.3 ceases to apply from the sending of the resolution by registered mail to the regional county municipality. The instruments of the regional county municipality which are relevant to that jurisdiction and applicable in the territory of the corporation remain in force until they are replaced or repealed.”

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

45. Article 975 of the said Code is amended

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

“The budget shall consist of

(1) a part pertaining to the matters referred to in the second paragraph of section 188 of the Act respecting land use planning and development;

(2) as many parts as there are powers exercised by the regional county municipality under article 10 except any power which, under a legislative provision, may be exercised only by a regional county municipality, or under article 678.0.1;

(3) a part pertaining to the other powers of the regional county municipality.

The parts of the budget shall be adopted separately and

(1) a council member referred to in the second paragraph of section 188 of the Act respecting land use planning and development may vote on the part contemplated in subparagraph 1 of the second paragraph;

(2) the council members representing the corporations that are subject to the jurisdiction of the regional county municipality may vote on a part contemplated in subparagraph 2 of the second paragraph;

(3) the council members representing all the corporations, cities and towns whose territory is situated in that of the regional county municipality may vote on the part contemplated in subparagraph 3 of the second paragraph.

Subject to the letters patent of the regional county municipality, each part of the budget shall be adopted by a majority of the votes, except the part contemplated in subparagraph 3 of the second paragraph, which shall be adopted by a two-thirds majority of the votes. However, the exception does not apply where the council members present having voted against adoption represent only one corporation.”;

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

“If, on 1 January, the budget or a part of the budget is not adopted, one twelfth of each appropriation provided for in the budget or in the corresponding part of the budget of the preceding fiscal year is deemed to be adopted. The same rule applies at the beginning of each subsequent month if, at that time, the budget or part of the budget has not yet been adopted.”

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

Amendment
to letters
patent

46. A municipality wishing that an amendment be made to the letters patent of a regional county municipality with regard to an element referred to in subparagraph 3 of the first paragraph of section 168 and, as the case may be, in section 169 of the Act respecting land use planning and development must, before 1 April 1988, direct that a resolution to that effect be transmitted to the secretary-treasurer of the regional county municipality.

Notice to
the Minister

47. If, on 1 April 1988, no municipality has availed itself of section 46, the secretary-treasurer of the regional county municipality shall transmit a notice to that effect to the Minister of Municipal Affairs.

Amendment
to letters
patent

48. Every regional county municipality may, by a resolution adopted before 1 July 1988 by the affirmative vote of members of the council who represent at least 90% of its population, apply to the Minister of Municipal Affairs for an amendment to its letters patent with regard to an element referred to in subparagraph 3 of the second paragraph

of section 168 and, as the case may be, in section 169 of the Act respecting land use planning and development, in accordance with the proposal contained in the resolution.

Population For the purposes of the adoption of the resolution referred to in the first paragraph, each representative of any municipality on the council shall be awarded the percentage of the population in the municipality obtained by dividing the total population by the number of representatives in that municipality.

Amendment to letters patent **49.** Where at least one municipality has adopted a resolution under section 46 and the regional county municipality fails to adopt a resolution under section 48, the council of the latter may, by resolution, apply to the Minister for an amendment to its letters patent for the purposes contemplated by the resolution. Copy of the resolution must be transmitted to the Minister of Municipal Affairs before 1 July 1988.

Notice to the Minister If, in the case provided for in the first paragraph, the council fails to adopt a resolution, the secretary-treasurer of the regional county municipality shall notify the Minister by registered mail before 1 July 1988.

Hearing **50.** The Minister shall forward to the Commission municipale du Québec any resolution or notice he receives pursuant to section 49. The Commission shall, in that case, hear all interested persons and transmit, before 1 January 1989, a report to the Minister in which it may propose an amendment to the letters patent.

Proposal by the Commission **51.** The Commission, when drawing up its proposal, must consider, in particular, whether

(1) the decisions of the council of the regional county municipality coincide with the wishes of a majority of the representatives of the municipalities and favour the common interest of the municipalities;

(2) the decisions are weighted in favour of a better balance between the municipalities according to their population;

(3) none of the municipalities involved is given sufficient weight to place it in a position of control over the others.

Amendment to letters patent **52.** The Government may amend the letters patent of a regional county municipality to give effect, with or without amendment, to the proposals made under section 48 or 49.

53. All letters patent and every order, proclamation, by-law, resolution or ordinance in force on 31 December 1987 and made under a provision replaced or repealed by this Act remain in force until the date fixed for the cessation of their effect, until the object thereof is realized or until they are replaced or repealed under this Act. They are, if applicable, deemed to have been made under the corresponding provision of this Act.

Letters patent, orders or by-law in force

54. Every act performed before 1 January 1988 under a provision replaced or repealed by this Act shall retain its effects to the extent that they remain relevant. It is, if applicable, deemed to have been performed under the corresponding provision of this Act.

Effect

55. Every person in office on 31 December 1987 and appointed under a provision replaced or repealed by this Act continues to hold office until the expiry of the term for which he was appointed or until he is replaced or otherwise ceases to perform his duties according to law. The person is, if applicable, deemed to have been appointed under the corresponding provision of this Act.

Continuance in office

Nothing in the first paragraph shall be interpreted as prohibiting a person from continuing to perform his duties after the expiry of the term for which he was appointed until he is replaced or reappointed, if so provided by law.

Term of office

56. Every by-law made under section 189 of the Act respecting land use planning and development remains in force, notwithstanding the repeal of the said section by section 26 of this Act, until 31 December 1989 or such prior date as may be fixed in an agreement between the regional county municipality and a city or town affected by the by-law. Such an agreement may set out the rights and obligations of the municipalities that are parties to the agreement in respect of the jurisdiction that was the subject of the by-law and the rights and obligations of the officers and employees of the regional county municipality who devoted all their time to the field of jurisdiction that was the subject of the by-law.

By-laws in force

57. This Act will come into force on 1 January 1988, except section 23 which will come into force on 1 July 1989 and section 22 which will come into force by proclamation of the Government.

Coming into force