



CHAPTER 51

An Act respecting land use planning and development

[Assented to 21 November 1979]

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

PRELIMINARY TITLE

INTERPRETATION

Interpreta-
tion.
“aliena-
tion”;

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

(1) “alienation” means any conveyance of property, including sale with a right of redemption, emphyteutic lease, alienation for rent, transfer of a right contemplated in section 3 of the Mining Act (R.S.Q., c. M-13), and transfer of timber limits under the Lands and Forests Act (R.S.Q., c. T-9), except by

(a) transmission owing to death;

(b) forced sale within the meaning of articles 1585 to 1591 of the Civil Code, including sale for unpaid taxes and withdrawal and any conveyance resulting from the Expropriation Act (R.S.Q., c. E-24);

(c) giving in payment to the extent that it is an accessory clause to a deed of sale or deed of hypothec and that the person receiving in payment becomes the owner of the whole lot or of all of the lots still concerned in the deed;

“certificate
of conform-
ity”;

(2) “certificate of conformity” means a certificate issued by the secretary-treasurer pursuant to section 39 or 44;

“Commis-
sion”;

(3) “Commission” means the Commission nationale de l'aménagement as established under section 206;

“Minister”;

(4) “Minister” means the Ministre des affaires municipales;

“municipality”; (5) “municipality” means any body entrusted with the administration of a territory for municipal purposes, except a county corporation and a regional county municipality;

“regional county municipality”; (6) “regional county municipality” means a corporation having jurisdiction over a territory for which letters patent were issued under section 166;

“cadastral operation”; (7) “cadastral operation” means a division, subdivision, new subdivision, redivision, cancellation, correction, addition or re-grouping made in the cadastre pursuant to the Cadastre Act (R.S.Q., c. C-1) or article 2174, 2174a or 2175 of the Civil Code;

“public agency”; (8) “public agency” means an agency to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed and remunerated in accordance with the Civil Service Act (1978, c. 15), or at least half of whose capital stock is derived from the consolidated revenue fund;

“secretary-treasurer”; (9) “secretary-treasurer” means the secretary-treasurer of the regional county municipality or any other officer designated for that purpose by the council of the regional county municipality;

“thoroughfare”. (10) “thoroughfare” means any place or structure intended for vehicular or pedestrian traffic, in particular, a road, street, lane, sidewalk, walkway, bicycle path, snowmobile trail, hiking path, square or public parking area.

Government bound. **2.** A development plan and an interim control by-law adopted by a regional county municipality and put into force in accordance with this act are binding on the Government, or a government department or agency, where it wishes to intervene by the installation of public services or infrastructure, the carrying out of works or the use of an immovable, subject to section 70 and to Chapter VI of Title I.

TITLE I

REGULATION OF LAND USE PLANNING AND DEVELOPMENT

CHAPTER I

REGIONAL COUNTY MUNICIPALITY DEVELOPMENT PLAN

DIVISION I

POWERS OF THE REGIONAL COUNTY MUNICIPALITY

Preparation. **3.** The council of a regional county municipality must undertake the preparation of a development plan within three years

from the coming into force of this act and adopt it within seven years from the coming into force of the act.

Resolution. **4.** The council of a regional county municipality which undertakes the preparation of a development plan must pass a resolution to that effect.

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

Copy. A copy of the resolution, together with a notice of the date of its passing, shall also be sent to the *Ministre de l'énergie et des ressources* for the purposes of the cadastre.

Notice. Notice of the passing of the resolution shall be published in a newspaper circulated in the territory of the regional county municipality and in the *Gazette officielle du Québec*.

DIVISION II

CONTENTS OF THE PLAN

Obligatory content. **5.** A development plan must include

- (1) the general aims of land development policy for the territory of the regional county municipality;
- (2) the general policies on land use for the whole territory of the regional county municipality;
- (3) the delimitation of the urbanization perimeters;
- (4) the identification of zones where land occupation is subject to special restrictions for reasons of public safety, such as flood zones, erosion zones, landslide zones or zones subject to other severe physical disturbances;
- (5) the identification of territories that are of historical, cultural, aesthetic or ecological interest to the regional county municipality;
- (6) the identification and the approximate location and, where applicable, the schedule for the setting up of the public services and infrastructure which the regional county municipality considers to be intermunicipal in nature;
- (7) the identification and the approximate location of the public services and infrastructure to be set up by the Government, the government departments and agencies and by public bodies and school corporations;

(8) the identification and the approximate location of the major electricity, gas, telecommunications and cable delivery networks.

The plan must also include a complementary document dealing with the minimum standards to be respected by municipal by-laws adopted in accordance with subparagraphs 16 and 17 of the second paragraph of section 113 and subparagraphs 3 and 4 of the second paragraph of section 115, which are to apply to the zones defined under subparagraph 4 of the first paragraph of this section.

Optional
content.

6. A development plan may include

(1) the approximate density of occupation permissible in the various parts of the territory of the regional county municipality, including those parts within the urbanization perimeters;

(2) the land uses within an urbanization perimeter that are of interest to the regional county municipality;

(3) the approximate layout and the type of the main thoroughfares;

(4) joint development proposals emanating from a group of municipalities;

(5) the description of those parts of the territory of the regional county municipality that are exempt from staking out within the meaning of the Mining Act (R.S.Q., c. M-13).

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

(1) the requirement that a municipal council adopt, for the whole or a part of its territory, the by-law provided for in section 116;

(2) the general norms to be taken into account in the zoning, subdivision and building by-laws of the municipalities.

Additional
documents.

7. A development plan shall be accompanied with

(1) a document indicating the estimated cost of the various intermunicipal public services and infrastructure proposed in the plan;

(2) a document indicating the modes of consultation employed and the conclusions drawn, including the reasons offered by the persons and bodies consulted for their agreement or, as the case may be, their objection.

Objectives.

8. For the purposes of this act, the objectives of a development plan include not only the aims that are explicitly set forth in the plan, but also the principles implied by the bringing together of its components.

DIVISION III

PREPARATION OF THE PLAN

Studies
and plans.

9. The studies conducted and the original plans made for the regional county municipality for the preparation of the development plan belong to the municipality and form part of its records.

Accessi-
bility.

10. Within forty-five days of the passing of a resolution provided for in section 4, a municipality must put a copy of every planning programme, master plan, zoning, subdivision or building by-law, or study, that it has ordered, passed or received, at the disposal of the regional county municipality of which it forms part.

Documents
to council.

11. Following the passing of a resolution provided for in section 4, the Minister shall send to the council of the regional county municipality

(1) a document summarizing the preliminary aims that the Government, the government departments and agencies and the public bodies intend to pursue in the matter of land use and development in the territory of the regional county municipality;

(2) a document describing the public services, infrastructure and development projects that the Government, the government departments and agencies and the public bodies intend to set up in the territory of the regional county municipality and that are likely to affect the preparation of the development plan.

Additional
documents.

The Minister may also, before the adoption of the preliminary proposal provided for in section 12, send additional documents relating to the same topics to the council of the regional county municipality.

Preliminary
proposal.

12. The council of the regional county municipality shall, by resolution, adopt a preliminary development proposal so as to allow consultation on the content of the plan and conciliation of the objectives of the regional county municipality with those of the municipalities and of the Government.

Estimated
cost.

The preliminary proposal shall be presented as development alternatives with an estimate of the cost of each.

Copy.

A copy of the preliminary proposal shall be sent to every municipality in the territory of the regional county municipality, to the adjacent regional county municipalities and, for registration, to the Commission.

- Abstract.** **13.** An abstract of the preliminary proposal shall be mailed or otherwise distributed by the regional county municipality to every civic address in the territory of the regional county municipality.
- Notice.** The abstract must be accompanied with a notice indicating that a copy of the preliminary proposal is available for inspection at the office of each municipality.
- Opinion.** **14.** Every municipality must, within sixty days from the sending of the preliminary proposal, send its opinion on the preliminary proposal to the council of the regional county municipality.
- Public meeting.** Before giving an opinion, the municipal council may submit the preliminary development proposal for consultation at a public meeting held in the territory of the municipality.
- Additional document.** The opinion of the municipal council must be accompanied with a document indicating the modes of consultation employed and the conclusions drawn, including the reasons offered by the persons and bodies consulted for their agreement or, as the case may be, their objection.
- Accessibility.** Every municipality must make a copy of the preliminary proposal available at its office for inspection, upon receiving it.
- Adoption.** **15.** After receiving the opinions of the municipalities, the council of the regional county municipality shall, by resolution, adopt a development proposal.
- Copy.** On the adoption of the development proposal, a copy of it shall be sent to the Minister, to every municipality in the regional county municipality and to the adjacent regional county municipalities, and be registered with the Commission.
- Notice by Minister.** **16.** Within ninety days of receiving the resolution provided for in section 15, the Minister shall indicate in a notice to the council of the regional county municipality
- (1) the aims that the Government, the government departments and agencies and the public bodies are pursuing or intend to pursue in the matter of land use and development in the territory of the regional county municipality;
 - (2) the projects for public services, infrastructure and development that the Government, the government departments and agencies and the public bodies intend to implement in the territory of the regional county municipality;
 - (3) the objections, if any, of the Government with regard to the development proposal adopted.

- Registration. A copy of this notice shall be registered with the Commission.
- Final version. **17.** The council of the regional county municipality shall prepare the final version of its development plan, taking into account the development proposal adopted, the opinions of the Minister and of the municipalities, the existing planning policies and by-laws and any other relevant factor.
- Adoption and consultation. **18.** The council of the regional county municipality shall, by resolution, adopt the final version of its development plan and hold a consultation on the various components of the plan and the consequences of its adoption.
- Content. The resolution shall indicate the time within which the consultation is to be held and the date, time and place of the public meetings.
- Copy. A copy of the final version of the plan shall be sent to every municipality in the territory of the regional county municipality, to the adjacent regional county municipalities and, for registration, to the Commission, accompanied with a notice of the date, time and place of the public meetings.
- Opinion. **19.** Every municipality in the territory of the regional county municipality must submit an opinion on the final version of the development plan within the time fixed for consultation by the regional county municipality.
- Accessibility. Every municipality in the territory of the regional county municipality must make a copy of the final version of the plan available at its office for inspection.
- Public meetings. **20.** The final version shall be submitted for consultation at public meetings held by a committee that the council of the regional county municipality must set up by resolution, which committee shall be presided by the warden and be composed of as many members of the council of the regional county municipality as the council may consider necessary.
- Representative of Minister. The Minister may appoint a representative to participate in the public meetings held by the committee.
- Abstract. **21.** Not less than thirty days before the first meeting is held, an abstract of the final version shall, at the option of the council of the regional county municipality, be
- (1) mailed or otherwise distributed to each civic address in the territory of the regional county municipality, or
 - (2) published in a newspaper circulated in the territory of the regional county municipality.

Notice. The abstract shall be accompanied with a notice of the date, time, place and objects of the public meeting and the fact that a copy of the final version of the development plan is available for inspection at the office of every municipality in the territory of the regional county municipality.

Publica-
tion. **22.** Not later than fifteen clear days before the meeting is held, the secretary-treasurer must publish, in a newspaper circulated in the territory of the regional county municipality, a notice of the date, time, place and objects of the meeting. The notice shall also be posted up at the office of each municipality.

Where
meeting
held. **23.** A public meeting must be held in the territory of not less than one-half of the municipalities whose combined populations represent not less than two-thirds of the population of the regional county municipality.

Hearing. **24.** At the meeting, the committee of the council of the regional county municipality must explain the final version of the plan and hear the persons and bodies wishing to be heard.

DIVISION IV

ADOPTION OF THE PLAN

By-law. **25.** The development plan is adopted by a by-law of the council of the regional county municipality requiring the affirmative vote of the majority of the members of the council.

Copy. On the adoption of the development plan, a copy of it, together with a notice of the date of its adoption, shall be sent to the adjacent regional county municipalities, to every municipality in the territory of the regional county municipality, and to the Minister, and be registered with the Commission.

Coming
into force. **26.** Subject to sections 27 to 29, the development plan comes into force ninety days after being adopted by the council of the regional county municipality.

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

Amend-
ment. **27.** If the Minister considers that the development plan is not consistent with the aims or projects of the Government, the government departments and agencies or the public bodies, he may require the council of the regional county municipality to amend it.

Notice. This requirement is made by way of a substantiated notice, within ninety days of the adoption of the plan.

Copy. A copy of the notice shall be served on the council of the regional county municipality and sent to every municipality in the territory of the regional county municipality, and be registered with the Commission.

Amendment. **28.** The council of the regional county municipality may, within ninety days from service of the Minister's notice, amend its development plan in conformity with the notice of the Minister, according to the rule provided in the first paragraph of section 25.

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

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

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

Amendment. **29.** If, at the expiration of ninety days following the Minister's notice, the council of the regional county municipality has not amended its development plan in conformity with the notice, the Government may amend the plan by order to bring it into conformity with the aims or projects contemplated in the first paragraph of section 27.

Copy. On the passing of the order, a copy of it shall be sent by the Minister to the council of the regional county municipality, to every municipality in the territory of the regional county municipality, and to the adjacent regional county municipalities, and be registered with the Commission.

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

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

Copy. **30.** On the coming into force of the development plan, a copy of it shall be sent by the regional county municipality or, as the case may be, the Minister, to the adjacent regional county municipalities, to every municipality in the territory of the regional county municipality and, if necessary, to the council of the regional county municipality itself, and be registered with the Commission.

Abstract. **31.** Within ninety days of the coming into force of the development plan, an abstract of the plan, together with a notice

of the date of its coming into force shall, at the option of the council of the regional county municipality, be

(1) mailed or otherwise distributed to every civic address in the territory of the regional county municipality, or

(2) published in a newspaper circulated in the territory of the regional county municipality.

DIVISION V

EFFECTS OF THE COMING INTO FORCE OF THE PLAN

32. The coming into force of the plan creates no obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for in the plan.

33. Every municipality in the regional county municipality is required, within twenty-four months of the coming into force of the development plan, to adopt, for the whole of its territory, a planning programme, a zoning by-law, a subdivision by-law and a building by-law, and to send a copy thereof to the council of the regional county municipality, and to the Commission, for registration. That programme and those by-laws must be in conformity with the objectives of the development plan and with the complementary document.

34. A municipality having a master plan, a planning programme, a zoning by-law, a subdivision by-law or a building by-law in force in its territory is required, after making the amendments necessary to bring it into conformity with the objectives of the development plan and with the complementary document, to send a copy of the amendment to the council of the regional county municipality as well as to the Commission, for registration, within twenty-four months of the coming into force of the development plan.

35. The approval provided for in sections 131 to 145 is not required in the case of a zoning by-law, a subdivision by-law or a building by-law passed in conformity with section 33 or 34.

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

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

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

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

Copy. On the issuance of the assessment, a copy of it shall be sent to the municipality that applied for it and to the regional county municipality.

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

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

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

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

Approval. The by-law requires no other approval than that provided for in section 36.

- Provisions applicable.** **41.** Sections 36 to 40 apply, *mutatis mutandis*, to amendments under section 40.
- Carrying out of amendments.** **42.** If, within the prescribed time, the municipality fails to submit the amendments to the approval of the council of the regional county municipality, the latter shall itself proceed with the amendments at the expense of the municipality.
- By-law.** The amendments are effected by a by-law requiring no other approval.
- Effect of amendment.** Once amended by the council of the regional county municipality, the programme or the by-law becomes the programme or the by-law of the municipality; it is deemed to be approved by the council and to be in conformity with the objectives of the development plan and with the complementary document.
- Copy.** A copy of the programme or by-law shall be filed in the office of the municipality and registered with the Commission.
- Notice.** The secretary-treasurer of the regional county municipality shall publish a notice of the filing in a newspaper circulated in the territory of the municipality.
- Provisions applicable.** **43.** Section 42 applies, *mutatis mutandis*, where a municipality fails to comply with section 33 or 34.
- Certificate.** **44.** On the approval or deemed approval of the programme or by-law of a municipality under section 36 or under section 42 or 43, the secretary-treasurer shall issue a certificate of conformity in respect of that programme or by-law.
- Coming into force.** A programme or by-law contemplated in section 33, 34, 40, 42 or 43 comes into force on the date of issuance of a certificate of conformity in respect of that programme or by-law.
- Notice.** Notice of its coming into force shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the municipality.
- Effect of certificate.** **45.** From the date of issuance of the certificate of conformity, the planning programme, the zoning by-law, the subdivision by-law or the building by-law is deemed to be in conformity with the objectives of the development plan and with the complementary document.
- Loan by-law.** **46.** From the date of issuance of the certificate of conformity in respect of the planning programme, every loan by-law of a municipality concerning the execution of public works, other than rebuilding, corrective or repair works on immovables already in place, must, when submitted for approval to the Minister

and to the Commission municipale du Québec, be accompanied with the opinion of the council of the regional county municipality.

Advisability.

The opinion must concern the advisability of the loan by-law in view of the development plan.

Time limit.

The council of the regional county municipality must send the opinion to the municipality within thirty days of the adoption of the loan by-law; if the council of the regional county municipality fails to comply within that time, the municipality is relieved of the obligation imposed on it in the first paragraph.

DIVISION VI

AMENDMENT AND REVIEW OF THE PLAN

Amendment.

47. The council of the regional county municipality may amend its development plan at any time, in accordance with the procedure prescribed in sections 48 to 53.

Draft by-law.

48. Before making the amendment envisaged, the council of the regional county municipality must, by resolution, adopt a draft by-law to amend the development plan.

Obligatory content.

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 whose planning programme, zoning by-law, subdivision by-law or building by-law is likely to require amendment.

Optional content.

The resolution may also provide that the interim control measures provided under sections 61 to 75 apply to the municipalities contemplated in the resolution.

Copy.

A copy of the resolution, together with a notice of the date of its adoption, shall be sent to every municipality in the territory of the regional county municipality and to the adjacent regional county municipalities, accompanied, where applicable, with a notice indicating the nature of the amendment to be made, and, where such is the case, the interim control measures envisaged.

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 18 to 31 apply, *mutatis mutandis*, to the adoption of a by-law to amend the plan.

Effect of amendment.

The notices and the abstract prescribed by sections 21, 22 and 31 must specify the effect that the envisaged amendment will have on the territory of each of the municipalities contemplated.

Public meeting. A public meeting must be held in the territory of each of the municipalities contemplated by the envisaged amendment.

Notice of passing. **50.** Where the resolution of the council of the regional county municipality indicates that the amendment envisaged will not affect the objectives of the development plan or the complementary document, the secretary-treasurer must, within fifteen days of the passing of the resolution provided for in section 48, publish, in a newspaper circulated in the whole territory of the regional county municipality, a notice of the passing of the resolution. That notice must indicate that a copy of the resolution is available for inspection at the office of each municipality in the territory of the regional county municipality.

Assessment of effect. **51.** In the case of section 50, a municipality or ten owners or lessees of immovables situated in the territory of the regional county municipality may, within forty-five days of the passing of the resolution, apply in writing to the Commission, with a copy to the regional county municipality, for an assessment of whether or not the amendment envisaged will affect the objectives of the development plan or the complementary document.

Time limit. The Commission must give its assessment within forty-five days after the period provided for in the first paragraph has expired.

Copy. A copy of the assessment shall be sent to every municipality in the territory of the regional county municipality, to the council of the regional county municipality and, as the case may be, to every owner or lessee of the regional county municipality who applied for it.

Provisions applicable. **52.** Where the assessment of the Commission is that the amendment envisaged will affect the objectives of the plan or the complementary document, the procedure provided in section 49 applies to the adoption of the by-law to amend the plan.

Adoption of by-law. **53.** If, at the expiration of the time allowed in the first paragraph of section 51, neither a municipality nor ten owners or lessees in the regional county municipality has or have applied to the Commission for an assessment, or if the Commission's assessment is that the amendment envisaged will not affect the objectives of the development plan or the complementary document, the council of the regional county municipality shall adopt the by-law to amend the plan in accordance with section 25.

Coming into force. The by-law comes into force on the day of its adoption.

Notice. Notice of the coming into force of the by-law shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the regional county municipality.

- Review.** **54.** The council of the regional county municipality must review the development plan not later than five years after the coming into effect of the plan or following the last review made of it.
- Revised proposal.** **55.** In the case provided for in section 54, the council of the regional county municipality shall, by resolution, adopt a revised development plan proposal.
- Copy.** On the adoption of the resolution, a copy of it shall be sent to the Minister and registered with the Commission.
- Time limit.** **56.** Within ninety-days of receiving the resolution contemplated in section 55, the Minister shall send the notice provided for in section 16 to the council of the regional county municipality.
- Provisions applicable.** Sections 48 to 53 apply, *mutatis mutandis*, to the review of a development plan.
- Amendment required.** **57.** Where an amendment to or the review of the development plan requires that the planning programme or the zoning, subdivision or building by-law of a municipality be amended to bring it into conformity with the objectives of the development plan and with the complementary document, the council of the regional county municipality shall require the municipality to amend it and to send a copy of it to the council of the regional county municipality and, for registration, to the Commission, within ninety days.
- Approval not required.** The approval provided for in sections 131 to 145 is not required in the case of a by-law adopted in conformity with this section.
- Provisions applicable.** Sections 36 to 45 apply, *mutatis mutandis*, to amendments under this section.
- Procedure.** **58.** From the date of issuance of a certificate of conformity, every amendment to the planning programme or to the zoning, subdivision or building by-law of a municipality other than an amendment intended to bring it into conformity with the objectives of a development plan and with the complementary document must follow the procedure provided by this act for the amendment of that programme or by-law.
- Copy.** **59.** A copy of a municipal by-law amending a planning programme or a zoning, subdivision or building by-law shall be sent to the council of the regional county municipality and, for registration, to the Commission, within fifteen days of its date of adoption or, where such is the case, of its approval where its approval is required by this act.

Provisions applicable.

Sections 36 to 39, 44 and 45 apply, *mutatis mutandis*, to amending by-laws sent under this section.

Non-conformity presumed.

60. If, at the expiration of the fifteen days provided for in the second paragraph of section 37, the municipality has not applied to the Commission for an assessment or if the Commission's assessment is that the amending by-law contemplated in section 59 is not in conformity with the objectives of the development plan and with the complementary document, the amending by-law is deemed to be not in conformity with the objectives of the plan nor with the complementary document.

Amendment.

The council of the regional county municipality may then amend the development plan in accordance with sections 48 to 53.

Second by-law.

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

DIVISION VII

INTERIM CONTROL

Prohibited practices.

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

(1) any new use of the land or new structure except those required for electricity, gas or telecommunication networks or for cable distribution networks;

(2) any new cadastral operation or the parcelling out of a lot by alienation.

Lifting of prohibition.

62. Notwithstanding section 61, the prohibition against erecting a new structure in the territory of a municipality is lifted with the issuance of a permit by an officer designated by the municipality, if the intended structure has already received, before the coming into force of the resolution provided for in section 4, all the authorizations required by the municipality, and if the construction begins within six months of the coming into force of that resolution, or if the following three conditions are met:

(1) the landsite on which the intended structure is to be erected, including dependencies, forms one or more separate lots on the plan and book of reference;

(2) the waterworks and sewer services for which an authorization was received or a permit issued under the act are already installed along the street where the structure is intended or the by-law ordering their installation is already in force;

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

Interim
by-law.

63. The council of the regional county municipality may adopt an interim control by-law.

Applic-
ability.

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

Inconsis-
tency.

If any provision of the zoning, subdivision or building by-law of a municipality in the territory of the regional county municipality is inconsistent with the interim control by-law, it is inoperative.

Exemption.

64. The interim control by-law may exempt the whole or part of the territory of a municipality from any of its provisions provided that the territory is already governed by a zoning by-law, a subdivision by-law and a building by-law.

Amend-
ment.

In the case provided for in the first paragraph, the municipality may amend its zoning, subdivision or building by-law during the interim control period. The amendment is subject to either the second or the third paragraph of section 123, but comes into force only from the date of its approval by the council of the regional county municipality.

Content.

65. The interim control by-law may prescribe

(1) the area to which it applies;

(2) the maintaining of any prohibitions set forth in section 61;

(3) the conditions on which the prohibitions referred to in paragraph 2 may be lifted with the issuance of a permit by the secretary-treasurer, whether or not such conditions are provided in section 62;

(4) special rules in the matter of zoning, subdivision or building;

(5) the administrative terms and conditions governing the issuance of permits by the secretary-treasurer including, as the case may be, the sending to the secretary-treasurer of the applications for permits made to the designated officer of the municipality in whose territory the immovable contemplated in the application is situated.

- Opinion. **66.** Not less than thirty days before the adoption of the interim control by-law, a copy of the draft by-law must be sent for an opinion to every municipality in the territory of the regional county municipality and to the adjacent regional county municipalities.
- Adoption. **67.** The adoption of the interim control by-law requires the affirmative vote of the majority of the members of the council of the regional county municipality.
- Copy. On the adoption of the by-law, a copy of it shall be sent to every municipality in the territory of the regional county municipality and to the Minister, and be registered with the Commission.
- Notice. The secretary-treasurer must, at the same time, publish in a newspaper circulated in the territory of the regional county municipality, a notice of the adoption of the by-law, indicating that a copy of the by-law is available for inspection at the office of each municipality.
- Accessibility. Each municipality in the territory of the regional county municipality must make a copy of the by-law available for inspection at its office.
- Coming into force. **68.** Subject to sections 69 to 71, an interim control by-law comes into force ninety days after its adoption, or on an earlier date which must not be earlier than forty-five days after the adoption of the by-law if the Minister has indicated in writing that he does not intend to disallow the by-law.
- Notice. Notice of the coming into force of the by-law shall be published in a newspaper circulated in the territory of the regional county municipality, and in the *Gazette officielle du Québec*.
- Copy. A copy of the by-law, together with a notice of its coming into force, shall also be sent to the Ministre de l'énergie et des ressources for the purposes of the cadastre.
- Objection. **69.** Within forty-five days of the adoption of the interim control by-law, a municipality in the territory of the regional county municipality may, by a written application setting out the reasons for its objection and, where such is the case, the

amendments it considers desirable, request the Minister to amend or disallow all or part of the interim control by-law.

Amendment or disallowal.

70. Within forty-five days following the expiration of the time allowed in section 69, the Minister may, on the application of a municipality in the territory of the regional county municipality, amend or disallow all or part of the interim control by-law.

Prior opinion.

In the case provided for in the first paragraph, the Minister must previously obtain the opinion of the council of the regional county municipality.

Disallowal.

The Minister may, of his own initiative and within the same time, disallow the interim control by-law in whole or in part.

Order.

71. The Minister's decision to amend or disallow the interim control by-law is rendered by order.

Effect.

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

Substantiated copy.

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

Notice.

Notice of the coming into force of the order shall be published in a newspaper circulated in the territory of the regional county municipality.

Copy.

A copy of the order together with a notice of the date of its coming into force shall also be sent to the Ministre de l'énergie et des ressources for the purposes of the cadastre.

Provisions applicable.

72. In the case of an amendment to an interim control by-law, sections 67 to 71 apply, *mutatis mutandis*.

Registration.

73. No registration of any cadastral operation may be validly made contrary to section 61.

Certificate.

Where a permit is required pursuant to section 65, no registration of any cadastral operation may be validly made unless a certificate from the secretary-treasurer is filed attesting that he has issued the required permit.

Loan by-law.

74. From the passing of a resolution provided for in section 4 until the date of issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of a municipality, every loan by-law of that

municipality concerning the execution of public works other than rebuilding, corrective or repair works on immoveables already in place, when sent for approval to the Minister and to the Commission municipale du Québec, must be accompanied with the opinion of the council of the regional county municipality.

Advisability.

The opinion must concern the advisability of the loan by-law in view of the interim control measures in force in the territory of the regional county municipality.

Time limit.

The council of the regional county municipality must send the opinion to the municipality within thirty days of the adoption of the loan by-law; if the council of the regional county municipality fails to comply within that time, the municipality is relieved of the obligation imposed on it in the first paragraph.

Applicability.

75. The interim control measures provided for in sections 61 to 74 apply in the territory of a municipality from the date of the passing by the council of the regional county municipality of a resolution which includes the clause provided for in the third paragraph of section 48, until the date of issuance of the last certificate of conformity in respect of the planning programme and the zoning, subdivision and building by-laws of that municipality.

CHAPTER II

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

By-laws obligatory.

76. Within twenty-four months of the coming into force of the development plan, the council of the regional county municipality shall adopt, in respect of the territories contemplated in article 27 of the Municipal Code, a zoning by-law, a subdivision by-law and a building by-law in accordance with Chapter IV.

Conformity.

The by-laws must be in conformity with the objectives of the development plan and with the complementary document.

Amendment.

77. If a zoning by-law, a subdivision by-law or a building by-law of a regional county municipality is in force in respect of the territories contemplated in article 27 of the Municipal Code at the coming into force of the development plan or of its amendment, the council of the regional county municipality shall, within twenty-four months, amend that by-law, where necessary, to bring it into conformity with the objectives of the development plan and with the complementary document.

78. A copy of the by-laws provided for in sections 76 and 77 shall be registered with the Commission.

79. Three owners or lessees of immovables situated in a territory contemplated in article 27 of the Municipal Code may apply in writing to the Commission for an assessment of the conformity of a by-law provided for in sections 76 and 77 that is applicable to that territory, in accordance with sections 103 to 107, which apply, *mutatis mutandis*.

80. In the case of an amendment to a by-law provided for in sections 76 and 77, the first paragraph of section 123 does not apply.

Every amending by-law adopted and approved in conformity with sections 131 to 145, is deemed to be in conformity with the objectives of the development plan and with the complementary document.

CHAPTER III

PLANNING PROGRAMME OF A MUNICIPALITY

DIVISION I

POWERS OF THE MUNICIPALITY

81. A municipality may adopt a planning programme.

A municipal council which undertakes to prepare a planning programme must pass a resolution to that effect. The resolution must indicate the time within which the council intends to adopt its programme.

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

In the case provided for in section 111, a copy of the resolution, together with a notice of the date of its passing, shall also be sent to the *Ministre de l'énergie et des ressources* for the purposes of the cadastre and published in a newspaper circulated in the territory of the municipality.

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

82. Before the coming into force of a development plan, the Minister may, by an order indicating the reasons on which it is based, require a municipality to adopt a planning programme

within such time as he may prescribe, and indicate, where that is the case, the components listed in sections 84 and 85 which must be included in the programme.

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

Copy. In the case provided for in section 111, a copy of the order, together with a notice of the date of its coming into force, shall be sent to the *Ministre de l'énergie et des ressources* for the purposes of the cadastre and shall also be published in a newspaper circulated in the territory of the municipality.

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

DIVISION II

CONTENTS OF THE PLANNING PROGRAMME

Obligatory content. **83.** A planning programme must include

- (1) the general aims of land development policy in the territory of the municipality;
- (2) the general policies on land uses and land occupation densities.

Optional content. **84.** A planning programme may include

- (1) the zones to be renovated, restored or protected;
- (2) the intended layout and the type of the main thoroughfares and public transport systems;
- (3) the nature, location and type of the public services and infrastructure intended for community use;
- (4) the estimated costs pertaining to the implementation of the components of the programme;
- (5) the nature and intended layout of the main waterworks, sewer, electricity, gas, telecommunications and cable distribution systems, networks and terminals;
- (6) the delimitation within the municipal territory of development areas that may be the object of special planning programmes.

Special programme. **85.** A planning programme may also include a special planning programme for part of the territory of the municipality.

Content. A special planning programme may include

- (1) the detailed land use and the land occupation density;
- (2) the intended layout and the type of the thoroughfares and of the public transport, electricity, gas, telecommunications and cable distribution networks;
- (3) the nature, layout and type of the public services and infrastructure intended for community use;
- (4) the catalogue of the intended works, their estimated costs and indication of the bodies concerned;
- (5) the proposed zoning, subdivision and building rules;
- (6) the sequence in which urban public services and water-works and sewer systems and terminals are to be constructed;
- (7) the estimated duration of the works;
- (8) the special land redevelopment, restoration and demolition programmes.

Obligatory content.

86. The council of the regional county municipality, once the development plan is in force, may, by resolution, require a municipality to include one or several components listed in sections 84 and 85 in its planning programme.

Copy.

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

Additional documents.

87. A planning programme must be accompanied with the description of the relevant works the municipality intends to carry out during the following three years, with an indication of their estimated cost. This description is adopted by resolution.

DIVISION III

PREPARATION OF THE PLANNING PROGRAMME

Preliminary proposal.

88. In preparing a planning programme, the council of a municipality may, by resolution, adopt a preliminary proposal regarding the various components of the programme.

Presentation.

The preliminary planning proposal shall be presented as a series of alternatives, with an indication of the estimated cost of each.

Consultation.

The resolution of the municipal council shall indicate the time within which the consultation is to be held and the date, time and place of the public meetings.

- Procedure.** The consultation shall be held in accordance with the procedure prescribed in sections 89 to 93.
- Opinion.** **89.** The preliminary proposal shall be submitted to the council of the regional county municipality for its opinion.
- Public meeting.** **90.** The preliminary proposal shall be submitted for consultation at a public meeting held by the municipal council and presided by the mayor.
- Copy.** **91.** The preliminary proposal shall be sent to the municipalities whose territories are adjacent and, for registration, to the Commission, together with a notice of the date, time, place and objects of the public meeting.
- Notice.** **92.** Not later than fifteen clear days before the holding of the meeting, the clerk or the secretary-treasurer of the municipality must publish a notice of the date, time, place and objects of the meeting in a newspaper circulated in the territory of the municipality. The notice must also indicate that a copy of the preliminary proposal is available for inspection at the office of the municipality.
- Accessibility.** The notice must also be posted up at the office of the municipality.
- Hearing.** **93.** At the public meeting, the municipal council must explain its preliminary proposal and hear every person and body wishing to be heard.
- Criteria.** **94.** The municipality, in preparing the planning programme, shall take into account, as the case may be, the preliminary proposal, the opinion of the council of the regional county municipality, the results of the consultation or any other relevant factor.
- Obligatory consultation.** **95.** Before adopting the planning programme, the council of the municipality shall hold a consultation on the various components of the programme and the consequences of its adoption. This consultation is required even where the preliminary proposal had been submitted to consultation.
- Optional consultation.** The council of the municipality may submit the draft zoning, subdivision and building by-laws it intends to adopt or the amendments it intends to make to these by-laws, in the cases provided for in section 34 or 102, to consultation.
- Provisions applicable.** The terms and conditions provided in sections 88 to 93 apply, *mutatis mutandis*, to the consultation on the planning programme.

Abstract. **96.** Not less than fifteen clear days before the holding of the meeting, an abstract of the planning programme shall, at the option of the municipal council, be

(1) mailed or otherwise distributed to each civic address in the territory of the municipality, or

(2) published in a newspaper circulated in the territory of the municipality.

Notice. This abstract shall be accompanied with a notice of the date, time, place and objects of the public meeting and of the fact that a copy of the planning programme is available for inspection at the office of the municipality.

DIVISION IV

ADOPTION OF THE PLANNING PROGRAMME

Adoption. **97.** The planning programme is adopted by a by-law of the municipal council requiring the affirmative vote of the majority of the members of the council.

Resolution in force. **98.** In the case of a municipality in the territory of a regional county municipality in which a resolution provided for in section 4 is in force, the planning programme comes into force on the date of the issuance of the certificate of conformity.

Coming into force. In any other case, the planning programme comes into force in accordance with article 364 of the Municipal Code or section 361 of the Cities and Towns Act (R.S.Q., c. C-19).

Copy. **99.** A copy of the planning programme, together with a notice of the date of its coming into force, shall be sent to the municipalities whose territories are adjacent and to the council of the regional county municipality, and be registered with the Commission.

Abstract. **100.** Within ninety days of the coming into force of the planning programme, an abstract of the programme, together with a notice of its coming into force, shall, at the option of the municipal council, be

(1) mailed or otherwise distributed to each civic address in the territory of the municipality, or

(2) published in a newspaper circulated in the territory of the municipality.

Accessibility. The abstract shall be accompanied with a notice indicating that a copy of the planning programme is available for inspection at the office of the municipality.

DIVISION V

EFFECTS OF THE COMING INTO FORCE OF THE PLANNING PROGRAMME

101. The coming into force of the planning programme does not create any obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for therein.

102. The council of a municipality shall, within ninety days following the coming into force of the planning programme, adopt for its whole territory a zoning by-law, a subdivision by-law and a building by-law in conformity with the planning programme, and send a copy of them to the council of the regional county municipality, where such is the case, and to the Commission for registration.

However, if a zoning by-law, subdivision by-law or building by-law is in force at the time of the coming into force of the planning programme or of an amendment thereto, the council shall, if necessary, amend the said zoning by-law, subdivision by-law or building by-law within the same time, to bring it into conformity with the planning programme and send a copy of it to the council of the regional county municipality, where such is the case, and to the Commission, for registration; the approval provided for in sections 131 to 145 is not required in this case.

The first and second paragraphs of this section do not apply to a municipality in the territory of a regional county municipality in which a resolution provided for in section 4 or a development plan is in force.

A by-law adopted or amended in accordance with this section must, unless it has been the subject of the consultation provided for in section 95, be submitted to the consultation provided for in sections 124 to 130.

103. Within forty-five days of the adoption by the municipal council of a zoning, subdivision or building by-law contemplated in the first paragraph of section 102, or of a by-law amending a zoning, subdivision or building by-law and contemplated in the second paragraph of section 102, five owners or lessees of immovables situated in the territory of the municipality may apply to the Commission in writing for an assessment of conformity.

On receiving the application, the Commission shall send a copy of it to the municipality.

104. Within forty-five days of the expiration of the time allowed in the first paragraph of section 103, the Commission

shall give an assessment of the conformity of the by-law with the planning programme.

Assessment binding.

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

Copy.

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

Accessibility.

The assessment must be posted up at the office of the municipality.

Coming into force.

105. The zoning, subdivision or building by-law contemplated in section 102 comes into force

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

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

Notice.

A notice of the coming into force of the by-law shall be published in a newspaper circulated in the territory of the municipality and posted up at the office of the municipality.

Conformity presumed.

From the date of its coming into force, the by-law is deemed to be in conformity with the planning programme.

Amendment.

106. If the assessment of the Commission is that a zoning, subdivision or building by-law is not in conformity with the planning programme, the municipality shall, within ninety days, amend it to bring it into conformity with the planning programme.

Provisions not applicable.

The terms and conditions of consultation and approval provided in sections 124 to 145 do not apply to an amendment under this section; however, a notice of adoption of the amendment must be published, upon its adoption, in a newspaper circulated in the territory of the municipality, and must be posted up at the office of the municipality.

Provisions applicable.

107. Sections 103 to 106 apply, *mutatis mutandis*, to amendments under section 106.

Conformity presumed.

108. If a by-law amending a zoning, subdivision or building by-law has been adopted and approved in accordance with sections 123 to 145, it is deemed to be in conformity with the planning programme.

DIVISION VI

AMENDMENT OF THE PLANNING PROGRAMME

Amend-
ment. **109.** The council of a municipality may amend its planning programme in accordance with the procedure prescribed in sections 95 to 97, 99 and 100.

Resolution. Where the municipal council wishes to amend the planning programme, it may pass a resolution indicating its intention to avail itself of the interim control measures provided for in section 112 and identifying the affected parts of its territory.

Copy. On the passing of this resolution, a copy of it shall be sent, where such is the case, to the council of the regional county municipality and to the Ministre de l'énergie et des ressources for the purposes of the cadastre; it shall also be registered with the Commission and published in a newspaper circulated in the territory of the municipality, and in the *Gazette officielle du Québec*.

Coming
into force. **110.** In the case of sections 57 to 59, the amendment comes into force on the date of the issuance of the certificate of conformity.

Notice. Notice of the coming into force of the amendment shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the municipality.

Coming
into force. In any other case, the amendment comes into force in accordance with article 364 of the Municipal Code or section 361 of the Cities and Towns Act.

DIVISION VII

INTERIM CONTROL

Applic-
ability. **111.** The interim control measures provided for in sections 61 to 73 apply, *mutatis mutandis*, to the territory of a municipality and the municipality then has the powers provided by these sections, except a municipality whose territory is affected by a resolution passed under section 4 or the third paragraph of section 48, from the passing of a resolution of the municipal council authorizing the preparation of a planning programme until the coming into force of all the by-laws provided for in section 102.

Applic-
ability. **112.** In a municipality contemplated in section 111, from the date of the passing of the resolution provided for in the second paragraph of section 109 until the date of the coming into force of all the by-laws that the municipality must adopt under section 102, the interim control measures provided for in sections 61 to 73

apply, *mutatis mutandis*, to the territory contemplated in the resolution, and the municipality then has the powers provided by these sections.

CHAPTER IV

MUNICIPAL PLANNING BY-LAWS

DIVISION I

ZONING BY-LAWS

Scope. **113.** The council of a municipality may adopt a zoning by-law for its whole territory or any part thereof.

Content. A zoning by-law may include provisions regarding one or more of the following objects:

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

(2) to divide each zone into sectors so that each of such sectors may be a polling unit for the purposes of sections 131 to 145 and so that in each of such sectors the land use standards authorized in the zone may be prescribed in a supplementary by-law of the council, provided, however, that the standards respecting the uses permitted are uniform in all the sectors of the same zone;

(3) to specify, for each zone, the structures and uses that are authorized and those that are prohibited, including public uses and buildings, and the land occupation densities;

(4) to specify the open space that must be left between structures or between the different uses on adjacent lots and situated in contiguous zones and the use and development of such open space;

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

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

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

(8) to determine the level of a landsite in relation to a thoroughfare;

(9) to determine and regulate the place where vehicles may have access to a landsite;

(10) to prescribe, for each zone, use or combination of uses, the space which, on the lots, must be reserved and arranged for parking, loading or unloading vehicles or for parking vehicles used by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, c. 7) using wheel-chairs, and the manner of arranging such space; to establish parking restrictions inside or outside buildings;

(11) to regulate or restrict, by zone, the division or subdivision of a dwelling;

(12) to regulate or restrict, by zone, the excavation of the ground, the removal of humus, the planting and felling of trees and all works of clearing and filling; to compel any owner to put grass, shrubs or trees on his landsite;

(13) to regulate or restrict, by zone, the moving, use, repair or demolition of a structure; to require, where a structure is moved, the deposit, as security, of an amount considered provisionally sufficient to ensure compensation of the damage that might be incurred by the municipality by reason of that moving;

(14) to regulate, by zone, the construction, erection, alteration and maintenance of all bill-boards and signs already erected or to be erected in the future;

(15) to regulate or restrict, by zone, the layout, height and maintenance of fences, walls, hedges, shrubs and trees;

(16) to regulate or prohibit, by zone, construction or certain works, taking into account the topography of the landsite, the proximity of a stream or lake, or the danger of flood, rock fall, landslide or other disaster; any prohibition under this subparagraph may be absolute or may contemplate only certain classes of immoveables, as it may determine;

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

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

(a) by requiring that a non-conforming use protected by acquired rights cease if such use has been abandoned, has ceased

or has been interrupted for such period of time as it may define, which must be a reasonable period, taking into account the nature of the use, but must not in any case be shorter than six months;

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

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

(19) to regulate, by zone, the specific conditions of siting or layout applicable to structures and uses on lots not in conformity with the subdivision by-law which are protected by acquired rights;

(20) to permit, by zone, groups of structures and uses of a determined classification and prescribe the specific rules applicable in such a case;

(21) within certain zones where residential and non-residential uses are permitted, to regulate, restrict or prohibit the change from a residential use to a non-residential use otherwise permitted in the zone;

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

Signs and
bill-boards.

No by-law concerning signs and bill-boards adopted under subparagraph 14 or under any other general law or special act applies to prohibit or restrict the use of signs and bill-boards relating to an election or a referendum held under an act of the Legislature.

Effect of
motion.

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

Applica-
bility.

This section ceases to be applicable to the works in question if the amending by-law is not adopted within two months of the date of the notice of motion or if it is not put into force within four months of its adoption.

DIVISION II

SUBDIVISION BY-LAWS

Scope. **115.** The council of a municipality may adopt a subdivision by-law for its whole territory or any part thereof.

Content. The subdivision by-law may include provisions on one or more of the following objects:

(1) to specify, for each zone provided for in the zoning by-law, the area and dimensions of lots or landsites by category of structures or uses and to identify the public or private nature of thoroughfares;

(2) to prescribe, according to the topography of the land and its intended use, the manner of laying out public or private streets and lanes, the distance to be left between them, and their width;

(3) to prescribe the minimum area and minimum dimensions of the lots at the time of a cadastral operation, taking into account the nature of the land, the proximity of public works, or the presence or, as the case may be, the absence of septic installations, waterworks or a sanitary sewer system;

(4) to govern or prohibit, by zone, a cadastral operation, taking into account the topography of the landsite, the proximity of a stream or lake, or the danger of flood, rock fall, landslide or other disaster; any prohibition under this paragraph may be absolute or contemplate only certain classes of immoveables determined by the by-law;

(5) to prohibit such cadastral operations or category of cadastral operations relating to streets, lanes, walkways or public squares and their layout, as do not conform to the dimension standards provided in the subdivision by-law and the intended layout of thoroughfares provided for in the planning programme, and require the owners of private streets, lanes and walkways provided for to indicate that these are private roads in the manner stipulated by the council;

(6) to require that the owner of any landsite previously submit to the approval of an officer designated for such purpose any plan for a cadastral operation, whether that plan provides for streets or not;

(7) to require, as a precondition to the approval of a plan relating to a cadastral operation, that the owner undertake to convey the sites of the thoroughfares or a class of them shown on the plan and intended to be public;

(8) to require, as a precondition to the approval of a plan relating to a cadastral operation, other than a cancellation or a correction, whether it provides for streets or not, that the owner convey to the municipality, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or that the owner, instead of conveying such area of land, pay a sum not exceeding ten per cent of the value entered on the valuation roll regarding the land comprised in the plan, notwithstanding the application of section 21 of the Real Estate Assessment Act (R.S.Q., c. E-16), or of section 21a of that act, enacted by section 106 of chapter 10 of the statutes of 1978, or that he make this contribution partly in land and partly in money; the proceeds of such payment must be paid into a special fund which may be used only for the purchase or development of lands for parks and playgrounds, and the lands conveyed to the municipal corporation under this paragraph shall not be used except for parks or playgrounds; the municipality may, however, dispose, for a consideration, by auction, public tenders or in any other manner approved by the Commission municipale du Québec, of lands it has acquired under this paragraph if they are no longer required for the purposes of establishing parks or playgrounds, and the proceeds must be paid into that special fund;

(9) to require, as a precondition to the approval of a plan relating to a cadastral operation, that the existing or necessary servitudes of right of way for power supply and communications transmission be indicated on a plan annexed thereto and showing the lots subject to them;

(10) to require, as a precondition to the approval of a plan relating to a cadastral operation for its whole territory or a part thereof, the presentation of a project of parcelling out of land respecting a territory wider than the land contemplated in the plan and owned by the person applying for approval;

(11) to require, as a precondition to the approval of a plan relating to a cadastral operation, that the owner pay the municipal taxes exigible and unpaid in respect of the immovables comprised in the plan.

Conditions
for
granting
permit.

116. The council of a municipality may, by by-law, prescribe that no building permit may be granted in its whole territory or any part thereof, unless one or more of the following conditions are complied with:

(1) the landsite on which each proposed structure, including its dependencies, is to be built, forms one or more separate lots on the official cadastral plans;

(2) the waterworks and sewer services for which an authorization has been received or a permit issued under the law are installed in the street on which the structure is proposed or unless the by-law ordering their installation is in force;

(3) in the case where the waterworks and sewer services are not installed in the street on which a structure is proposed or the by-law ordering their installation is not in force, the drinking-water supply and waste water treatment planned for the structure to be erected on the land comply with the Environment Quality Act and the regulations thereunder or with the municipal by-laws dealing with the same object;

(4) the land on which a structure is to be erected is adjacent to a public or a private street in conformity with the requirements of the subdivision by-law.

Provisions not applicable. Subparagraph 2 of the first paragraph does not apply to structures for agricultural purposes on lands under cultivation.

Exemption. The by-law may also exempt structures for agricultural purposes on lands under cultivation from any of the provisions of subparagraphs 1, 3 and 4 of the first paragraph.

Effect of motion. **117.** When a notice of motion has been given to amend a subdivision by-law, no permit may be granted for a subdivision which, should the amending by-law be adopted, would be prohibited in the zone or sector concerned.

Applicability. This section ceases to be applicable to the works in question if the amending by-law is not adopted within two months from the date of the notice of motion or if it is not put into force within four months of its adoption.

DIVISION III

BUILDING BY-LAWS

Scope. **118.** The council of a municipality may adopt a building by-law for its whole territory or any part thereof.

Content. The building by-law may include provisions on one or more of the following objects:

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

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

(3) to order the reconstruction or repair of any building destroyed or become dangerous, or diminished in its value entered

on the valuation roll by at least one-half, as the result of fire or any other cause, in accordance with the by-laws in force at the time of such reconstruction or repair.

DIVISION IV

PERMITS AND CERTIFICATES

By-laws.

119. The council of a municipality may, by by-law,

(1) prohibit any project for the construction, alteration, enlargement or extension of a building except with a building permit;

(2) prohibit any project to change the use or destination of an immovable and any operation contemplated in subparagraphs 12, 13 and 14 of the second paragraph of section 113, except with a certificate of authorization;

(3) prohibit the occupancy of an immovable recently erected or altered or the destination or use of which has been changed, except with a certificate of occupancy;

(4) prohibit any cadastral operation except with a subdivision permit;

(5) prescribe the plans and documents that must be submitted by an applicant in support of his application for a permit or certificate;

(6) establish a tariff of fees for the issue of permits and certificates or any class of them established in accordance with the type of structure or use intended, provided that the tariff is not higher than that fixed by the Government under subparagraph 5 of the first paragraph of section 241;

(7) designate a municipal officer responsible for the issuance of permits and certificates.

Permits
and
certificates.

120. The officer designated under paragraph 7 of section 119 shall issue a building permit or a certificate of authorization, where

(1) the application is in conformity with the zoning and building by-laws and, where such is the case, with the by-law adopted under section 116;

(2) the application is accompanied with all the plans and documents required by by-law; and

(3) the fee for obtaining the permit or the certificate has been paid.

Subdivision permit. **121.** The officer designated under paragraph 7 of section 119 shall issue a subdivision permit, where

- (1) the application is in conformity with the subdivision by-law;
- (2) the application is accompanied with all the plans and documents required by by-law; and
- (3) the fee for obtaining the permit has been paid.

Certificate of occupancy. **122.** The officer designated under paragraph 7 of section 119 shall issue a certificate of occupancy, where

- (1) the immoveable recently erected or altered or the destination or use of which has been changed is in conformity with the requirements of the zoning and building by-laws or with the plans and documents duly approved; and
- (2) the fee for obtaining the certificate has been paid.

DIVISION V

ADOPTION OF BY-LAWS

Consultation. **123.** A by-law the object of which is the adoption, amendment or repeal of a zoning, subdivision or building by-law, if it has not been submitted to the consultation provided for in section 95 at the same time as the planning programme, must be submitted to consultation in accordance with sections 124 to 130.

Coming into force. A by-law the object of which is to repeal or amend a by-law dealing with any of subparagraphs 1 to 6 and 10 to 22 of the second paragraph of section 113 comes into force only after it has been approved in accordance with sections 131 to 145.

Coming into force. A by-law the object of which is to repeal or amend a by-law dealing with any of subparagraphs 1, 3 and 4 of the second paragraph of section 115 comes into force only after it has been approved in accordance with sections 131 to 145.

§ 1.—*Consultation*

Draft by-law. **124.** The council shall first, by resolution, adopt a draft by-law, which shall be submitted for public consultation regarding its object and the consequences of its adoption.

Public meeting. **125.** Consultation is carried out by means of a public meeting held by the council and presided by the mayor.

Notice. **126.** At least fifteen clear days before the holding of the meeting, the clerk or secretary-treasurer of the municipality shall

publish, in a newspaper circulated in the territory of the municipality, a notice indicating the date, time, place and objects of the meeting.

Accessi-
bility.

The draft by-law must be available for inspection at the office of the municipality during the time prescribed in the first paragraph.

Descrip-
tion.

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

Nature
and effect.

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

Accessi-
bility.

128. The notice shall be posted up at the office of the municipality and, in the case provided for in section 127, in the zone or sector contemplated in the by-law so as to be easily legible for passers-by.

Hearing.

129. At the public meeting, the mayor must explain the draft by-law and the consequences of its adoption, and hear the persons and bodies wishing to be heard.

Adoption.

130. Following public consultation, the council shall adopt the by-law with or without amendments.

Notice.

On the adoption of the by-law, a notice of it shall be published in a newspaper circulated in the territory of the municipality and posted up at the office of the municipality.

§ 2.—Approval

Approval.

131. In the case of a municipality governed by the Cities and Towns Act or by a special charter, the by-law provided for in the second or third paragraph of section 123 shall be approved in accordance with sections 132 to 135, 144 and 145.

Registra-
tion.

132. The by-law must be submitted to the registration procedure provided in sections 370 to 384 of the Cities and Towns Act.

Persons
qualified.

133. Persons who are lessees or owners of immoveables situated in the territory contemplated in the by-law and, in the case of natural persons, who are of full age and Canadian citizens, are qualified to vote on the by-law.

Restriction.

However, for the sole purposes of the registration procedure provided for in sections 370 to 384 of the Cities and Towns Act, only those among such persons who are qualified to vote on the by-law on the day of the adoption of the by-law by the council are to be taken into consideration, subject to section 134.

Notice in adjacent zones.

134. At least eight days before the date of publication of the notice provided for in sections 371 and 372 of the Cities and Towns Act, the clerk must publish a public notice addressed to the lessees and property-owners of immoveables situated in every zone or sector adjacent to that which is the subject of the by-law.

Content.

The notice must mention the right of such persons to avail themselves of the registration procedure provided in sections 370 to 384 of the Cities and Towns Act, and to vote on the by-law, if such is the case, and the manner in which such rights may be exercised; it must also contain the particulars provided in paragraph *a* of section 372 of the Cities and Towns Act.

Persons qualified.

Persons who are lessees or owners of immoveables situated in a zone or sector adjacent to that which is the subject of the by-law, and, in the case of natural persons, who are of full age and Canadian citizens, are qualified to vote upon presentation to the clerk, within the five days following the date of publication of the notice contemplated in the first paragraph, of a petition signed by at least twelve of such persons or by a majority of them if their number is less than twenty-four.

Provisions to apply.

135. Where, by the application of sections 370 to 384 of the Cities and Towns Act, a vote is demanded, sections 385 to 396 of the said act apply, *mutatis mutandis*.

Approval of regulation.

136. In the case of a municipality governed by the Municipal Code, the by-law provided for in the second or third paragraph of section 123 shall be approved in accordance with sections 137 to 145.

Persons qualified.

137. Persons who are lessees or owners of immoveables situated in the territory contemplated in the by-law and, in the case of natural persons, who are of full age and Canadian citizens, are qualified to vote on the by-law.

Notice in adjacent zones.

138. At least five clear days before the date of publication of the notice provided for in section 139, the secretary-treasurer of the municipality must publish a notice addressed to the lessees and owners of immoveables situated in a zone or sector adjacent to that which is the subject of the by-law.

Content. The notice must indicate the right of the persons to whom it is addressed to be present at the public meeting, to demand that a poll be held and to vote on the by-law, if such is the case, and the manner in which such rights may be exercised; it must also contain the particulars set forth in section 139.

Persons qualified. Persons who are lessees or owners of immoveables situated in a zone or sector adjacent to that which is the subject of the by-law, and, in the case of natural persons, who are of full age and Canadian citizens, are qualified to vote, upon presentation to the secretary-treasurer of the municipality, within five days following the date of publication of a public notice contemplated in the first paragraph, of a petition signed by at least twelve of such persons or by a majority of them if their number is less than twenty-four.

Notice of passing. **139.** The secretary-treasurer of the municipality, within twelve days of the passing of the by-law, shall give public notice thereof to the persons qualified to vote on the by-law and keep it posted up for at least five days; the notice must indicate

(1) the number, title and object of the by-law and the date of its adoption by the council;

(2) where the by-law concerns one sector or zone of the municipality, to the exclusion of all or some other zones or sectors, the description and illustration by means of a sketch of the perimeter of such sector or zone, using, whenever possible, road names or numbers, as the case may be;

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

(4) the place, date and time of the public meeting.

Title. The title of the notice must clearly identify the persons qualified to vote to whom it is addressed and give a summary description, where that is the case, of the zone or sector contemplated.

Public meeting. **140.** A public meeting of the persons qualified to vote shall be held between seven and ten o'clock in the evening, at the place and on the day fixed by the council, not later than twenty-five days following the passing of the by-law and not less than five clear days following the date of publication of the notice provided for in section 139.

Procedure. **141.** The secretary-treasurer of the municipality, acting as secretary of the meeting, shall read the by-law and submit it to the persons present and qualified to vote on the by-law; two hours after the end of the reading of the by-law, it is deemed to have received the approval of the persons qualified to vote, unless the number of such persons present who have requested that a poll be held is

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

(2) not less than the majority, if the number of persons qualified to vote is twenty-five or less.

Alternate procedure. **142.** The reading of the by-law at the public meeting is not necessary if the public notice given under section 139 contains the indication that the by-law may be inspected at the office of the municipality at least five juridical days before the date of the public meeting and that a copy of it might then be issued by the secretary-treasurer upon payment of the fees exigible in accordance with the tariff fixed under article 171 of the Municipal Code.

Accessibility. In addition, the secretary-treasurer must see to it that copies of the by-law are at the disposal of the public for examination from the beginning of the meeting.

Poll. **143.** Where the by-law must be the subject of a poll, the poll is held on the date fixed by the council and in accordance with the procedure prescribed by articles 387a to 387l of the Municipal Code.

Approval presumed. If no poll is to be held, the by-law is deemed to have been approved by the persons qualified to vote.

Vote by artificial person. **144.** A corporation, commercial partnership or association qualified to vote under this division shall vote in accordance with subsection 3 of section 385 of the Cities and Towns Act.

Majority. **145.** A by-law submitted to the approval of the persons qualified to vote under this division is approved if a majority of such persons who have voted have approved it.

CHAPTER V**CONSTITUTION OF PLANNING ADVISORY COMMITTEES**

- By-laws.** **146.** The council of a municipality may, by by-law,
- (1) establish a planning advisory committee composed of at least one member of the council and of such number of members as it shall determine, who are chosen from among the residents of the municipality;
 - (2) assign to such committee powers of study and recommendation in regard to planning, zoning, subdivision and building;
 - (3) empower the committee to establish its rules of internal management;
 - (4) provide that the term of office of the members must not exceed two years and that it may be renewed.
- Members and officers.** **147.** The members and officers of the committee are appointed by resolution of the council of the municipality.
- Other persons.** The council may also appoint to the committee any persons whose services it may require for the performance of its functions.
- Funding.** **148.** The council may vote and place at the disposal of the committee the amounts of money the committee needs to fulfil its functions.

CHAPTER VI**GOVERNMENT INTERVENTIONS**

- Notice of intention.** **149.** Where the Government, or a government department or agency wishes to intervene in the territory of a regional county municipality where an interim control by-law or a development plan is in force, by installing public services or infrastructure, carrying out works or using an immoveable, the Minister shall first send a notice of that intention to the council of that regional county municipality.
- Object and reasons.** The notice of the Minister shall indicate the object of and the reasons for the intervention. A copy of such notice shall be registered with the Commission.
- Opinion.** **150.** Within ninety days of the date of receipt of the notice from the Minister, the council of the regional county municipality shall send to the Minister a written opinion on the conformity of the intended intervention with the objectives of the development plan or with the interim control by-law.

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

Assessment of conformity. **151.** If, in the opinion of the council of the regional county municipality, the intended intervention does not conform with the objectives of the development plan or with the interim control by-law, the Minister may, within ninety days of the date of the opinion of the council of the regional county municipality, request the Commission to make an assessment of the conformity of the intended intervention with the objectives of the development plan or with the interim control by-law.

Time limit. The Commission must give its assessment within forty-five days of receiving the request.

Amendment required. **152.** If, at the expiration of the ninety days allowed in the first paragraph of section 151, the Minister has not requested the assessment of the Commission or if the assessment of the Commission is that the intended intervention is not in conformity with the objectives of the development plan or with the interim control by-law, the intervention cannot be made unless the plan or by-law is first amended.

Amendment demanded. **153.** If the council of the regional county municipality fails to amend the development plan or the interim control by-law to bring the intended intervention into conformity with the objectives of the plan or with the by-law, the Minister may demand that the council of the regional county municipality amend the plan or by-law.

Notice to council. The demand is made by a substantiated notice served on the council of the regional county municipality, a copy of which shall be sent to every municipality in the territory of the regional county municipality and, for registration, to the Commission.

Amendment. **154.** On receiving a notice under section 153, the regional county municipality may amend its development plan or its interim control by-law. The amendment requires only the affirmative vote of the majority of the members of the council who have voted.

Copy. On the adoption of the by-law amending the plan or the by-law, a copy of it shall be sent to the Minister and to every municipality in the territory of the regional county municipality, and be registered with the Commission.

Coming into force. The by-law amending the plan or by-law comes into force fifteen days after its adoption by the council of the regional county municipality.

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

Order of
Minister.

155. If, at the expiration of ninety days following the service of the notice of the Minister, the council of the regional county municipality has not amended its development plan or its interim control by-law to the satisfaction of the Government, the latter may amend the plan or by-law by order.

Consulta-
tion.

156. Before making the order provided for in section 155, the Minister or his representative shall hold a consultation.

Public
meetings.

Consultation shall be effected by way of one or more public meetings held in the regional county municipality.

Document
and
abstract.

Not less than fifteen clear days before the first meeting is held, the Minister or his representative shall forward to the council of the regional county municipality and to every municipality in the territory of the regional county municipality a document setting forth the intended intervention, and publish an abstract thereof in a newspaper circulated in the territory of the regional county municipality. The published abstract must indicate the date, time, place and objects of the intended meetings and the fact that a copy of the document setting forth the intended intervention is available for inspection at the office of each municipality in the territory of the regional county municipality.

Copy.

157. On the making of the order, a copy of it shall be sent by the Minister to the council of the regional county municipality and to each municipality in the territory of the regional county municipality, and registered with the Commission.

Coming
into force.

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

Notice.

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

CHAPTER VII

SPECIAL PLANNING ZONES

Special
zone.

158. The Government may, by order, declare any part of the territory of Québec to be a special planning zone.

Purpose.

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

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

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

(3) the installation and setting up of public services and infrastructure, and the planning of real estate developments established or initiated by public or private investment;

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

Content of
order.

160. The order shall include the following components:

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

(2) a statement of the objectives pursued;

(3) the land use planning and development controls applicable within the perimeter;

(4) the designation of the authority responsible for the administration of the controls provided for in paragraph 3;

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

Draft
order.

161. A special planning zone order may be passed only if a draft order has been previously published in the *Gazette officielle du Québec*, served on the council of the regional county municipality, on the councils of the municipalities concerned and on the Ministre de l'énergie et des ressources for the purposes of the cadastre, and registered with the Commission.

Prohibited
practices.

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

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

(2) any new cadastral operation and the parcelling out of a lot by alienation.

Exemptions.

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

notice containing the description of that part of the territory thus exempted from the prohibitions enacted by this section.

163. Before the adoption of the order, the Minister or his representative shall hold a consultation on the content of the draft order.

Section 156 applies, *mutatis mutandis*, to the consultation.

164. The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

A copy of the order shall be served on each of the councils of the regional county municipalities and of the municipalities concerned and registered with the Commission.

165. From the coming into force of the order, the controls provided for therein are applicable within the perimeter of the area to which the order applies, notwithstanding any other provision of this act.

The controls shall be administered, in accordance with the terms and conditions of the order, by the municipality, the regional county municipality or any other designated body.

TITLE II

ADMINISTRATION

CHAPTER I

REGIONAL COUNTY MUNICIPALITIES

DIVISION I

ESTABLISHMENT

166. The Government may, by letters patent, establish regional county municipalities and, for that purpose, modify the territory of the county municipalities or erect territories as regional county municipalities.

The regional county municipality succeeds to the rights and obligations of any county corporation mentioned in the letters patent.

The Government may amend letters patent issued under this section.

Consulta-
tion.

167. Before issuing letters patent, the Government shall consult the councils and citizens of the local municipalities and county municipalities on the delimitation of the territories of the regional county municipalities, taking into account the territories of the county municipalities, and on the terms and conditions of representation of the local municipalities on the council of each of the regional county municipalities and on the other relevant elements to be included in the letters patent.

Zones
basis.

The consultation shall first be made on the basis of zones comprising the whole territory of the county, city and town municipalities.

Obligatory
content of
letters
patent.

168. Letters patent issued under section 166 shall

- (1) describe the territory of the regional county municipality;
- (2) indicate the name under which that municipality will be designated;
- (3) fix, according to population, the number of votes the representative of a municipality is entitled to or, as the case may be, the number of representatives that that municipality is entitled to on the council of the regional county municipality;
- (4) fix the date and place of the first sitting of the regional county municipality;
- (5) designate a person to act as secretary-treasurer of the regional county municipality until the end of the first sitting of the council;
- (6) determine, where required, which county corporation is succeeded by the regional county municipality and the terms and conditions of that succession, and indicate the place where its records shall be filed;
- (7) confirm or amend any agreement binding between a city or town municipality and a county corporation or terminate such an agreement, and indicate, if necessary, the appropriate administrative and financial terms and conditions.

Optional
content of
letters
patent.

169. Letters patent issued under section 166 may

- (1) grant a right of veto to one or more members of the council of the regional county municipality;
- (2) establish the administrative committee contemplated in articles 93a to 93e of the Municipal Code and, notwithstanding those provisions, determine the composition and rules of operation of the committee.

Provisions
to apply.

170. Except where this act provides otherwise, the Municipal Code and every other act applicable to county municipalities applies to a regional county municipality for which letters patent have been issued under section 166. Such a municipality is a municipal county corporation and its territory is a municipality within the meaning of the Municipal Code.

Municipa-
lities in-
cluded.

171. Except the municipalities mentioned in Schedule A to the Québec Urban Community Act (1969, c. 83), to the Montreal Urban Community Act (1969, c. 84), and to the Outaouais Regional Community Act (1969, c. 85), local municipalities, municipalities governed by the Cities and Towns Act or special charter, territories contemplated in article 27 of the Municipal Code, and municipalities constituted under the Act respecting municipal organization of certain territories (R.S.Q., c. O-8), form part of the territory of the regional county municipalities for which letters patent are issued pursuant to section 166.

Interim
jurisdiction.

172. A county corporation has jurisdiction in a territory until the coming into force of letters patent issued under section 166 that include that territory.

Succession.

173. Where a regional county municipality succeeds a county corporation, it acquires the rights and assumes the obligations of the corporation, and becomes, without continuance of suit, a party to any suit in its place and stead.

Acts
main-
tained.

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

Decisions
main-
tained.

The same rule applies to the decisions made by any board of delegates, which become the decisions of the regional county municipality.

Officers
and
employees.

174. The officers and employees of a county corporation succeeded by a regional county municipality continue their service as officers and employees of the regional county municipality, at the same salary; they retain their seniority and remain in office until they resign or are replaced.

Notice of
issuance.

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

Publica-
tion in
statutes.

176. The Éditeur officiel du Québec shall publish, in each yearly compilation of the statutes, a table indicating the date of publication in the *Gazette officielle du Québec* of the letters patent issued before that compilation is printed, the date of their coming into force, and the description of the territory of each regional county municipality concerned by these letters patent.

DIVISION II

MODIFICATION

Change in
attach-
ment.

177. A municipality whose territory forms part of a regional county municipality for which letters patent have been issued under section 166 may present a petition to the Minister for its withdrawal from the territory of that regional county municipality and its attachment to the territory of another regional county municipality adjacent to its territory.

Procedure.

178. The council of a municipality wishing to be attached to another regional county municipality must

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

(2) send a copy of the by-law to the council of each of the regional county municipalities concerned;

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

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

Consulta-
tion.

179. The by-law contemplated in section 178 requires approval by consultation of the property-owners and lessees concerned, within the meaning of section 41 of the Cities and Towns Act.

Provisions
to apply.

180. Consultation under section 179 shall be held in accordance with sections 370 to 384 of the Cities and Towns Act and, if a vote is demanded, in accordance with sections 385 to 396 of the same act.

Petition. **181.** If the by-law contemplated in section 178 is approved, the petitioning municipality may present a petition to the Minister, requesting that he allow its withdrawal from the territory of the regional county municipality to which it is attached and its attachment to the territory of another regional county municipality.

Procedure. **182.** The petition shall be sent to the Minister and must be accompanied with a certificate from the clerk or, as the case may be, from the secretary-treasurer of the petitioning municipality, attesting the passing of the by-law and certifying that the procedure provided for in sections 178 to 180 has been duly followed.

Public inquiry. **183.** If the Minister requires it, the Commission municipale du Québec shall hold a public inquiry into the advisability of granting the petition for attachment to the territory of another regional county municipality.

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

Recommendation. **184.** After consulting the council of each of the regional county municipalities concerned, the Minister may recommend to the Government that the attachment petitioned for be granted.

Amendment. **185.** The Government may then amend the letters patent to give effect to the recommendation of the Minister. The publication and coming into force of the amended letters patent are governed by sections 175 and 176.

Authority. **186.** Subject to the amended letters patent, where the territory of a municipality is attached to that of another regional county municipality, it remains subject to the various acts, by-laws and orders of the regional county municipality in force at the time of its attachment until these acts, by-laws or orders are amended, annulled or repealed.

Assets and liabilities. Unless otherwise provided in the letters patent, the apportionment of assets and liabilities between the two regional county municipalities concerned is effected in accordance with articles 50 to 61 of the Municipal Code, *mutatis mutandis*.

DIVISION III

ORGANIZATION AND POWERS OF REGIONAL COUNTY MUNICIPALITIES

Composition of council. **187.** The council of a regional county municipality is composed of the mayor of each municipality whose territory forms

part of that of such regional county municipality and, where that is the case, the other representatives provided for for each municipality in the letters patent.

Additional members. The other representatives are appointed by the municipal council from among its members.

Administrator. The administrator of a municipality constituted under the Act respecting municipal organization of certain territories is also a member of the council of the regional county municipality but shall not be elected as warden.

Mayor replaced. Should the mayor refuse or be unable to act, the council of a municipality shall designate another of its members as representative, by a resolution passed by a two-thirds majority of the members of the council, a copy of which shall be sent to the regional county municipality.

Qualified participants. **188.** The representatives of all the municipalities whose territory forms part of that of a regional county municipality are qualified to participate in the deliberations and votes of the council of the regional county municipality

(1) for the purposes of the exercise of the powers conferred by Title I in the matter of land use and development planning;

(2) for the purposes of section 189 and of any jurisdiction that the council of a regional county municipality acquires pursuant to that section;

(3) for the purposes of sections 193, 196, 198 and 203.

Qualified participants. For the purposes of the exercise of the powers vested by a general law or special act in a county corporation in respect of municipalities subject to its jurisdiction, only the representatives of these municipalities are qualified to participate in the deliberations and votes of the council of the regional county municipality.

Jurisdiction of council. **189.** The council of a regional county municipality may prescribe, by a by-law passed by a two-thirds majority of the votes of its members, that it has jurisdiction in respect of the cities and towns in its territory in any matter for which the cities and towns and the county corporations are qualified to make an agreement under a general law or special act.

Terms and conditions. The by-law shall prescribe the administrative and financial terms and conditions respecting the acquisition of a jurisdiction provided for in the first paragraph.

Copy. 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 municipality.

Dismissal. **190.** No officer or employee of a municipality engaged full time in a field of jurisdiction acquired by the council of the regional county municipality in accordance with section 189 may be removed on the sole ground that that jurisdiction has been acquired.

Resolution. The resolution removing an officer or employee contemplated in the first paragraph shall be served by handing a copy of the resolution to him in person; the person so removed may appeal from the decision to the Commission municipale du Québec, which shall decide finally after inquiry.

Appeal. The appeal must be taken within fifteen days of the service of the resolution of the council.

Indemnity. If the appeal is upheld, the Commission municipale du Québec may also order the municipality to pay to the appellant such sum of money as it determines to indemnify him for the expenses he has incurred for such appeal; the order to that effect shall be homologated upon motion by the appellant by the Provincial Court or the Superior Court, according to their respective jurisdictions; the appellant may thereafter execute the judgment against the municipality.

Social benefits. **191.** Where a full-time officer or employee of a municipality becomes employed by a regional county municipality on the occasion of an acquisition of jurisdiction pursuant to section 189, the social benefits accumulated to the credit of that officer or employee are transferable, at his request, on the conditions fixed by the Régie des rentes.

Benefits included. The social benefits provided for in the preceding paragraph include those accumulated in a retirement fund, plan or fund administered by the employer, by the employer and the employees or by a third party on behalf of municipal officers and employees.

DIVISION IV

OPERATION OF REGIONAL COUNTY MUNICIPALITIES

Warden. **192.** The council of the regional county municipality shall, at its first sitting, proceed with the election of the warden.

Election. **193.** The warden is elected by the affirmative vote of the absolute majority of the members of the council; he shall be chosen from among the mayors.

Secret ballot. Election is by secret ballot, presided by the secretary-treasurer.

Function. **194.** The warden is the head of the council of the regional county municipality and shall preside at the sittings of the council.

- 195.** The council of the municipality whose mayor is elected warden may designate, from among its members, a person to replace the warden as the representative of the municipality.
- 196.** The warden of the regional county municipality is elected for a term of two years.
- He may continue in office only so long as he remains the mayor of a municipality in the territory of the regional county municipality; however, he shall remain in office until the election of his successor.
- The warden may be removed, at any time, by the affirmative vote of the absolute majority of the members of the council, provided that his successor is elected at the same sitting.
- 197.** In the case of a tie-vote, the warden has a casting vote in the council, except in the case of a question contemplated in the second paragraph of section 188 and when he is the mayor of a municipality whose representatives are not qualified to vote owing to that paragraph.
- 198.** The council shall appoint among its members a deputy warden who, in the absence of the warden or while the office is vacant, shall fulfil the functions of the warden, with all the privileges, rights and obligations attached thereto. The deputy warden shall be chosen from among the mayors.
- 199.** After the election provided for in section 193, the council of the regional county municipality shall hold a regular meeting at least once every two months.
- 200.** One-third of the members representing at least one-half of the votes are a quorum of the council of the regional county municipality.
- For the purposes of the exercise of the powers provided for in the second paragraph of section 188, one-third of the members qualified to vote on a question representing at least one-half of the votes to which such members are entitled is a quorum of the council of the regional county municipality.
- 201.** Unless otherwise provided and subject to the right of veto granted by the letters patent, the decisions of the council of the regional county municipality are taken by the majority of votes of the members present.
- 202.** The representative of a municipality has one vote in the council of the regional county municipality or, as the case may be, the number of votes determined in the letters patent.

Veto. A representative may also have a right of veto if the letters patent so provide.

Effect of veto. **203.** Where the letters patent issued under section 166 grant a right of veto to a member of the council of the regional county municipality, the exercise of that right on a question put to the vote suspends deliberations and voting on that question for ninety days.

Lifting of veto. However, the right of veto may be lifted at a subsequent sitting by the affirmative vote of two-thirds of the votes of the members of the council.

Restriction. The right of veto may be exercised only once by the same member on the same question put to the vote.

Remuneration. **204.** For the purposes of the application of this act, the warden and the members of the council of the regional county municipality are remunerated according to the tariff established by the Government.

DIVISION V

EXPENSES OF THE REGIONAL COUNTY MUNICIPALITIES

Apportionment. **205.** The expenses of a regional county municipality for the purposes of the exercise of a power provided for in the first paragraph of section 188 shall be apportioned among the municipalities whose territories form part of that of the regional county municipality, proportionately to the valuation of the taxable immovables entered on the assessment rolls of these municipalities.

Other criteria. However, the expenses may be apportioned according to any other criterion determined by the council of the regional county municipality, by by-law.

Municipalities included. The expenses of a regional county municipality for the purposes of exercising a power referred to in the second paragraph of section 188 are apportioned only among the municipalities whose representatives are qualified, under that paragraph, to participate in the deliberations and voting of the council of the regional county municipality.

CHAPTER II

THE COMMISSION NATIONALE DE L'AMÉNAGEMENT

DIVISION I

ESTABLISHMENT OF THE COMMISSION

- 206.** A body called the "Commission nationale de l'aménagement" is hereby established.
- 207.** The Commission shall be composed of five members, including a chairman and a vice-chairman, appointed by the Government for not more than five years. The duration of their terms of office, once fixed, shall not be reduced.
- Two members of the Commission shall be appointed after consultation with the organizations most representative of the municipalities and of the regional county municipalities.
- 208.** The Government shall fix the salaries and, as the case may be, the fees, allowances or additional salaries of the members of the Commission. Their salaries, once fixed, shall not be reduced.
- 209.** At the expiry of their terms, the chairman and the other members of the Commission shall remain in office until they are reappointed or replaced.
- 210.** The members of the Commission shall exercise their functions on a full-time basis.
- 211.** If the chairman is absent or unable to act, he shall be replaced by the vice-chairman or, failing him, by another member chosen by the Commission.
- 212.** A member of the Commission shall not, on pain of forfeiture of office, have a direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Commission.
- However, forfeiture does not occur if the interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.
- 213.** Three members are a quorum of the Commission. In the case of a tie-vote, the chairman has a casting vote.
- 214.** The secretary and the other members of the personnel of the Commission shall be appointed and remunerated according to the Civil Service Act.

Experts. **215.** The Commission may retain or appoint such experts as it considers necessary. Their remuneration shall be fixed by government regulation.

Head office. **216.** The Commission shall have its head office at the place determined by the Government; a notice of the establishment or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

Internal management. **217.** The Commission may, at a sitting called by the chairman for such purpose, adopt rules of internal management.

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

Authenticity. **218.** Assessments, opinions and notices of the Commission signed by the chairman or secretary are authentic, as are documents or copies issued by the Commission or forming part of its records, if they are certified true by the chairman or the secretary.

Immunity. **219.** The members of the Commission and its personnel cannot be sued by reason of official acts done in good faith in the exercise of their functions.

Report. **220.** Not later than 30 June each year, the Commission shall submit a report of its activities for the preceding year to the Minister.

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

DIVISION II

FUNCTIONS AND POWERS OF THE COMMISSION

Assessment of conformity. **221.** The Commission shall give assessments respecting the conformity of a planning programme or a zoning, subdivision or building by-law with the objectives of a development plan and with the complementary document of a regional county municipality, respecting the conformity of a zoning, subdivision or building by-law with the planning programme of a municipality, or respecting the conformity of a government intervention with the objectives of a development plan or with an interim control by-law.

Amend- **222.** The Commission shall also give assessments of whether
ment. an envisaged amendment to a development plan will affect the
objectives of the plan or the complementary document.

Registra- **223.** The Commission is the registrar and the custodian of
tion. the by-laws, resolutions, orders, decrees, assessments, notices
and opinions the registration of which is provided for by this act.

Copy to **223.** The Commission must, at the request of the Minister, im-
Minister. mediately transmit to him a copy of any document or writing the
registration of which is provided for by this act.

Copy to **224.** A regional county municipality, a municipality or, in
Commis- the case of section 151, the Minister shall furnish the Commission
sion. with any public document, by-law, study or public report it re-
quests for the performance of its functions.

Grounds. **225.** An assessment of conformity given by the Commission
must indicate the grounds on which the Commission bases itself
and must be registered.

Register. **226.** The Commission shall keep a register of the documents
and writings the registration of which is provided for by this act.

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

TITLE III

SANCTIONS AND RECOURSES

Order of **227.** The Superior Court may, at the request of the region-
cessation. al county municipality, the municipality or any other interested
person, order the cessation of

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

(2) an intervention made contrary to Chapter VI of Title I.

Other **227.** It may also order, at the expense of the owner, the carrying
orders. out of the works required to bring the use of the land or the struc-
ture into conformity with the law and the regulations or, if there
is no other useful remedy, the demolition of the structure or the
restoration of the land to its former condition.

228. A subdivision or a cadastral operation made contrary to a subdivision by-law is liable to annulment. Any interested person, including the regional county municipality or the municipality in whose territory the lot is situated, may apply to the Superior Court for a declaration of nullity.

229. The Superior Court may, on a motion of the Attorney General, the regional county municipality, the municipality or any interested person, order the cessation of any use of land or of any construction undertaken contrary to section 61, to section 162 or to the interim control by-law contemplated in section 65.

It may also, in such a case, order, at the expense of the owner, the carrying out of the works required to bring the use of the land or the structure into conformity with the law and the regulations or, if there is no other useful remedy, the demolition of the structure or the restoration of the land to its former condition.

230. A cadastral operation or the parcelling out of a lot by alienation contrary to section 61, section 162 or the interim control by-law contemplated in section 65 is liable to annulment.

Any interested person, including the Attorney General, the regional county municipality or the municipality in whose territory the lot is situated, may apply to the Superior Court for a declaration of nullity.

231. Where a structure is in such a condition as to constitute a danger to persons or where it has lost one-half of its value through decay, fire or explosion, the Superior Court may, on a motion of the regional county municipality, of the municipality, or of any interested person, order the carrying out of the works required to ensure the safety of persons or, if there is no other useful remedy, the demolition of the structure.

Where the matter is exceptionally urgent, the court may authorize the regional county municipality or the municipality to carry out the work or to proceed with the demolition without further delay, and the regional county municipality or the municipality may claim the cost thereof from the owner of the building. The court may also, in all cases, enjoin the persons living in the building to vacate it within the time it fixes.

232. A motion presented under sections 227 to 231 is heard and decided by preference.

Where the motion is for the carrying out of works or demolition, the court may, if the owner or the person having custody of the immovable fails to proceed therewith within the allotted

time, authorize the regional county municipality or the municipality to proceed therewith at the expense of the owner of the building.

233. The cost of demolition, repairs, alterations or construction or of restoring land to its former condition incurred by a regional county municipality or a municipality in the exercise of the powers contemplated in section 232 is a charge on the property ranking with the real estate tax and recoverable in the same manner.

TITLE IV

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

GENERAL PROVISIONS

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

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

235. For the purposes of this act, owners and lessees are,
 (1) in respect of municipalities governed by the Cities and Towns Act, the persons entered as owners on the assessment roll in force or as lessees on the electoral list;

(2) in respect of municipalities governed by the Municipal Code, the persons entered as owners or lessees on the assessment roll in force.

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

237. The council of the regional county municipality and the council of a municipality may, by by-law, establish the procedure of application for and issuance of the permits and certificates it is within their respective jurisdictions to issue under this act. They may also set the related issuance fees, subject to subparagraph 5 of the first paragraph of section 241.

238. Where a regional county municipality or a municipality fails to do a thing within the period or term granted by this act, by a regulation or by-law, or by an order, notice, assessment or decree made or passed pursuant to this act, the Minister may act in its place, and anything he does in that case has the same effect as if the defaulting regional county municipality or municipality had acted.

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

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

239. The Minister, of his own initiative or at the request of a regional county municipality or a municipality, may extend a period or a term granted to it by this act, a regulation, a by-law, or an order, notice, assessment or decree made or passed by virtue of this act, if the period or the term has not expired.

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

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

240. The Minister may, within the time provided for in this act, apply to the Commission for an assessment of the conformity of any planning programme, zoning by-law, subdivision by-law or building by-law with the objectives of the development plan of the regional county municipality and with the complementary document.

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

He may also, within the time provided by this act, request the Commission for an assessment of whether or not an envisaged amendment to a development plan will affect the objectives of the plan or the complementary document.

241. The Government may, by regulation,

(1) prescribe the rules governing the preparation and presentation of a development plan, a planning programme, or a zoning, subdivision or building by-law;

(2) prescribe the rules governing the preparation of the abstracts provided for in sections 13, 21, 31, 96, 100 and 156;

(3) prescribe the rules governing the distribution of any document to each civic address, or its publication in a newspaper circulated in the territory of a regional county municipality or a municipality;

(4) prescribe the rules governing the conduct and procedure of the public meetings provided for in this act;

(5) prescribe the maximum tariff of fees exigible for the issuance of the permits and certificates contemplated in section 119;

(6) prescribe the tariffs for the remuneration of the warden and the members of the council of the regional county municipality provided for in section 204;

(7) prescribe the remuneration of the experts retained or appointed by the Commission under section 215;

(8) prescribe the fees provided for in section 226.

Coming
into force.

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

Popula-
tion.

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

Popula-
tion.

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

Publica-
tion.

243. Where a notice must be published in the *Gazette officielle du Québec* in virtue of this act, the obligation of publishing it rests with the body which adopted the measure or rendered the decision which must be set out in the notice.

Financial
assistance.

244. The Minister may grant financial assistance to a regional county municipality for the preparation and application of a development plan.

Financial
assistance.

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

Precedence. **245.** Subject to the following paragraphs, Chapter I of Title II takes precedence over any inconsistent provision of any general law or special act or of letters patent applicable to a municipality and to a county corporation, from the coming into force of the letters patent issued under section 166, both in respect of the regional county municipalities to which such letters patent are issued and in respect of the municipalities forming part of the territory of those regional county municipalities.

Provisions to apply. The provisions of a general law or special act or of letters patent concerning matters in respect of which this act makes no specific provision and which, before the coming into force of letters patent issued under section 166, applied to a city or town corporation, including the amendments and additions to the said provisions, continue to apply to the latter corporation notwithstanding section 171.

Subsequent letters patent. A local municipal corporation to which letters patent are granted under section 15 of the Cities and Towns Act after the coming into force of letters patent issued under section 166 is regarded, as for the provisions applicable to it, as a municipal corporation which has ceased to be a member of a county corporation to which letters patent have not been issued under section 166.

Applicability. The first and second paragraphs of this section apply, *mutatis mutandis*, to the members of the council and to the officers of a regional county municipality whose letters patent, issued under section 166, are in force.

Applicability. This section applies, *mutatis mutandis*, to a municipal corporation incorporated under the Act respecting municipal organization of certain territories.

Mining operations. **246.** No provision of this act, or of a development plan, an interim control by-law or a zoning, subdivision or building by-law has the effect of preventing the staking of a claim, or exploration or search for or the development or exploration of mineral substances or underground reservoirs, carried on in accordance with the Mining Act.

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

M.C., a. 3, replaced. **247.** Article 3 of the Municipal Code is replaced by the following article:

“3. The territory governed by this code is divided into county municipalities and regional county municipalities, whose letters

patent have been issued and published in accordance with Chapter I of Title II of the Act respecting land use planning and development (1979, c. 51).

County municipalities and regional county municipalities include rural and village municipalities; the regional county municipalities to which letters patent have been issued under section 166 of the Act respecting land use planning and development also include city or town municipalities not being members of an urban or regional community, and municipalities incorporated under the Act respecting municipal organization of certain territories (R.S.Q., c. O-8).”

M.C.,
a. 88,
replaced.

248. Article 88 of the said code is replaced by the following article:

“88. The council of a county municipality and the council of a regional county municipality to which letters patent have been issued under section 166 of the Act respecting land use planning and development (1979, c. 51) are composed of the mayor of each local municipality comprised in their respective territories and governed by this code, and where such is the case, of the other representatives provided for in the letters patent for such municipality; in addition, the council of such a regional county municipality is composed of

(a) the mayor of each city or town municipality whose territory forms part of that regional county municipality and, where such is the case, of the other representatives provided for in the letters patent for such municipality; and of

(b) the administrator of a municipality incorporated under the Act respecting municipal organization of certain territories and, where such is the case, of the other representatives provided for in the letters patent of such municipality.

These representatives bear, at the county council, the name of “county councillors”.

If the mayor of a municipality which is a member of a county municipality or regional county municipality is absent or unable to act, the acting mayor may represent that municipality at the sittings of the council.”

R.S.Q.,
c. D-11,
s. 1, am.

249. Section 1 of the Territorial Division Act (R.S.Q., c. D-11) is amended by replacing paragraph 4 by the following paragraph:

County,
city, town
and local
municipalities.

“(4) Subject to section 12.1 for municipal purposes, into city and town municipalities, constituted by special act or by letters patent, and into seventy-one county municipalities, which are in

turn subdivided into local municipalities, in accordance with the Municipal Code.”

R.S.Q.,
c. D-11,
s. 12, am.

250. Section 12 of the said act is amended:

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

County
municipa-
lities.

“**12.** The seventy-one county municipalities are named and composed as follows:”;

(2) by striking out paragraph 34.

R.S.Q.,
c. D-11,
s. 12.1,
added.

251. The said act is amended by inserting, after section 12, the following section:

Modifica-
tion by
letters
patent.

“**12.1** The Lieutenant-Governor in Council may, by letters patent, modify the composition and the names of the county municipalities contemplated in section 12 and erect territories into regional county municipalities.

Procedure.

Such letters patent shall be issued and published in accordance with Chapter I of Title II of the Act respecting land use planning and development (1979, c. 51).”

Precedence.

252. This act applies notwithstanding any inconsistent provision of any charter or special act applicable to a municipality, with the exception of the charters of the City of Montreal and of the City of Québec.

Reference.

253. In any general law or special act, charter, order in council or by-law, a reference to a provision repealed pursuant to this act is deemed to be a reference to the equivalent provision of this act.

Approval.

254. Notwithstanding article 369 of the Municipal Code and section 365 of the Cities and Towns Act, the repeal or amendment of a by-law which, according to the provisions of a general law or special act repealed by this act, required any approval, may be carried out only if such action is taken in conformity with this act.

Prior plan
or by-law.

255. Any plan or by-law dealing with a matter contemplated in this act and put into force before the coming into force of this act remains in force and retains all its effects until it is replaced, amended, repealed or rendered inoperative in conformity with this act.

Joint
commis-
sion.

256. Any joint town-planning commission instituted by virtue of article 392e of the Municipal Code or of subsection 3 of section 70 of the Cities and Towns Act remains operative until the adoption of a resolution provided for in section 4.

R.S.Q.,
c. C-19,
s. 421,
replaced.

257. Section 421 of the Cities and Towns Act (R.S.Q., c. C-19) is replaced by the following section:

Applic-
ability.

“421. Sections 417 to 420 apply only to the City of Montreal and to the City of Québec.”

R.S.Q.,
c. E-16,
s. 85, am.

258. Section 85 of the Real Estate Assessment Act (R.S.Q., c. E-16), amended by section 7 of chapter 59 of the statutes of 1978, is again amended by replacing paragraph *h* by the following paragraph:

“(*h*) make, upon sufficient proof, the necessary changes respecting the information required for the election of the members of the council of a village or county corporation and, in the territories contemplated in article 27 of the Municipal Code, for the application of the Act respecting land use planning and development (1979, c. 51);”.

M.C., aa.
392a, 392b,
392c, 392d,
392e; pars
a to *k* of
a. 392f; aa.
392g, 392h,
392i, 393,
393a, 393b,
393c, 393d,
393e, 393f;
subpar. 1
of 1st par.
of a. 399;
a. 549a;
repealed.

259. The following provisions of the Municipal Code are repealed:

- (1) article 392a;
- (2) article 392b;
- (3) article 392c;
- (4) article 392d;
- (5) article 392e;
- (6) paragraphs *a* to *k* of article 392f;
- (7) article 392g;
- (8) article 392h;
- (9) article 392i;
- (10) article 393;
- (11) article 393a;
- (12) article 393b;
- (13) article 393c;
- (14) article 393d;
- (15) article 393e;
- (16) article 393f;
- (17) subparagraph 1 of the first paragraph of article 399;
- (18) article 549a.

R.S.Q.,
c. C-19,
subsecs 2
and 3 of
s. 70, 5th
par. of
s. 356;
par. 2 of
s. 411;
pars 1, 2,
3, 4, 6, 7,
subpar. a
of par. 8
and par. 29
of s. 412;
pars 8, 13,
35a, 37, 38
of s. 415;
s. 483;
repealed.

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

- (1) subsections 2 and 3 of section 70;
- (2) the fifth paragraph of section 356;
- (3) paragraph 2 of section 411;
- (4) paragraphs 1, 2, 3, 4, 6 and 7, subparagraph *a* of paragraph 8 and paragraph 29 of section 412;
- (5) paragraphs 8, 13, 37 and 38 of section 415 and paragraph 35a of that section, enacted by section 80 of chapter 36 of the statutes of 1979;
- (6) section 483.

1926, c. 80,
s. 20; 1965,
1st session,
c. 89, s. 34;
R.S.Q.,
c. S-15,
s. 21; 1970,
c. 48,
ss. 20 to 24;
1970, c. 76,
ss. 19 to 22;
1970, c. 77,
ss. 18 to 21;
1971, c. 58,
s. 2; 1971,
c. 99, s. 4;
1971,
c. 102, s. 8;
R.S.Q.,
c. P-7,
s. 7; 1974,
c. 93, s. 2;
repealed;
1975, c. 91,
s. 1; 1975,
c. 91, s. 2;
am.

261. The following provisions are repealed:

- (1) section 20 of the Act to incorporate the Town of Barkmere (1926, c. 80);
- (2) section 34 of the Charter of the City of Laval (1965, 1st session, c. 89), replaced by section 24 of chapter 96 of the statutes of 1968 and section 4 of chapter 93 of the statutes of 1969, and also section 35 of the Charter of the City of Laval (1965, 1st session, c. 89);
- (3) section 21 of the Act respecting the Société du parc industriel du centre du Québec (R.S.Q., c. S-15);
- (4) sections 20 to 24 of the Act respecting the vicinity of the new international airport (1970, c. 48);
- (5) sections 19 to 22 of the Charter of the City of Gaspé (1970, c. 76);
- (6) sections 18 to 21 of the Charter of the City of Percé (1970, c. 77);
- (7) section 2 of the Act respecting the neighbourhood of Mont Sainte-Anne park (1971, c. 58);
- (8) section 4 of the Act to amend the Charter of the City of Laval (1971, c. 99);
- (9) section 8 of the Act to amend the Charter of the City of Verdun (1971, c. 102), amended by section 9 of chapter 98 of the statutes of 1974;
- (10) section 7 of the Act respecting Mauricie Park and its surroundings (R.S.Q., c. P-7);
- (11) section 2 of the Act to amend the charter of the town of La Prairie (1974, c. 93);

(12) section 12 of the charter of the City of Beauport, enacted by section 1 of chapter 91 of the statutes of 1975;

(13) section 15 of the Charter of the City of Charlesbourg, enacted by section 2 of chapter 91 of the statutes of 1975.

Effect. **262.** Notwithstanding section 252, paragraph 13 of section 261 has effect only from the time when the power conferred by the provision it repeals is exercised and the resultant by-law is in force.

R.S.Q.,
c. R-10,
s. 2, am. **263.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 105 of chapter 7, section 25 of chapter 18, section 31 of chapter 24, section 31 of chapter 38 and section 53 of chapter 64 of the statutes of 1978, and by section 34 of chapter 10 and section 128 of chapter 48 of the statutes of 1979, is again amended by adding after subparagraph 17 of the first paragraph the following subparagraph:

“(18) the members of the Commission nationale de l'aménagement.”

City of
Laval. **264.** For the purposes of this act, the City of Laval is a regional county municipality within the meaning of Chapter I of Title II; the powers and responsibilities conferred by this act on the warden, the council of the regional county municipality and the secretary-treasurer shall be exercised, respectively, for the City of Laval, by the mayor, the municipal council or, where such is the case, the executive committee and the clerk or any other officer designated for that purpose.

Provisions
applicable. Except section 170, this act applies, *mutatis mutandis*, to the City of Laval, with the following changes:

(1) Chapter I of Title I, rather than Chapter III of Title I, applies, *mutatis mutandis*, to the City of Laval, with the following restrictions:

(a) sections 103 to 108 apply, rather than sections 36 to 46, to the conformity of by-laws with the development plan;

(b) paragraph 6 of section 84 and section 85 apply to the optional content of the plan;

(c) the master plan of the City of Laval remains in force and becomes the development plan of the regional county municipality; the plan must, however, be revised within twelve months of the coming into force of this act;

(2) Chapter IV of Title I applies, *mutatis mutandis*, to the City of Laval, on the following terms and conditions:

(a) sections 114 and 117 apply, taking into account the procedure provided for in subsection 23 of section 51a of the Cities and Towns Act (Revised Statutes, 1964, c. 193), enacted for the City of Laval by section 12 of the Charter of the City of Laval (1965, 1st session, c. 89);

(b) subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following:

“where the development plan specifies development areas regrouping one or more zones for which a special planning programme has come into force, a development area may be a polling unit for the purposes of sections 132, 133, 135, 144 and 145; the registration procedure provided in section 132 applies in each of the development areas contemplated by the amendment;”;

(c) Chapter V of Title I applies, with the possibility of establishing subcommittees of the planning advisory committee on the basis of existing planning sectors.

Special cases.

265. In the case of the municipalities contemplated in the Act respecting the vicinity of the new international airport (1970, c. 48) and in the case of the municipalities of the Haut-Saguenay contemplated in the Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, c. 88), the letters patent respecting those municipalities or a group thereof may include special provisions respecting the preparation, adoption and coming into force of a development plan, a planning programme or a zoning, subdivision or building by-law.

Provisions not applicable.

266. This act does not apply in the territories situated north of the 55th parallel nor in the Territory described in the Schedule to the James Bay Region Development Act (R.S.Q., c. D-8), after excluding the municipalities contemplated in section 40 of the said act.

Minister designated.

267. The aims, documents, assessments, notices, orders and government interventions contemplated in sections 11, 16, 27, 29 and 149 to 165 shall be prepared under the responsibility of a minister designated by the Government.

Minister responsible.

268. The Minister is responsible for the application of this act.

Coming into force.

269. This act will come into force on the date to be fixed by government proclamation, except the provisions or parts of

provisions excluded by that proclamation, which will come into force on any later date to be fixed by government proclamation. (*)

(*) *Section 267 of this act came into force on 12 December 1979 (Gazette officielle du Québec, 1979, page 8115).*

Sections 1 to 260, paragraphs 1 to 3, 5, 8, 9 and 11 to 13 of section 261 and sections 262, 263, 265, 266, 268 and 269 came into force on 15 April 1980 (Gazette officielle du Québec, 1980, page 1599).

Section 264 came into force on 1 June 1980 (Gazette officielle du Québec, 1980, page 1599).