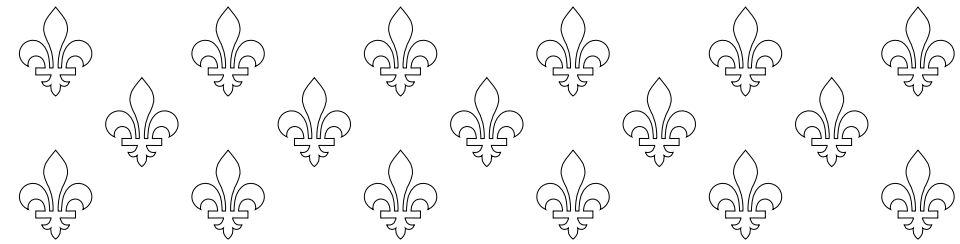

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-NINTH LEGISLATURE

Bill 47

Sustainable Regional and Local Land Use Planning Act

Introduction

Introduced by
Mr. Laurent Lessard
Minister of Municipal Affairs, Regions and Land Occupancy

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EXPLANATORY NOTES

This bill enacts the Sustainable Regional and Local Land Use Planning Act.

A land use planning and development regime is established for Québec, and the responsibilities of the Government and the metropolitan communities, regional county municipalities and local municipalities with respect to land use planning are confirmed.

The Government, in consultation with municipal authorities, is put in charge of defining government policy directions with respect to land use planning.

Metropolitan communities and regional county municipalities are made responsible for maintaining a strategic vision statement for cultural, economic, environmental and social development in their territory. They are also given responsibility, respectively, for a metropolitan sustainable land use and development plan and an RCM sustainable land use and development plan. Rules are set out to ensure that these plans are harmonized and that both plans are in conformity with government policy directions with respect to land use planning.

Local municipalities are given responsibility for a comprehensive plan and planning by-laws, and regional county municipalities are granted certain specific powers with respect to regional by-laws. Rules are established to ensure conformity of planning by-laws with the comprehensive plan, and of RCM plans with each other. Most of the existing provisions with respect to agriculture are maintained, and specific provisions are introduced for certain local municipalities that are the competent body with respect to an RCM plan and for those with borough councils that are the competent body with respect to urban planning.

Local municipalities are granted discretionary powers in individual cases, to be exercised on the recommendation of a planning advisory committee, as well as the power to impose requirements before certain permits are issued or before an application for the amendment of the planning by-laws is granted.

Amendment and revision processes are established for planning documents and planning by-laws. In the case of metropolitan and

regional planning documents, the competent body will be allowed to impose interim control measures in connection with the amendment or revision process. In all cases, provision is made for prior public consultations, according to the policies adopted by municipal bodies.

Certain planning by-laws are made subject to referendum approval. The council of a local municipality may delimit, in its comprehensive plan, zones exempt from referendum approval.

Rules are established to ensure that government interventions are in conformity with metropolitan and RCM plans. The Government is authorized to delimit a special intervention zone in order to enact planning rules to prevent or solve problems that are urgent or serious enough to warrant government intervention in the public interest.

The cases in which the Minister of Municipal Affairs, Regions and Land Occupancy may request the amendment of a metropolitan or RCM plan or a planning by-law are specified. The Minister may also, by means of a notice including reasons, request the revision of a metropolitan or RCM plan.

Lastly, the bill contains provisions dealing with penalties and remedies, and the necessary accessory measures, as well as a certain number of transitional and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);

– Sustainable Forest Development Act (R.S.Q., chapter A-18.1);

– Cultural Property Act (R.S.Q., chapter B-4);

– Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

– Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

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

– Highway Safety Code (R.S.Q., chapter C-24.2);

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

– Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

– Municipal Powers Act (R.S.Q., chapter C-47.1);

– Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

– Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);

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

– Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act respecting the Régie du logement (R.S.Q., chapter R-8.1);

– Watercourses Act (R.S.Q., chapter R-13);

– Fire Safety Act (R.S.Q., chapter S-3.4);

– Act respecting agricultural lands in the domain of the State (R.S.Q., chapter T-7.1);

– Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

– Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

– Act to amend the charter of the City of Laval (1999, chapter 91);

– Act respecting La Société Aéroportuaire de Québec (2000, chapter 68);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68);

– Act respecting Ville de Mont-Tremblant (2001, chapter 86);

– Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20);

– Act respecting Municipalité de Saint-Donat (2005, chapter 61);

– Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14);

– Act respecting Ville de Saint-Jérôme (2007, chapter 50);

– Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31);

– Act to amend the Act respecting land use planning and development and other legislative provisions concerning metropolitan communities (2010, chapter 10);

– Act to amend various legislative provisions respecting municipal affairs (2010, chapter 18);

– Act to amend the Charter of the city of Laval (2010, chapter 51);

– Cultural Heritage Act (2011, chapter 21);

– Act respecting the Hôtel-Dieu de Québec Augustinian monastery (2011, Bill 201).

LEGISLATION REPEALED BY THIS BILL:

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

ORDERS IN COUNCIL AMENDED BY THIS BILL:

– Order in Council 1294-2000 (2000, G.O. 2, 5335), concerning Ville de Mont-Tremblant;

– Order in Council 841-2001 (2001, G.O. 2, 3660), concerning Ville de Saguenay;

– Order in Council 850-2001 (2001, G.O. 2, 3695), concerning Ville de Sherbrooke;

– Order in Council 851-2001 (2001, G.O. 2, 3726), concerning Ville de Trois-Rivières;

– Order in Council 1478-2001 (2001, G.O. 2, 6960), concerning Ville de Rouyn-Noranda;

– Order in Council 110-2002 (2002, G.O. 2, 1462), concerning Ville de Sainte-Agathe-des-Monts;

– Order in Council 371-2003 (2003, G.O. 2, 1339), concerning Ville de La Tuque.

Bill 47

SUSTAINABLE REGIONAL AND LOCAL LAND USE PLANNING ACT

AS the territory of Québec is the common heritage of all Quebecers and must be the subject of responsible and thoughtful land use planning and development in keeping with sustainable development principles, under the joint responsibility of the Government and municipalities and in consultation with the general public;

AS land use planning in Québec is a political responsibility and as it is expedient to recognize and confirm the role elected municipal officers play in regional and local land use planning and procure appropriate tools for them to use to define, in consultation with their citizens, the type of land use planning their communities desire looking to the future, so they can play an effective role in a modern State;

AS land use planning in Québec requires concerted action on the part of the various competent authorities involved to ensure that interventions are harmonized and coherent and to facilitate dynamic and sustainable land occupancy;

AS the Government, in consultation with municipal authorities, is responsible for defining government policy directions for land use planning;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

PURPOSE AND PRINCIPLES

1. This Act establishes a regime to foster sustainable land use planning, land occupancy and development for the territory of Québec, based on the formulation and achievement of clear, coherent objectives. It also makes provision for the maintenance, on a permanent basis, of the land use planning and development documents adopted under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), repealed by this Act, as well as for their amendment and replacement.

The authorities responsible for land use planning are

(1) the Government, which has competence to define government policy directions for land use planning;

(2) the competent municipal bodies with respect to the metropolitan and regional planning documents provided for in this Act; and

(3) the competent municipal bodies with respect to local planning and planning by-laws.

2. The authorities responsible for land use planning coordinate activities affecting territorial organization and strive to facilitate land occupancy that is in keeping with the harmonious development of the whole territory of Québec.

Through various land use planning and development measures, they support initiatives undertaken, among other things,

(1) to protect the natural foundations of life such as soil, air, water, biodiversity, natural heritage and landscapes;

(2) to create and maintain a built environment that is harmonious, safe and favourable to settlement, to health and to economic activity; and

(3) to foster the social, economic and cultural life of the different regions of Québec.

3. The function of metropolitan sustainable land use and development plans, regional county municipality sustainable land use and development plans and comprehensive plans provided for in this Act is to provide for land use planning in the territory of the metropolitan communities, regional county municipalities and local municipalities so as to foster a comprehensive, coherent and integrated approach to land development. The main purpose of the plans is

(1) to provide suitable opportunities for economic growth in order to improve quality of life and increase prosperity;

(2) to contribute to efforts to increase energy efficiency and reduce greenhouse gases;

(3) to ensure an optimal distribution of urban spaces and spaces singled out for urbanization;

(4) to support urbanization models conducive to changing commuting habits and to ensure the efficiency of transportation systems;

(5) to ensure the protection, enhancement and sustainability of the land and of agricultural activities, and give priority to agricultural uses of the land;

(6) to prevent and reduce dangers, risks and nuisances that could affect health or security;

(7) to contribute to the preservation, protection and enhancement of natural heritage, historic and heritage sites and buildings and landscapes; and

(8) to contribute to the protection and enhancement of natural resources such as water and forests, and to help sustain biodiversity.

TITLE II

GOVERNMENT POLICY DIRECTIONS FOR LAND USE PLANNING

4. "Government policy directions for land use planning" means

(1) the objectives and directions pursued by the Government, its ministers, mandataries of the State and public bodies with respect to land use planning, as defined in any document the Government adopts after the Minister consults with authorities representing the municipal sector, and the facility, infrastructure and development projects they intend to carry out in the territory; and

(2) any land use plan prepared under section 21 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

In this Act, they are also referred to as "government policy directions".

For the purposes of the first paragraph, "public body" means a body to which the Government or a minister appoints the majority of the members, to which, by law, personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), or more than half of whose capital is derived from the Consolidated Revenue Fund.

Any document adopted by the Government under subparagraph 1 of the first paragraph is published in the *Gazette officielle du Québec*.

TITLE III

METROPOLITAN AND REGIONAL PLANNING

CHAPTER I

METROPOLITAN AND REGIONAL PLANNING DOCUMENTS AND COMPETENT BODIES

5. Metropolitan and regional land use planning documents comprise metropolitan sustainable land use and development plans and regional county municipality sustainable land use and development plans.

In this Act, these documents are also referred to, respectively, as a "metropolitan plan" and an "RCM plan".

6. Every metropolitan community is the competent body with respect to a metropolitan plan.

For the purposes of the functions of the Communauté métropolitaine de Québec as the competent body with respect to a metropolitan plan, the territory of the metropolitan community is deemed to include any unorganized territory situated within the territory of Municipalité régionale de comté de La Jacques-Cartier or Municipalité régionale de comté de La Côte-de-Beaupré.

7. Every regional county municipality is the competent body with respect to an RCM plan.

Each of the following local municipalities is also the competent body with respect to an RCM plan and is subject to the special provisions of Title IX: Ville de Gatineau, Ville de La Tuque, Ville de Laval, Ville de Lévis, Ville de Longueuil, Ville de Mirabel, Ville de Montréal, Ville de Québec, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke, Ville de Trois-Rivières and Municipalité des Îles-de-la-Madeleine.

8. In this Act, the term "competent body" used alone means a competent body with respect to either a metropolitan plan or an RCM plan.

CHAPTER II

STRATEGIC VISION STATEMENT

DIVISION I

OBLIGATION TO MAINTAIN STRATEGIC VISION STATEMENT

9. In order to facilitate the coherent exercise of its powers under the law, every competent body is required to maintain in force, at all times, a strategic vision statement for cultural, economic, environmental and social development in its territory.

However, a competent body with respect to an RCM plan whose territory is wholly or partly situated within the territory of a metropolitan community is not required to maintain a statement in force for the common territory.

The statement of a competent body referred to in the second paragraph must take into consideration the metropolitan community's statement with respect to the common territory.

DIVISION II

ADOPTION AND AMENDMENT PROCESS FOR STRATEGIC VISION STATEMENT

§1. — *Application*

10. The process provided for in this division applies to the maintenance in force of an evolving strategic vision statement.

In this division, "strategic vision statement" refers not only to the first or a replacement strategic vision statement but also to any amendment made to the statement in force.

11. For the purposes of this division, "partner body" means

(1) in all cases, every local municipality whose territory is situated within the territory of the competent body;

(2) in the case of the strategic vision statement of a metropolitan community, every competent body with respect to an RCM plan whose territory is wholly or partly situated within the territory of the metropolitan community; and

(3) in the case of the strategic vision statement of a competent body with respect to an RCM plan whose territory is wholly or partly situated within the territory of a metropolitan community, that metropolitan community.

§2. — *Adoption of draft strategic vision statement, and opinion of partner bodies*

12. The council of the competent body initiates the process by adopting a draft strategic vision statement.

An authenticated copy of the draft strategic vision statement is sent to every partner body.

13. The council of a partner body may give its opinion on the draft strategic vision statement; the opinion must be received by the competent body on or before the 90th day after a copy of the draft statement is sent to the partner body under the second paragraph of section 12.

§3. — *Information and public consultation*

14. The competent body produces a document explaining the nature and objectives of the draft statement.

It makes the draft statement and the document available for public inspection.

15. The competent body holds a public consultation on the draft strategic vision statement, in accordance with an information and public consultation policy adopted by its council.

The policy must provide for at least one public consultation meeting and include measures to ensure that clear, complete information concerning the draft strategic vision statement and information enabling any person to attend a public consultation meeting is effectively circulated throughout the territory of the competent body.

The policy must also include measures to encourage public participation and open discussion on the subject of the consultation and to allow members of the public to make comments or suggestions orally or in writing.

§4. — *Adoption and coming into force of strategic vision statement*

16. The strategic vision statement may be adopted on or after the later of

(1) the day after the last of the partner bodies gives an opinion on it or after the deadline for doing so; and

(2) the day after the deadline for addressing written comments to the competent body in accordance with its consultation policy.

The resolution adopting the statement must set out any substantial changes made to the draft statement or, as applicable, must state that no substantial changes were made.

17. The strategic vision statement comes into force on the passage of the resolution adopting it.

The competent body sends to every partner body an authenticated copy of the strategic vision statement and of the resolution adopting it.

18. In the case of a metropolitan community, the decision to adopt the strategic vision statement requires a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, this majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the total votes cast by the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

CHAPTER III

METROPOLITAN SUSTAINABLE LAND USE AND DEVELOPMENT PLAN

DIVISION I

OBLIGATION TO MAINTAIN METROPOLITAN PLAN

19. Every metropolitan community is required to maintain in force, at all times, a metropolitan plan applicable to its whole territory.

DIVISION II

PURPOSE AND CONTENT OF METROPOLITAN PLAN

20. In keeping with its function and purpose as set out in section 3, a metropolitan plan defines policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the metropolitan community, in a sustainable development perspective.

The subjects to be addressed by policy directions, objectives and criteria are

(1) land transportation planning;

(2) the protection and enhancement of the natural and built environment, and of landscapes;

(3) the identification of any part of the territory of the metropolitan community that requires integrated land use and transportation planning;

(4) the definition of minimum density levels according to the characteristics of the locality;

(5) the enhancement of agricultural activities;

(6) the definition of areas singled out for optimal urbanization;

(7) the identification of any part of the territory of the metropolitan community, situated within the territory of two or more competent bodies with respect to an RCM plan, that is subject to health, security, or environmental constraints; and

(8) the identification of any facility that is of metropolitan interest, and the determination of the site, use and capacity of any new such facility.

To support the policy directions, objectives and criteria defined under the first paragraph with regard to the subject referred to in subparagraph 6 of the second paragraph, the plan must delimit any metropolitan boundary.

To support the policy directions, objectives and criteria defined under the first paragraph with regard to a subject referred to in any of subparagraphs 1 to 5, 7 and 8 of the second paragraph, the plan may also delimit any part of the territory and determine any location.

21. In order to ensure compliance with or the achievement of the policy directions, objectives and criteria it defines, the metropolitan plan may make it mandatory for any RCM plan applicable in the territory of the metropolitan community to include any rule, criterion or obligation referred to in section 24.

CHAPTER IV

REGIONAL COUNTY MUNICIPALITY SUSTAINABLE LAND USE AND DEVELOPMENT PLAN

DIVISION I

OBLIGATION TO MAINTAIN RCM PLAN

22. Every competent body with respect to an RCM plan is required to maintain in force, at all times, an RCM plan applicable to its whole territory.

DIVISION II

PURPOSE AND CONTENT OF RCM PLAN

23. An RCM plan must provide for sustainable land use planning and development in the territory of the competent body in keeping with its function and purpose as set out in section 3; it must take into account the strategic vision statement and the evolution of social, economic and environmental factors in that territory.

It must define overall land use policy directions for the territory and contain objectives, strategies and targets and any measure needed to ensure or facilitate its implementation.

In particular, an RCM plan must

(1) determine general policies on land use and the principal characteristics of land occupancy in the territory;

(2) delimit urban growth boundaries;

(3) describe and plan the organization of land transportation;

(4) delimit any part of the territory that is subject to constraints, whether natural or related to human activity, which must be taken into consideration for health, security or environmental reasons;

(5) delimit any part of the territory of particular historical, cultural, aesthetic or ecological interest that calls for conservation or enhancement measures; and

(6) state the nature of existing major facilities and infrastructures, and define major facility, infrastructure and service projects conducive to or required for the pursuit of defined objectives, strategies and targets.

24. An RCM plan must set out rules, criteria or obligations with respect to the content of any planning by-law that a municipality may adopt under Title V, including the requirement that such a by-law contain provisions that are at least as stringent as those of the RCM plan.

It must also establish any rule, criterion or obligation to take into account the actual or potential proximity of an immovable or activity that makes the occupation of the land subject to health or security constraints. If applicable, it delimits, around each such immovable or premises where such an activity is carried on, any protection boundary determined on the basis of tolerable risk or nuisance levels.

CHAPTER V

AMENDMENT OF METROPOLITAN OR RCM PLAN

DIVISION I

GENERAL PROVISIONS

25. The competent body with respect to a metropolitan plan or an RCM plan may amend it in accordance with this chapter.

26. For the purposes of this chapter, "partner body" means

(1) with regard to the amendment of a metropolitan plan, any competent body with respect to an RCM plan whose territory is wholly or partly situated within or is contiguous to the territory of the metropolitan community;

(2) with regard to the amendment of an RCM plan, any local municipality whose territory is situated within the territory of the competent body and any competent body with respect to an RCM plan whose territory is contiguous to the territory of the competent body with respect to the amendment; and

(3) in addition to the competent bodies referred to in paragraph 2, with regard to an RCM plan covering part of the territory of a metropolitan community, that metropolitan community.

DIVISION II

DRAFT AMENDMENT

27. The council of the competent body with respect to a metropolitan or RCM plan initiates the amendment process by adopting a draft amendment.

28. Authenticated copies of the draft amendment, of the resolution adopting it and of the document referred to in the first paragraph of section 39 or 41 are sent to every partner body. Authenticated copies of the draft amendment and of the resolution adopting it are sent to the Minister.

The council of any partner body may give its opinion on the draft amendment; the opinion must be received by the competent body on or before the 45th day after a copy of the draft amendment is sent to the partner body.

The council of the competent body may shorten the period prescribed in the second paragraph; however, the period may not be shorter than 20 days. The resolution modifying the period must be passed unanimously; an authenticated copy of the resolution is sent to every partner body at the same time as the copy of the draft amendment.

DIVISION III

INFORMATION AND PUBLIC CONSULTATION

29. The competent body produces

(1) a document explaining the nature and objectives of the draft amendment and specifying what parts of the territory of the competent body it affects;

(2) a diagnostic document setting out the actual and forecast data taken into consideration in determining the content of the draft amendment; and

(3) an analysis of the probable impacts of the implementation of the draft amendment on economic and social development and on the environment.

It makes the draft amendment and the documents referred to in the first paragraph available for public inspection.

30. The competent body holds a public consultation on the draft amendment, in accordance with an information and public consultation policy adopted by its council.

The policy must provide for at least one public consultation meeting and include measures to ensure that clear, complete information concerning the subject of the consultation and information enabling any person to attend a public consultation meeting is effectively communicated to all persons concerned.

The policy must also include measures to encourage public participation and open discussion on the subject of the consultation and to allow members of the public to make comments or suggestions orally or in writing.

31. The competent body sees that a consultation report is prepared.

The report is tabled before the council of the competent body.

The competent body makes the report available for public inspection.

DIVISION IV

ADOPTION

32. The amendment may not be adopted before all of the partner bodies have given an opinion on the draft amendment under section 28, or the deadline prescribed in the second paragraph of that section is past, or before the consultation report prepared under section 31 is tabled before the council of the competent body.

The resolution adopting the amendment must set out any substantial changes made to the draft amendment or, as applicable, must state that no substantial changes have been made.

Authenticated copies of the amendment and of the resolution adopting it are sent to every partner body.

DIVISION V

EXAMINATION OF CONFORMITY WITH GOVERNMENT POLICY DIRECTIONS FOR LAND USE PLANNING

33. After the Minister consults with authorities representing the municipal sector, the Government defines the content elements of a metropolitan or RCM plan that must be examined for conformity with government policy directions.

The order is published in the *Gazette officielle du Québec*.

34. Authenticated copies of the amendment and of the resolution adopting it are served on the Minister for the purpose of examining, if required, whether the amendment is in conformity with government policy directions.

35. If the ministerial opinion on the amendment indicates that one or more content elements that must be examined for conformity is not in conformity with government policy directions, it must include reasons. In such a case, the Minister may request the competent body to replace the amendment with one that is in conformity with government policy directions.

The provisions of sections 27 to 31 relating to the adoption of a draft amendment, to information and to public consultation do not apply to a new amendment that differs from the amendment it replaces only so as to heed the ministerial opinion.

36. On or before the 90th day after service of a negative ministerial opinion, the competent body must replace the amendment with one that is in conformity with government policy directions if

(1) the Minister has requested so under section 35; or

(2) the amendment was adopted for harmonization purposes in accordance with section 55 or to replace an amendment adopted for such harmonization purposes.

DIVISION VI

COMING INTO FORCE

37. An amendment to a metropolitan or RCM plan comes into force either

(1) on the day a ministerial opinion is served on the competent body indicating that the amendment contains no content element that must be examined for conformity with government policy directions; or

(2) if, on the day a ministerial opinion is served on the competent body indicating that the amendment is in conformity with those policy directions or, if no ministerial opinion is served on or before the 60th day after the date the Minister acknowledges receipt of the documents needed to formulate the opinion, on the 61st day after the date of that acknowledgement of receipt.

38. The competent body publishes a notice of the date of coming into force on its website or in a newspaper circulated in its territory.

DIVISION VII

PROVISIONS SPECIFIC TO METROPOLITAN PLAN

39. When the council of a metropolitan community passes a resolution adopting a draft amendment to the metropolitan plan, it also adopts a document indicating whether amendments to any RCM plan applicable in the territory of the metropolitan community will be required to harmonize it with the proposed amendment to the metropolitan plan; if so, the document must specify the nature of those amendments.

After the coming into force of the amendment, the council adopts a document indicating whether amendments must actually be made to any RCM plan applicable in the territory of the metropolitan community to harmonize it with

the amendment to the metropolitan plan; if so, the document must specify the nature of those amendments. A copy of the document is sent to every partner body.

Instead of adopting a document under the second paragraph that is identical to the document adopted under the first paragraph, the council may simply refer to the latter document.

40. The decision to adopt the amendment requires a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the total votes cast by the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

DIVISION VIII

PROVISIONS SPECIFIC TO RCM PLAN

§1. — *Provisions applicable to all RCM plans*

41. When the council of the competent body with respect to an RCM plan passes a resolution adopting a draft amendment to an RCM plan, it also adopts a document indicating whether amendments to a comprehensive plan or planning by-law applicable in the territory of the competent body will be required to harmonize it with the proposed amendment to the RCM plan; if so, the document must specify the nature of those amendments.

After the coming into force of the amendment, the council adopts a document indicating whether amendments must actually be made to a comprehensive plan or planning by-law applicable in the territory of the competent body to harmonize it with the amendment to the RCM plan; if so, the document must specify the nature of those amendments. A copy of the document is sent to every partner body.

Instead of adopting a document under the second paragraph that is identical to the document adopted under the first paragraph, the council may simply refer to the latter document.

§2. — *Conformity with metropolitan plan*

42. Any amendment that affects part of the territory of a metropolitan community must be examined by the council of the metropolitan community for conformity with the metropolitan plan.

To that end, an authenticated copy of the amendment is sent to the metropolitan community.

43. The council of the metropolitan community must give its opinion on or before the 60th day after receiving the copy of the amendment.

As soon as the resolution stating the opinion of the council of the metropolitan community is passed, an authenticated copy of the resolution is sent to the competent body with respect to the RCM plan and served on the Minister.

If the resolution denies approval of the amendment, it must include reasons and identify the provisions that are not in conformity with the metropolitan plan.

If the resolution approves the amendment, the secretary of the metropolitan community issues a certificate of conformity.

44. If the council of the metropolitan community denies approval of the amendment or fails to give its opinion within the period prescribed in section 43, the council of the competent body may request the opinion of the Commission municipale du Québec on the conformity of the amendment with the metropolitan plan.

Authenticated copies of the resolution requesting the opinion and of the amendment are served on the Commission; an authenticated copy of the resolution requesting the opinion is served on the metropolitan community and the Minister.

The copy of the resolution requesting the opinion must be received by the Commission on or before the 45th day after the copy of the resolution denying approval of the amendment is sent to the competent body or, as applicable, after the expiry of the period prescribed in section 43.

45. If the council of the metropolitan community denies approval of the amendment, the council of the competent body, instead of requesting the Commission's opinion, may adopt either

(1) a single document containing only the content elements of the amendment that did not cause approval to be denied; or

(2) both such a document and another document containing content elements that caused approval to be denied.

The provisions of sections 27 to 31 relating to the adoption of a draft amendment, to information and to public consultation do not apply to a document adopted under the first paragraph.

If the council of the competent body adopts a document containing content elements that caused approval to be denied, it may request the Commission's opinion on the conformity of the document with the metropolitan plan.

46. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting the opinion under section 44 or 45.

If the opinion indicates that the amendment is not in conformity with the metropolitan plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the competent body, the metropolitan community and the Minister.

If the opinion indicates that the amendment is in conformity with the metropolitan plan, the secretary of the metropolitan community must, as soon as practicable after receiving a copy of the opinion, issue a certificate of conformity and send an authenticated copy to the competent body.

47. If the Commission's opinion indicates that the amendment is not in conformity with the metropolitan plan or if no request for an opinion was received by the Commission within the period prescribed in section 44, the council of the metropolitan community must request the competent body to replace the amendment, within the period it prescribes, with an amendment that is in conformity with the metropolitan plan, if

(1) the amendment was adopted to comply with a ministerial request under section 335 or to replace an amendment adopted to comply with such a ministerial request; or

(2) the competent body is required under section 55 to amend its RCM plan for harmonization purposes.

The period prescribed for the replacement may not end before the expiry of 45 days after an authenticated copy of the resolution requesting the replacement is sent to the competent body.

The provisions of sections 27 to 31 relating to the adoption of a draft amendment, to information and to public consultation do not apply to a new amendment that differs from the one it replaces only so as to bring it into conformity with the metropolitan plan.

48. If the council of the competent body fails to adopt the amendment within the period prescribed under section 47, the council of the metropolitan community may do so in its place.

The provisions of sections 27 to 31 relating to the adoption of a draft amendment, to information and to public consultation and those of sections 42

to 47 relating to conformity with the metropolitan plan do not apply to an amendment adopted by the council of the metropolitan community under the first paragraph; the provisions of sections 33 to 36 relating to conformity with government policy directions apply, with the necessary modifications. The amendment is deemed to have been adopted by the council of the competent body and approved by the council of the metropolitan community. As soon as practicable after the amendment is adopted, the secretary of the metropolitan community issues a certificate of conformity in respect of the amendment.

Authenticated copies of the amendment and of the certificate of conformity are sent to the competent body. The copy of the amendment sent to the competent body stands in lieu of the original for the purposes of the issue of authenticated copies by the competent body.

The expenses incurred by the metropolitan community to act in the place of the competent body are reimbursed by the competent body.

49. The amendment comes into force on the later of the date determined in accordance with section 37 and the date the secretary of the metropolitan community issues the certificate of conformity. It is deemed to be in conformity with the metropolitan plan.

CHAPTER VI

REVISION OF METROPOLITAN OR RCM PLAN

50. A competent body with respect to a metropolitan or RCM plan may revise the plan in accordance with this chapter.

51. The metropolitan or RCM plan is revised in accordance with the provisions of Chapter V relating to the amendment of such a plan, which apply with the necessary modifications and subject to the following provisions:

(1) the competent body does not adopt any of the documents provided for in sections 39 and 41;

(2) the opinion of a partner body under the second paragraph of section 28 must be received on or before the 90th day after the partner body is sent a copy of the draft, and the third paragraph of section 28 does not apply;

(3) when the council of the competent body with respect to the RCM plan adopts the revised RCM plan, it must also adopt an implementation program for the various actions the competent body would like the different public authorities or private bodies to take; and

(4) a ministerial opinion on the content elements of the revised metropolitan or RCM plan that must be examined for conformity with government policy directions must be served on or before the 120th day after the date the Minister acknowledges receipt of the documents needed to formulate the opinion.

52. On or before the 90th day after service of a ministerial opinion indicating that the revised metropolitan or RCM plan is not in conformity with government policy directions, the competent body must replace the plan with one that is in conformity with government policy directions if

(1) the Minister has so requested under section 35; or

(2) the revised metropolitan or RCM plan that is the subject of the negative ministerial opinion was adopted to comply with a ministerial request under section 337 or to replace a plan adopted to comply with such a request.

In the case of a revised RCM plan, on giving an opinion indicating that the plan is not in conformity with the metropolitan plan, the council of the metropolitan community must request the competent body to replace the RCM plan, within the period it prescribes, with one that is in conformity with the metropolitan plan if

(1) the revised RCM plan was adopted to comply with a ministerial request made under section 337 or to replace a plan adopted to comply with such a request; and

(2) the Commission's opinion indicates that the revised RCM plan is not in conformity with the metropolitan plan or no request for an opinion on the revised RCM plan was received by the Commission within the period prescribed in section 44.

53. A revised metropolitan or RCM plan comes into force on the day a ministerial opinion indicating that it is in conformity with government policy directions is served on the competent body or, in the absence of such an opinion, on the expiry of the period prescribed in paragraph 4 of section 51.

However, a revised RCM plan that affects part of the territory of a metropolitan community comes into force on the later of the date determined under the first paragraph and the date the certificate of conformity is issued by the secretary of the metropolitan community.

CHAPTER VII

HARMONIZATION FOLLOWING AMENDMENT OR REVISION OF METROPOLITAN OR RCM PLAN

DIVISION I

OBLIGATION TO HARMONIZE

54. In this chapter, "harmonization resolution" and "harmonization by-law" mean

(1) in the case of the revision of a metropolitan or RCM plan,

(*a*) any resolution to amend an RCM plan applicable in the territory of the metropolitan community only so as to reflect the revision of the metropolitan plan; or

(*b*) any resolution amending a comprehensive plan or any by-law amending a planning by-law applicable in the territory of the competent body with respect to the RCM plan, including a by-law adopted under any of sections 197 to 200 by the council of the regional county municipality or by the council of a local municipality described in section 202 only so as to reflect the revision of the RCM plan; or

(2) in the case of the amendment of a metropolitan or RCM plan, any resolution or any by-law to amend, in accordance with the second paragraph of section 39 or 41, as applicable, an RCM plan applicable in the territory of the metropolitan community or a comprehensive plan or planning by-law applicable in the territory of the competent body with respect to the RCM plan, including a by-law adopted under any of sections 197 to 200 by the council of the regional county municipality or by the council of a local municipality described in section 202.

"Competent council" means the council of the local municipality or regional county municipality that is competent with respect to the harmonization resolution or by-law described in the first paragraph.

55. The competent council must adopt any harmonization resolution or by-law

(1) on or before the day that occurs six months after the coming into force of an amendment to the metropolitan or RCM plan; or

(2) on or before the day that occurs 12 months after the coming into force of a revised metropolitan or RCM plan.

56. If, following the amendment or revision of the metropolitan plan, the competent council fails to adopt a harmonization resolution within the period prescribed in section 55, the council of the metropolitan community may do so in its place.

The provisions of sections 42 to 47 relating to examination for conformity with the metropolitan plan do not apply to a resolution passed under the first paragraph by the council of the metropolitan community.

57. If, following the amendment or revision of the RCM plan, the competent council fails to adopt a harmonization resolution or by-law within the period prescribed in section 55, the council of the competent body with respect to the RCM plan may do so in its place.

The provisions of sections 224 to 232 relating to examination of the conformity with the RCM plan do not apply to a by-law adopted under the first paragraph.

58. Any harmonization resolution or by-law passed or adopted by an authority in the place of another authority is deemed to be passed or adopted by the latter authority. As soon as the resolution or by-law is passed or adopted, an authenticated copy, accompanied by a certificate of conformity, is sent to that authority; the copy stands in lieu of the original for the purposes of the issue of authenticated copies by that authority. The expenses incurred to act in the place of another authority are reimbursed by that authority.

59. The following do not apply to a harmonization resolution or by-law:

(1) the provisions of sections 27 to 31 relating to information and to public consultation concerning a draft amendment of an RCM plan;

(2) the provisions of sections 87 to 91 relating to information and to public consultation concerning a draft amendment to a comprehensive plan;

(3) the provisions of sections 206 to 216 relating to information and to public consultation concerning a draft planning by-law, and of sections 238 to 241 in the case of regional by-laws; and

(4) the provisions of sections 218 to 221 relating to referendum approval of a planning by-law.

DIVISION II

EXEMPTION FROM OBLIGATION TO HARMONIZE WITH REVISED METROPOLITAN PLAN

60. If the council of a competent body with respect to an RCM plan considers that the RCM plan is already in conformity with the revised metropolitan plan, it may pass a resolution stating that the RCM plan does not need to be amended to reflect the revision of the metropolitan plan.

An authenticated copy of the resolution is sent to the metropolitan community.

61. If the council of the metropolitan community considers that the RCM plan is in conformity with the revised metropolitan plan, it approves the resolution.

If not, it must identify the provisions of the RCM plan that are not in conformity with the revised metropolitan plan and give reasons.

As soon as the resolution approving or denying approval of the resolution of the competent body with respect to the RCM plan is passed, an authenticated copy is sent to the competent body.

62. If the council of the metropolitan community denies approval of the resolution or fails to give its opinion within 120 days after it is sent the resolution, the council of the competent body with respect to the RCM plan may request the opinion of the Commission municipale on the conformity of the provisions of the RCM plan identified in the resolution passed under the second paragraph of section 61 with the revised metropolitan plan.

As soon as the resolution requesting the Commission's opinion is passed, authenticated copies of the resolution, of the RCM plan concerned and of the resolution passed under the second paragraph of section 61 are served on the Commission; an authenticated copy of the resolution requesting the opinion is also sent to the metropolitan community.

The copy addressed to the Commission must be received by the Commission on or before the 45th day after the copy of the resolution of the council of the metropolitan community denying approval of the resolution is sent or after the expiry of the period prescribed in the first paragraph.

63. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting the opinion.

If the opinion indicates that the provisions of the RCM plan identified in the resolution passed under the second paragraph of section 61 are not in conformity with the revised metropolitan plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the competent body with respect to the RCM plan and to the metropolitan community.

If the opinion indicates that the provisions of the RCM plan identified in the resolution passed under the second paragraph of section 61 are in conformity with the revised metropolitan plan, the RCM plan does not need to be amended to reflect the revision of the metropolitan plan.

DIVISION III

EXEMPTION FROM OBLIGATION TO HARMONIZE WITH REVISED RCM PLAN

§1. — *General provision*

64. If the competent council considers that the comprehensive plan or any of the by-laws concerned are in conformity with the revised RCM plan, it may

resolve that the comprehensive plan or by-law does not need to be amended to reflect the revision of the RCM plan.

An authenticated copy of the resolution is sent to the competent body with respect to the RCM plan.

§2. — *Local municipality*

65. If the council of the competent body with respect to the RCM plan considers that the comprehensive plan and the by-laws referred to in the resolution of the local municipality are all in conformity with the revised RCM plan, it approves the resolution.

If not, the resolution of the council of the competent body stating that the comprehensive plan or one or more of the by-laws are not in conformity with the revised RCM plan must include reasons.

As soon as the resolution approving or denying approval of the local municipality's resolution is passed, an authenticated copy is sent to the local municipality.

66. If the council of the competent body with respect to the RCM plan denies approval of the resolution or fails to give its opinion within 120 days after it is sent the resolution, the council of the local municipality may request the opinion of the Commission municipale on the conformity of the comprehensive plan or the by-law concerned with the revised RCM plan.

As soon as the resolution requesting the Commission's opinion is passed, authenticated copies of the resolution and of the comprehensive plan or by-law concerned are served on the Commission; an authenticated copy of the resolution is also sent to the competent body with respect to the RCM plan.

The copy addressed to the Commission must be received by the Commission on or before the 45th day after the copy of the resolution of the council of the competent body with respect to the RCM plan denying approval of the local municipality's resolution is sent to the local municipality or after the expiry of the period prescribed in the first paragraph.

67. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting the opinion.

If the opinion indicates that the comprehensive plan or the by-law concerned is not in conformity with the revised RCM plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the local municipality and the competent body with respect to the RCM plan.

If the opinion indicates that the comprehensive plan or the by-law concerned is in conformity with the revised RCM plan, the plan or by-law does not need to be amended to reflect the revision of the RCM plan. Otherwise, the 12-month period prescribed in section 55 begins on the day the secretary sends the authenticated copy under the third paragraph.

§3. — *Regional county municipality*

68. Sections 242 to 245 apply, with the necessary modifications, to a by-law referred to in a resolution passed under section 64 which states that such a by-law does not need to be amended to reflect the revision of the RCM plan.

To that end, authenticated copies of the resolution and of any by-law referred to in the resolution are sent to every local municipality whose territory is included in that of the regional county municipality.

CHAPTER VIII

INTERIM CONTROL MEASURES

DIVISION I

INTERIM CONTROL MEASURES

69. A competent body whose council has adopted a draft amendment to the metropolitan or RCM plan, or a revised metropolitan or RCM plan, may, in accordance with this chapter, impose interim control measures related to the process.

A competent body whose council has resolved to adopt a draft amendment to the metropolitan or RCM plan, or a revised metropolitan or RCM plan, in the near future may also impose interim control measures related to the process.

70. The council of the competent body may prohibit, in all or part of the territory of the competent body, any structure, works, activity, use or cadastral amendment not already prohibited by a by-law applicable to the site covered by the prohibition.

The council may specify in what cases the prohibition does not apply, and determine on what conditions and by what procedure it may be lifted. If one of those conditions involves the issue of a permit, the council may designate an officer for that purpose in every local municipality in which the prohibition applies; the designation is valid only if the council of the local municipality gives its consent.

In any provision of this Act, "cadastral amendment" means a cadastral amendment described in the first paragraph of article 3043 of the Civil Code.

71. As soon as the resolution is passed, an authenticated copy is sent

(1) in all cases, to every local municipality whose territory is situated within the territory of the competent body;

(2) in addition to the municipalities described in subparagraph 1, in cases where the interim control measure is related to the amendment or revision of a metropolitan plan, to every competent body with respect to an RCM plan whose territory is wholly or partly situated within the territory of the metropolitan community; and

(3) in addition to the municipalities described in subparagraph 1, in cases where the interim control measure is related to the amendment or revision of an RCM plan applicable in all or part of the territory of a metropolitan community, to that metropolitan community.

A notice of the date of passage of the resolution is published on the competent body's website or in a newspaper circulated in its territory.

DIVISION II

EFFECTS OF INTERIM CONTROL MEASURES

72. A prohibition under section 70 does not apply to structures, works, activities, uses or cadastral amendments

(1) for agricultural purposes on land under cultivation;

(2) for the purposes of the installation, by a municipality, of water or sewer services in a public street in execution of an order under the Environment Quality Act (R.S.Q., chapter Q-2);

(3) for the purposes of the installation of components of an electricity, gas, telecommunications or cable distribution network; or

(4) for the purposes of a forest development activity or wildlife development activity on lands in the domain of the State.

Nor does it apply to cadastral amendments made necessary by a declaration of co-ownership under article 1038 of the Civil Code or by the alienation of part of a building requiring the partitioning of the land on which it is situated.

73. An interim control measure, imposed by the council of a competent body with respect to an RCM plan, which prohibits an activity in a part of its territory is without effect if a metropolitan interim control measure authorizes the activity in that part of the territory on the issue of a permit.

An interim control measure which, in accordance with the second paragraph of section 70, authorizes an activity on the issue of a permit is without effect if a metropolitan interim control measure prohibits the activity in that part of

the territory, or authorizes the activity on the issue of a permit but subject to different terms.

DIVISION III

DURATION OF INTERIM CONTROL MEASURES

§1. — *Prior interim control measures*

74. An interim control measure imposed under the second paragraph of section 69 before the adoption of a draft amendment to the metropolitan or RCM plan, or of a revised metropolitan or RCM plan, ceases to have effect on the 90th day after the resolution imposing the measure is passed if the draft amendment to the metropolitan or RCM plan, or a revised metropolitan or RCM plan, is not adopted by that date.

§2. — *Interim control measures related to amendment of metropolitan or RCM plan*

75. An interim control measure related to a metropolitan or RCM plan amendment that is in force ceases to have effect, in the territory of a local municipality, on the coming into force of the last harmonization by-law that must be adopted to reflect the amendment.

For the purposes of the first paragraph, "harmonization by-law" in the case of metropolitan interim control measures means any by-law that must be adopted only so as to reflect the amendment made to the RCM plan to harmonize it with the amended metropolitan plan.

§3. — *Interim control measures related to revised metropolitan plan*

76. An interim control measure related to a revised metropolitan plan that is in force ceases to have effect in the territory of a local municipality

(1) on the day it is determined, in accordance with section 61 or 63, that the RCM plan applicable in the territory of the local municipality does not need to be amended to reflect the revision of the metropolitan plan;

(2) on the coming into force of the last harmonization by-law adopted to reflect the amendment made to the RCM plan to harmonize it with the revised metropolitan plan; or

(3) on the adoption of the document referred to in the second paragraph of section 41 if the document states that the municipality is not required to amend its by-laws to reflect the amendment made to the RCM plan to harmonize it with the revised metropolitan plan.

§4. — *Interim control measures related to revised RCM plan*

77. An interim control measure related to a revised RCM plan that is in force ceases to have effect in the territory of a local municipality

(1) on the coming into force of the last harmonization by-law that must be adopted under the second paragraph of section 55 to reflect the revision of the RCM plan; or

(2) on the day all the by-laws applicable in the territory of the local municipality have been determined under section 65 or 67 as not needing to be amended by a harmonization by-law to reflect the revision of the RCM plan, if that day is after the day referred to in paragraph 1 or if none of the by-laws need to be amended.

DIVISION IV

PROVISION SPECIFIC TO METROPOLITAN INTERIM CONTROL MEASURES

78. Every decision made under this chapter by the council of a metropolitan community requires a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the total votes cast by the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

CHAPTER IX

OBLIGATION TO MONITOR AND MEASURE IMPLEMENTATION OF REGIONAL PLANNING TOOLS

79. A competent body with respect to a metropolitan or RCM plan must use indicators to monitor and measure implementation of the metropolitan or RCM plan and to evaluate progress toward plan objectives and success in carrying out plan proposals. The council of the competent body must adopt a biennial report on those subjects.

The competent body makes the report available for public inspection.

TITLE IV

LOCAL PLANNING

CHAPTER I

COMPREHENSIVE PLAN

DIVISION I

OBLIGATION TO MAINTAIN COMPREHENSIVE PLAN

80. Any local municipality may have a comprehensive plan applicable to its whole territory.

A municipality that has a comprehensive plan in force may not repeal it.

DIVISION II

PURPOSE AND CONTENT OF COMPREHENSIVE PLAN

81. The purpose of the comprehensive plan, in keeping with its function under section 3, is to promote coherent and rational planning and development in the territory of the municipality, having regard to changing social, economic and environmental issues and in accordance with the policy directions, objectives, strategies and targets it defines in harmony with the RCM sustainable land use and development plan.

The comprehensive plan guides the council of the local municipality in the exercise of its powers with respect to planning by-laws, and may contain any measure to facilitate its implementation.

82. The comprehensive plan may delimit any part of the territory of the municipality that the council considers a priority for urban renewal, rehabilitation or densification and designate it as a zone exempt from referendum approval within which no regulatory amendment is to be subject to referendum approval.

It must define specific policy directions, objectives, strategies and targets for that purpose.

CHAPTER II

SPECIAL COMPREHENSIVE PLAN

83. A comprehensive plan may include a special comprehensive plan for any part of the territory of the local municipality that it delimits.

84. A special comprehensive plan is a detailed land use plan for a part of the territory of the local municipality ("the area concerned") which, in the opinion of the local municipality, requires special attention.

The special comprehensive plan must include, with respect to the area concerned,

(1) a description of the proposed development;

(2) a statement of the objectives of the special comprehensive plan;

(3) detailed land uses and land occupation densities and characteristics;

(4) authorized uses and development rules and criteria;

(5) a description of current and proposed thoroughfares and transportation networks, and a commuting plan;

(6) the nature, location and type of proposed facilities and infrastructures, and the order in which they are to be constructed; and

(7) an implementation program.

85. A special comprehensive plan may include a revitalization program for all or part of the area concerned.

Despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a revitalization program may include a subsidy policy for work carried out in conformity with the program.

86. A revitalization program may provide for the acquisition of immovables by a municipality with a view to alienating or leasing them for the purposes set out in the special comprehensive plan.

The municipality may carry out the immovable acquisition program once planning by-laws in conformity with the special comprehensive plan are in force; the municipality may administer and carry out work on any immovable it holds under the program.

The municipality may also acquire any immovable with a view to alienating it or leasing it to a person who needs it to carry out a project that is consistent with the special comprehensive plan and is already the owner of land or the beneficiary of a promise of sale on land representing two thirds of the area required for the project.

CHAPTER III

AMENDMENT OR REPLACEMENT OF COMPREHENSIVE PLAN

DIVISION I

INFORMATION AND PUBLIC CONSULTATION

87. The council of the local municipality initiates the comprehensive plan amendment or replacement process by adopting a draft and a document stating what major changes could be made to the planning by-laws in order to implement the amendment or the new plan.

88. Authenticated copies of the draft and of the document are sent to every contiguous local municipality and to the regional county municipality. Those municipalities may give their opinion, in which case it must be received on or before the 45th day after the copies are sent to them.

89. The local municipality produces

(1) a document explaining the nature and objectives of the proposed amendment or new plan and, in the case of a proposed amendment, specifying what parts of the territory it affects;

(2) a diagnostic document setting out the actual and forecast data taken into consideration in determining the content of the proposed amendment or new plan; and

(3) an analysis of the probable impacts of the implementation of the proposed amendment or new plan on economic and social development and on the environment.

If applicable, the document described in subparagraph 1 of the first paragraph must also specifically identify any part of the territory that is designated as a zone exempt from referendum approval in accordance with section 82.

The municipality makes the proposed amendment or new plan, the document provided for in section 87 and the documents referred to in the first paragraph available for public inspection.

90. The local municipality holds a public consultation in accordance with an information and public consultation policy adopted by the council.

The policy must provide for at least one public consultation meeting and include measures to ensure that clear, complete information concerning the subject of the consultation and information enabling any person to attend a consultation meeting is effectively communicated to all persons concerned. If applicable, it must contain information relating to the fact that the draft designates part of the territory as a zone exempt from referendum approval in

accordance with section 82 and information allowing that part of the territory to be easily identified.

The policy must also include measures to encourage public participation and open discussion on the subject of the consultation and to allow members of the public to make comments or suggestions orally or in writing.

91. The local municipality sees that a consultation report is prepared.

The report is tabled before the council of the local municipality.

The municipality makes the report available for public inspection.

DIVISION II

PASSAGE

92. The resolution amending the comprehensive plan or establishing a new comprehensive plan may not be passed before all of the municipalities have given an opinion under section 88, or the deadline prescribed in that section is past, or before the consultation report is tabled before the council.

The resolution amending the comprehensive plan or establishing a new comprehensive plan must set out any substantial changes made to the draft or, as applicable, must state that no substantial changes have been made.

93. When the council adopts a new comprehensive plan, it must also adopt an implementation program for the various actions the municipality would like the different public authorities and private bodies to take.

DIVISION III

CONFORMITY WITH RCM PLAN

94. Any amendment to the comprehensive plan or any new comprehensive plan must be examined by the council of the regional county municipality for conformity with the RCM plan.

To that end, an authenticated copy of the amendment or new comprehensive plan is sent to the regional county municipality.

95. The council of the regional county municipality must give its opinion on or before the 120th day after receiving the copy of the amendment or new comprehensive plan.

As soon as the resolution stating the opinion of the council of the regional county municipality is passed, an authenticated copy is sent to the local municipality.

If the resolution denies approval of the amendment or new comprehensive plan, it must include reasons and identify the provisions that are not in conformity with the RCM plan.

If the resolution approves the amendment or new comprehensive plan, the secretary of the regional county municipality issues a certificate of conformity.

96. If the council of the regional county municipality denies approval of the amendment or new comprehensive plan or fails to give its opinion within the period prescribed in section 95, the council of the local municipality may request the opinion of the Commission municipale on the conformity of the amendment or new comprehensive plan with the RCM plan.

Authenticated copies of the resolution requesting the opinion and of the amendment or new comprehensive plan are served on the Commission; an authenticated copy of the resolution is served on the regional county municipality.

The copies addressed to the Commission must be received by the Commission on or before the 45th day after the local municipality is sent the copy of the resolution denying approval of the amendment or the new comprehensive plan or, as applicable, the 45th day after the expiry of the 120-day period prescribed in section 95.

97. In the case of an amendment, if the council of the regional county municipality denies approval, the council of the local municipality, instead of requesting the Commission's opinion, may adopt either

(1) a single document containing only the content elements of the amendment that did not cause approval to be denied; or

(2) both such a document and another document containing content elements that caused approval to be denied.

The provisions of sections 87 to 91 relating to the adoption of a draft, to information and to public consultation do not apply to a document adopted under the first paragraph.

If the council of the local municipality, in accordance with subparagraph 2 of the first paragraph, adopts a document containing content elements that caused approval to be denied, it may request the Commission's opinion on the conformity of the document with the RCM plan.

98. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting the opinion under section 96 or 97.

If the Commission's opinion indicates that the amendment or the new comprehensive plan is not in conformity with the RCM plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the regional county municipality and the local municipality.

If the Commission's opinion indicates that the amendment or new comprehensive plan is in conformity with the RCM plan, the secretary of the regional county municipality must, after receiving a copy of the opinion, issue a certificate of conformity and send a copy to the local municipality.

99. If an amendment whose approval has been denied by the council of the regional county municipality is a harmonization amendment referred to in section 41, that council must request the council of the local municipality to replace the amendment if

(1) the local municipality did not request the Commission's opinion; or

(2) the Commission's opinion indicates that the amendment is not in conformity with the RCM plan.

The council of the regional county municipality sets a deadline for the replacement, which must be after the 45th day after an authenticated copy of the resolution requesting the replacement is sent to the local municipality.

The provisions of sections 87 to 91 relating to information and to public consultation do not apply to a document that differs from the document it replaces, at the request of the council of the regional county municipality, only so as to bring it into conformity with the RCM plan.

100. If the council of the local municipality fails to adopt the amendment by the deadline set under section 99, the council of the regional county municipality may do so in its place.

The provisions of sections 87 to 91 relating to the adoption of a draft, to information and to public consultation and those of sections 94 to 99 relating to conformity with the RCM plan do not apply to an amendment adopted by the council of the regional county municipality under the first paragraph. The amendment is deemed to have been adopted by the council of the local municipality and approved by the council of the regional county municipality. As soon as practicable after the amendment is adopted, the secretary of the regional county municipality issues a certificate of conformity in respect of the amendment.

Authenticated copies of the amendment and of the certificate of conformity are sent to the local municipality. The copy sent to the local municipality stands in lieu of the original for the purposes of the issue of authenticated copies of the amendment by the local municipality.

The expenses incurred by the regional county municipality to act in the place of the local municipality are reimbursed by the local municipality.

101. The amendment comes into force on the date the certificate of conformity is issued. It is deemed to be in conformity with the RCM plan.

CHAPTER IV

OBLIGATION TO MONITOR AND MEASURE IMPLEMENTATION OF COMPREHENSIVE PLAN

102. A local municipality must use indicators to monitor and measure the implementation of its comprehensive plan and to evaluate progress toward plan objectives and success in carrying out plan proposals; the council of the local municipality must adopt a biennial report on those subjects.

The local municipality makes the report available for public inspection.

TITLE V

PLANNING BY-LAWS

CHAPTER I

GENERAL PROVISIONS

103. Planning by-laws are local or regional.

Chapter II defines the powers and obligations of local municipalities and Chapter III defines the powers and obligations of regional county municipalities.

104. Sections 2, 3, 5 and 6 of the Municipal Powers Act (R.S.Q., chapter C-47.1) apply to this Title and the regulatory provisions adopted under it, which must, however, be interpreted with the modifications required according to the purpose of the powers granted to municipalities under this Act and, more specifically, in such a manner as to facilitate rational land use planning and harmonious land development by municipalities, protect the environment and enhance the quality of the built environment.

CHAPTER II

LOCAL PLANNING BY-LAWS

DIVISION I

PLANNING COMMITTEES

§1. — *Planning advisory committee*

105. The council of a local municipality may establish a planning advisory committee.

106. The planning advisory committee must include at least one member of the council and, forming a majority, citizens residing in the territory of the municipality selected through a public application process; the maximum number of citizen members and the selection criteria are defined by the council. In the case of a regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the citizen members are chosen from among citizens residing in the territory of the regional county municipality.

No officer or employee of the municipality who, under paragraph 1 of section 63 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), is ineligible for office as a member of the council of a municipality may sit on the planning advisory committee.

The members' term of office is determined by the council, may not exceed four years and, unless otherwise provided in the resolution, is renewable.

107. The function of the planning advisory committee is to provide advisory opinions to the council, or the planning decision committee, if any, as required by law or by a by-law of the municipality and as requested by the council or the planning decision committee.

108. A planning advisory committee must be established before regulatory powers attributing discretionary powers in individual cases under Division III or regulatory powers relating to the amendment of planning by-laws upon application under Division VI may be exercised.

§2. — *Planning decision committee*

109. The council of a local municipality may establish a planning decision committee.

110. The planning decision committee must be composed of three members of the council.

111. Sittings of the planning decision committee are public.

112. The planning decision committee exercises the discretionary powers in individual cases under Division III that are delegated to it by the council.

However, a delegation of powers under the first paragraph is without effect with respect to a matter

(1) in which the applicant is a member of the committee; or

(2) in whose respect a member of the committee is obliged to disclose an interest in accordance with section 361 of the Act respecting elections and referendums in municipalities.

113. The following decisions may be reviewed by the council:

(1) any decision under section 129 authorizing or denying a conditional use, or imposing conditions on a conditional use;

(2) any decision under section 131 approving or denying approval of an undertaking under an incentive by-law;

(3) any decision under section 134 approving or denying approval of a site and architectural integration plan, including the possibility of attaching conditions to it;

(4) any decision under section 138 granting or denying a minor variance, including the possibility of attaching conditions to it; and

(5) any decision under section 142 authorizing or prohibiting a demolition and, if the demolition is authorized, any decision approving a program for the reutilization of the vacated land, requiring work, setting a time limit or granting or denying an extension.

114. A committee decision is reviewed by the council on an application, including reasons, from any interested person made on or before the seventh day after the decision is made.

The provisions of the Act respecting elections and referendums in municipalities that determine how a legal person exercises its rights apply, with the necessary modifications, to the signature of the review application.

For the purposes of the first paragraph, an interested person is any person who would be a qualified voter, within the meaning of the Act respecting elections and referendums in municipalities, entitled to be registered on the referendum list of the zone if the committee's decision were subject to referendum approval and if the date of reference, within the meaning of that Act, were the date of the committee's decision.

115. The council makes its decision not later than at the second regular sitting after receipt of the review application; it may make any decision it considers appropriate in replacement of the committee's decision.

Any member of the council who is also a member of the committee may, unless he or she is the applicant, participate in the deliberations and vote on the matter.

§3. — *Operation*

116. The members of a planning committee are designated by the council; in the case of the planning decision committee, the council designates the chair.

The council may provide a planning committee with the services of persons to assist it in the exercise of its functions, and make the necessary sums available to the committee.

A planning committee makes internal rules.

117. The quorum at sittings of a planning committee is the majority of its members.

118. A planning committee's decisions require a majority of the votes cast and must include reasons.

DIVISION II

ZONING, SUBDIVISION AND BUILDING BY-LAWS

119. A local municipality is required to maintain in force at all times a zoning by-law, a subdivision by-law and a building by-law applicable to its whole territory.

The requirement of the first paragraph does not imply that separate by-laws must be maintained.

The first paragraph also applies to any regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization.

120. The purpose of the zoning by-law is to regulate land occupancy and development throughout the territory of the local municipality, and authorize various uses, activities, structures and works in the different parts of the territory and make them subject to standards.

A standard adopted under the first paragraph with respect to signage is not applicable to posters and billboards posted during an election or referendum period for election or referendum purposes.

121. The purpose of a subdivision by-law is to regulate the subdivision of land throughout the territory of the local municipality, and prescribe dimension and lay-out standards for public and private thoroughfares.

122. The zoning by-law may prohibit new land uses and the erection of any new structure or work, including land work such as clearing and filling, in any part of the territory specified in the comprehensive plan as being subject to health, security or environmental constraints.

The subdivision by-law may also prohibit subdivision of land in any such part of the territory.

Such prohibitions may also be imposed elsewhere than in a part of the territory described in the first paragraph; in such a case, the resolution adopting the by-law must give reasons for the prohibition.

By-law provisions adopted under the first or second paragraph may provide for a variance from the prohibition in respect of a specific immovable or a specific land use, structure or work.

123. For the purpose of controlling development in the territory of the municipality, the council may, by by-law, prohibit the construction, alteration, enlargement or addition of buildings on land that does not form one or more separate lots on the cadastre that comply with the subdivision by-law or are protected by acquired rights; such a by-law may also, to the extent it determines, prohibit such work on, and any subdivision of, land that is not properly served by a public utility determined by the council.

For the purposes of the first paragraph, a utility is public even if it requires the installation or maintenance of permanent infrastructures that are private property.

124. The purpose of the building by-law is to ensure that works and structures are of good quality, solid, safe, sanitary and functional, and prescribe standards to that effect. The building by-law may also prescribe standards and measures relating to the maintenance of works and structures and the occupancy of buildings, and regulate their demolition.

DIVISION III

REGULATORY POWERS ATTRIBUTING DISCRETIONARY POWERS IN INDIVIDUAL CASES

§1. — *General provisions*

125. This chapter makes provision for the adoption by the council of a local municipality of by-laws whose purpose is to attribute discretionary powers in individual cases, to be exercised, prior to the issue of a permit, by resolution

of the council or by resolution of the planning decision committee following a delegation of powers under section 112.

126. By-law provisions adopted under this chapter must establish the procedure for applying for the exercise of discretionary powers by the council, or the planning decision committee. In order to ensure that the council or the committee is provided with necessary and helpful information, they must also prescribe what documents must be filed with the application and their minimum content.

127. The council or the planning decision committee must seek the opinion of the planning advisory committee on any resolution

(1) authorizing or denying a conditional use;

(2) providing for or not providing for the application of an alternate standard under an incentive by-law;

(3) approving or denying approval of site and architectural integration plans;

(4) granting or denying a minor variance; and

(5) authorizing or denying authorization of a demolition.

Any decision set out in such a resolution must include reasons and be in keeping with the intentions and principles of the comprehensive plan. If a favourable decision is made subject to the making of an agreement or to conditions, a guaranty or security may be required in order to ensure the conditions are met.

§2. — *Conditional uses*

128. The zoning by-law may provide that certain uses are subject to prior authorization, which itself may be made subject to conditions to facilitate integration of those uses and reduce their impact on the neighbourhood.

For each such use, it must establish criteria for evaluating applications and for determining the applicable conditions.

129. Any resolution authorizing a conditional use must determine conditions for the integration or exercise of that use.

An authenticated copy of the resolution is sent to the applicant and must be attached to the permit issued by the competent officer.

§3. — *Incentive by-laws*

130. A zoning by-law may, in respect of any part of the territory identified for that purpose in the comprehensive plan and in accordance with the policy directions, objectives, strategies and targets defined for that purpose in the comprehensive plan, provide standards that will apply, subject to the signing of an agreement with the permit applicant, in replacement of a standard contained in the by-law, except any standard concerning the uses authorized on the site covered by the application.

The agreement must provide for the realization of certain layout elements or facilities of general interest by the applicant, in addition to the layout or facilities inherent in the project submitted by the applicant, on or near the site covered by the application. The agreement must include a detailed description and an estimate of the cost of the work involved.

131. The agreement must be approved by the council. An authenticated copy of the agreement must be attached to the resolution approving the agreement.

If the by-law prescribes two or more alternate standards, the resolution must identify which standard applies.

Authenticated copies of the resolution and of the agreement must be attached to the permit issued by the competent officer.

§4. — *Site and architectural integration plans*

132. The council may, by by-law and on the basis of specified objectives, make the issue of a permit subject to the approval of site, architectural and layout plans, and of the related work.

The by-law must establish criteria to evaluate whether the objectives that can be evaluated before the permit is issued have been met.

133. The council or the planning decision committee may order that the plans be submitted to prior public consultation under sections 207 to 209, with the necessary modifications.

134. The decision must comply with the applicable by-laws and be based on the objectives and criteria set out in the by-laws. If the decision is to approve the plans, it may provide, as one of the conditions, that the owner must bear the cost of certain elements, in particular that of infrastructures or public facilities, or that the owner must carry out the project within a certain time, failing which the permit will be revoked.

An authenticated copy of the resolution containing the decision must be sent to the applicant and attached to the permit issued by the competent officer.

§5. — *Minor variances*

135. The council may, by by-law, provide for the possibility of granting, on an application, minor variances to the zoning or the subdivision by-law, except to any provision that relates to land uses.

The by-law must list the provisions of the zoning and subdivision by-laws in respect of which a minor variance may be granted; no minor variance may operate to authorize the filling in of land in a flood-risk area.

136. A variance may only be granted if the applicant shows that it is minor in nature, in particular based on the following criteria:

(1) if the variance were not granted, the enforcement of the by-law would cause serious prejudice to the applicant, specifically in relation to the immovable that is the subject of the application;

(2) the variance would prevent prejudice, not procure an advantage, to the applicant;

(3) the variance would have little or no effect on neighbouring properties and the enjoyment of those properties by the owners or occupants;

(4) the variance does not involve any increased risk to health, security or the environment; and

(5) if the variance concerns work in progress or already carried out, the work is being or was carried out in good faith.

137. If a variance is granted, the reasons must be explicitly based on the criteria listed in section 136. The resolution must explain, more specifically,

(1) the nature of the serious prejudice invoked in support of the application;

(2) the unique nature of the prejudice and how it differs from a normal inconvenience inherent in the measure in respect of which a variance is applied for; and

(3) why the variance will have little or no effect on the neighbouring properties and the enjoyment of those properties by the owners or occupants.

138. The resolution granting a variance may make the variance subject to any condition that will reduce its impact.

An authenticated copy of the resolution must be sent to the applicant; if applicable, it must be attached to the permit issued by the competent officer.

139. The by-law authorizing the council to grant minor variances may provide that any nonconforming situation resulting from the granting of a minor

variance is to be considered a nonconforming situation protected by acquired rights and to be subject to the by-law provisions adopted under Division IV.

If there is no such provision in the by-law, any resolution granting a variance may so provide with respect to that variance.

§6. — *Demolition*

140. The council may, by by-law, make the issue of any permit to demolish an immovable subject to prior authorization by the council.

If the immovable contains one or more dwellings within the meaning of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), the application must be filed with a sworn statement to the effect that the building is uninhabited or, otherwise, that a copy of the application was sent to each of the tenants of the immovable, accompanied by a document informing them of their right to file an objection with the municipality in accordance with section 141.

141. Any person may file a written objection to the application in writing on or before the 10th day after the notice is published in accordance with section 148.

If the objection is filed by a person who claims to be undertaking or pursuing negotiations to acquire the immovable in order to preserve it as rental housing, the decision may not be made before the expiry of 60 days after receipt of the objection; the decision may, however, be made after the expiry of that time even if any other such objection was filed in the meantime.

142. After holding a public meeting if it considers it advisable, the council or the planning decision committee authorizes the demolition if it is convinced that the demolition is warranted.

In addition to the public interest and any other criterion considered relevant, the state of the immovable and the impact that its demolition would have on the architectural and aesthetic character of the neighbourhood and on the conservation of built heritage must be taken into consideration in evaluating whether the demolition is warranted. If the immovable includes one or more dwellings, housing needs in the neighbourhood, the potential prejudice caused to the tenants by the demolition, and the tenants' possible relocation difficulties must also be taken into consideration.

An authenticated copy of the resolution containing the decision must be sent to the applicant, to every tenant in the immovable and to any person who filed an objection in accordance with section 141.

143. The council or the planning decision committee may make the demolition authorization subject to the applicant's filing a project, compliant with the by-laws, for the reutilization of the vacated land. In such a case, acceptance of the project includes authorization of the demolition.

The council or committee may also make the demolition authorization subject to an undertaking by the applicant to carry out site revitalization or preservation work or work conducive to integration of the site into the neighbourhood.

The council or committee may set a time limit for carrying out the project or the work, as applicable, including the demolition work.

144. If the demolition does not begin within the time granted, the authorization is without effect and the permit lapses, unless the council or planning decision committee extended the time limit by a resolution passed before it expired; if a dwelling in the immovable is still occupied by a tenant, the lease is extended as of right and the lessor may, in the following month, apply to the Régie du logement for determination of the rent.

145. If the immovable includes one or more dwellings, the demolition authorization entails, for the lessor, the right to evict the tenants on the later of the expiry of their current lease and the date that is three months after the date of the authorization.

The eviction may be made subject to compliance with any condition, determined in the authorization, relating to the relocation of tenants.

146. An evicted tenant is entitled to an indemnity equal to three months' rent plus moving costs. If the prejudice caused to the tenant exceeds that sum, the tenant may apply to the Régie du logement to set the amount of damages.

147. The council may, by by-law, establish, with respect to all or part of the territory covered by the by-law, a subsidy program for the demolition of buildings that are beyond repair, unsuited to their purpose or incompatible with their environment, and for landscaping or the repair of immovables following a demolition project.

The amount of a subsidy under the program must not exceed the actual cost of the work.

This section applies despite the Municipal Aid Prohibition Act.

§7. — *Public notices*

148. A notice must be published at the applicant's expense at least 15 days before any sitting of the council or the planning decision committee at which a decision on an application under this division is to be made.

The notice must describe the immovable in a way that makes it identifiable, explain the nature of the application, specify the date, time and place of the sitting and mention that any interested person will be heard.

The notice is published in accordance with the rules applicable to the municipality; in the case of an application for a minor variance, an application for a conditional use or an application for a demolition authorization, and in any other case in which a by-law of the municipality so requires, the notice must be posted on or as close as possible to the building and clearly noticeable and visible from the public highway.

In the case of an application for a demolition authorization, the notice must mention that any person may file a written objection to the application in accordance with section 141 on or before the 10th day after the notice is published; the notice must also state the rule set out in the second paragraph of that section.

DIVISION IV

ACQUIRED RIGHTS

149. The council may, by by-law, provide that there are no acquired rights against by-law provisions that prohibit elements considered equivalent to protective elements or fortifications or that require the presence of plants on land. It may also, by by-law, regulate the maintenance and alteration of any billboard or sign already erected.

The by-law must prescribe the period allotted to ensure compliance with the by-law provisions concerned. The period may not be shorter than six months and begins on the sending by registered or certified mail of a notice to that effect by the municipality.

150. The council may, by by-law, provide that an acquired right to a nonconforming use or activity is forfeited if the use or activity ceases for a certain period.

The by-law must specify the duration of the period, which may not be shorter than six months, that entails forfeiture of the acquired right.

151. The council may, by by-law, regulate or prohibit the modification or worsening of any nonconforming situation protected by acquired rights.

152. The council may, by by-law, adopt rules applicable to the repair or reconstruction of a nonconforming structure or work with regard to compliance with the by-laws applicable at the time of the repair or reconstruction.

The rules adopted under the first paragraph may, among other things,

(1) include criteria with respect to the loss of value of the structure or work as a result of a fire or any other cause; and

(2) set a time limit, starting on the date of the loss of value, on the expiry of which an application for a permit for repair or reconstruction should comply with the by-laws in force at the time of the application.

153. A parcel of land enjoys acquired rights against the provisions of the subdivision by-law that govern the area and dimensions of lots if

(1) it is the remainder of a parcel of land or a lot a part of which was acquired for the purposes of a public utility, by way of expropriation or by an authority or a person having expropriation powers; and

(2) its area and dimensions met the by-law requirements in force immediately before the acquisition.

However, such acquired rights are only valid for a cadastral amendment to constitute a single lot or, in the case of land comprised in two or more original lots, a single original lot.

DIVISION V

PERMITS

§1. — *General provisions*

154. In order to ensure compliance with the by-laws adopted under this Act, a by-law of the council may provide that a permit must be obtained.

A permit, within the meaning of this Act, is an authorization given by the municipality to perform an act, occupy an immovable or exercise a use or activity in accordance with the applicable by-laws and with any discretionary decision in an individual case. A permit may also be called a certificate.

The by-law must designate an officer responsible for issuing permits. In order to ensure that the officer is provided with the information needed for or conducive to exercising that function, the by-law may also establish the procedure for applying for and issuing permits, and prescribe what documents must be filed with a permit application and their minimum content.

155. The Government may, by regulation, require the officer responsible for issuing permits to obtain certain information before issuing a building permit.

The regulation may require the information to be recorded on a prescribed form and require the municipality to send the form periodically to a recipient designated in the regulation, according to the procedure determined in the regulation.

156. Before issuing a building permit, the officer responsible for issuing permits must obtain a written declaration from the applicant stating whether

or not the permit applied for concerns a building to be used as a private seniors' residence.

On 1 April of each year, the officer sends the health and social services agency whose territory includes that of the municipality all declarations received in the preceding 12 months in which it is stated that the permit applied for concerns a building to be used as a private seniors' residence.

A "private seniors' residence" is such a residence within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).

157. No permit authorizing the subdivision of or construction work on a parcel of land entered on the list of contaminated lands provided for in section 31.68 of the Environment Quality Act that is subject to a land rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV.2.1 of Chapter I of that Act may be issued unless the application is filed with a certificate from an expert described in section 31.65 of that Act attesting that the application is consistent with the rehabilitation plan.

158. The subdivision by-law may make the issue of subdivision permits subject to compliance with the planned layout of thoroughfares as set out in the comprehensive plan and to payment of any outstanding taxes and compensations relating to the immovable concerned.

§2. — *Special requirements related to certain constraints*

159. In any part of territory identified in the comprehensive plan as being subject to health, security or environmental risks, a by-law of the council may make the issue of any permit subject to the filing by the applicant of an expert report determining

(1) that the permit may be issued despite those risks; and

(2) if so, the conditions and prescriptions to which the issue of the permit must be made subject, which may include the carrying out of work by the applicant, before or after the issue of the permit and in addition to the work covered by the application, for the purpose of effectively preventing the occurrence of the risks.

The by-law must identify the risks and determine what expert opinions are required on the basis of those risks.

If the report requires work to be carried out before the permit is issued, the permit may be issued on receipt by the municipality of a certificate from the expert attesting that the work has been carried out to the expert's satisfaction, in accordance with the conditions and prescriptions set out in the report.

A copy of the expert report must be attached to the permit issued by the competent officer.

§3. — *Parks, playgrounds and natural spaces*

160. In order to promote the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural spaces, the council may, by by-law, make the issue of subdivision permits subject to the transfer, free of charge by the applicant, of the ownership of an immovable or a land servitude to the municipality, or subject to an undertaking by the applicant to do so.

A requirement under the first paragraph does not apply to applications relating to a lot number cancellation, correction or replacement that does not entail any increase in the number of lots.

The by-law may provide that the transfer may be required prior to the issue of a building permit in the case of a building that was not subject to any transfer prior to the issue of a subdivision permit.

161. The by-law may provide that a transfer under section 160 may be replaced in whole or in part by the payment of a sum of money prior to the issue of the permit.

162. The by-law must include rules to determine the land area involved in a transfer under section 160 and its location and, if applicable, the sum of money to be paid.

The by-law may not require the transfer of an area exceeding 10% of the total area of the site, nor a sum of money exceeding 10% of the value of the site. If both a transfer and a payment are required, the total of the value of the area involved and the sum paid must not exceed 10% of the value of the site.

The rules concerning requirements prior to the issue of subdivision permits must take into account, in the applicant's favour, any transfer or any payment made at the time of a previous application concerning all or part of the site.

For the purposes of this subdivision, "site" means

(1) in the case of an application for a subdivision permit, the whole parcel of land covered by the application; or

(2) in the case of an application for a building permit, the situs of the immovable covered by the application.

163. The location involved in a transfer under section 160 is determined by agreement between the applicant and the municipality or, in the absence of agreement, by the council.

If the location is not part of the site, the agreement may prescribe any rule that departs from the rules set out in the second and third paragraphs of section 162.

164. For the purposes of this subdivision, property values are determined, as at the date the municipality receives the permit application, by a chartered appraiser commissioned by the municipality at the applicant's expense, according to the rules applicable to expropriation.

However, the by-law may provide that, if the property values to be determined concern parcels of land constituting units of assessment entered on the property assessment roll, or parts of such a unit of assessment whose values are entered separately on the roll, the property values shown on the property assesment roll of the municipality apply. In such a case, the value considered is the product obtained by multiplying the value entered on the roll for the unit or part of a unit corresponding to the parcel of land whose value must be determined by the factor of the roll determined under section 264 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

165. Any value determined by an appraiser commissioned by the municipality may be contested before the Administrative Tribunal of Québec.

Such a proceeding does not exempt the applicant from paying the sum of money and, if applicable, making the transfer on the basis of the value determined by the appraiser.

166. To submit the matter to the Tribunal, a party must serve a notice of contestation on the other party and file it and proof of service with the Tribunal. The notice must be filed with the building or subdivision permit, as applicable, and a plan and a description, signed by a land surveyor, of the parcel of land whose value is contested; an authenticated copy of any such document may be filed in place of the original.

The notice of contestation must mention the value determined by the appraiser, refer to the plan and description, summarily set out the grounds for contestation, specify the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral amendment authorized by the subdivision permit, as applicable, and request the Tribunal to determine the value of the parcel of land concerned.

The documents mentioned in the first paragraph must, on pain of dismissal of the proceeding, be filed on or before the 30th day after the building or subdivision permit is issued.

167. On the filing of the documents mentioned in the first paragraph of section 166, the applicant and the municipality become parties to the proceeding.

On or before the 60th day after the notice of contestation is served, each party must submit a statement containing its estimate of the value of the parcel of land concerned and the reasons on which it is based.

If one party fails to submit a statement, the other party may proceed by default.

168. The burden of proof lies with the party contesting the value determined by the appraiser.

169. The Tribunal may, in a decision giving reasons, either confirm the value determined by the appraiser, or redetermine the value of the land concerned as at the date the municipality received the application for a permit, which value is not required to be situated somewhere between the estimates submitted by the parties. The Tribunal also rules on the costs.

170. The provisions of the Expropriation Act (R.S.Q., chapter E-24) that are not inconsistent with sections 166 to 169 apply, with the necessary modifications, to the contestation of the value determined by the appraiser.

171. If it follows from the Tribunal's decision that the sum of money paid to the municipality by the applicant is too high, the municipality must refund the overpayment to the applicant.

If it follows from the Tribunal's decision that the total value of the area involved in the transfer and the sum of money paid is greater than it should have been, the municipality must refund an amount equal to that excess to the applicant.

In addition to the capital of the amount to be refunded, the municipality must pay to the applicant, at the same time, the interest which would have accrued on the capital, at the rate applicable to arrears on taxes in the municipality, from the date of payment to the date of the refund.

172. If it follows from the Tribunal's decision that the sum of money paid to the municipality by the applicant is insufficient, the applicant must pay the difference to the municipality.

If it follows from the Tribunal's decision that the total value of the area involved in the transfer and the sum of money paid is lower than it should have been, the applicant must pay an additional sum equal to the difference to the municipality.

In addition to the capital of the amount to be paid, the applicant must pay to the municipality the interest that would have accrued on the capital, at the rate applicable to arrears on taxes in the municipality, from the date of the payment prior to the Tribunal's decision to the date of the payment provided for in this section.

The amount to be paid is secured by a legal hypothec on the unit of assessment that includes the site.

173. The land involved in a transfer under section 160 is reserved for the establishment or enlargement of parks or playgrounds or for the preservation of natural spaces.

All sums of money paid in lieu of a transfer under section 160 and all amounts received by the municipality as consideration for the sale of land that the municipality received in full ownership under section 160 form part of a special fund.

The fund is earmarked exclusively for the acquisition or development of land to be used for parks or playgrounds, or the maintenance or restoration of natural spaces. For the purposes of this paragraph, the development of land includes the construction of accessory buildings on that land.

174. Sums of money paid in lieu of a transfer under section 160 do not constitute a tax, compensation or mode of tariffing.

§4. — *Parking*

175. The council may, by by-law, make the issue of any permit subject to payment by the applicant, in exchange for an exemption from providing all or some of the parking spaces required by the by-laws, of a sum of money into a fund earmarked exclusively for the improvement of the supply of public parking and the financing of facilities or infrastructures to facilitate alternative modes of transportation.

The by-law must include rules for determining the amount to be paid.

"Alternative modes of transportation" means active transportation such as walking and cycling, as well as public transit and any other type of group transportation.

Any sums of money the municipality pays out of the fund to the body responsible for public transit in its territory is in addition to the aliquot share normally payable under the applicable rules, and must be used for capital expenditures to improve service in the territory of the municipality.

§5. — *Transfer in respect of streets*

176. The council may, by by-law, provide that, prior to the issue of a subdivision permit, the owner of an immovable must undertake to transfer free of charge to the municipality certain parts of the immovable, duly identified on a plan filed with the application or agreed on with the municipality and in compliance with the by-laws, to be used as a right-of-way for public thoroughfares.

§6. — *Agreements relating to municipal work*

177. The council may, by by-law, make the issue of any permit subject to the signing of an agreement between the applicant and the municipality concerning the carrying out of infrastructure work or work on municipal facilities and the related bearing or sharing of costs.

The by-law must set out the manner of determining what portion of the costs is to be borne by the permit holder and what portion is to be borne by other beneficiaries of the work; it must set out the terms of payment and collection of aliquot shares from the different beneficiaries of the work and set the interest rate applicable to any unpaid amounts.

The by-law may also make the issue of any permit to the beneficiaries of the work other than the permit holder subject to the prior payment of all or part of their aliquot shares or the provision of a guaranty or security.

178. The agreement must describe the work and assign responsibility for carrying it out. The agreement may concern infrastructures or facilities, regardless of their location, intended to serve not only immovables covered by the permit but also other immovables in the territory of the municipality.

If all or part of the work is under the responsibility of the permit holder, the agreement must determine the costs related to the work, set a time limit for the work to be carried out and prescribe the penalty applicable if the work is not completed within that time.

If applicable, the agreement must determine the terms of payment of aliquot shares to the municipality by the permit holder, and must set the interest rate payable on any unpaid amounts.

The agreement must also determine the terms of remittance, by the municipality, of the aliquot shares payable by other beneficiaries of the work to the permit holder; it must set time limits for the payment to the permit holder by the municipality of amounts equivalent to any aliquot shares not paid by those beneficiaries.

The agreement must provide for the financial guaranties or securities required from the permit holder.

If the agreement provides for the payment of aliquot shares by other beneficiaries of the work, it must identify in a schedule the immovables that make them subject to such payment or provide criteria to identify those immovables; the schedule may be amended by resolution of the council of the municipality to update it or to add any immovable that makes a beneficiary of the work subject to the payment of an aliquot share.

179. The sums of money collected by the municipality under the agreement and owed to the permit holder are paid to the permit holder after deduction of the collection costs.

180. Sections 1 to 3 of the Municipal Works Act (R.S.Q., chapter T-14) do not apply to work carried out in accordance with an agreement under this subdivision. However, the rules of that Act relating to the financing of work by a municipality apply.

Section 29.3 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 14.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) do not apply to an agreement under this subdivision.

Sections 573 and 573.1 of the Cities and Towns Act and articles 935 and 936 of the Municipal Code of Québec do not apply to work carried out under the responsibility of a permit holder pursuant to an agreement under this subdivision.

181. An aliquot share paid under this subdivision does not constitute a tax, compensation or mode of tariffing.

§7.—*Affordable housing*

182. The council may, by by-law and in accordance with the policy directions, objectives, strategies and targets defined for that purpose in the comprehensive plan, make the issue of a building permit for the construction of housing units subject to the signing of an agreement between the applicant and the municipality to increase the supply of affordable housing in the territory of the municipality.

183. The agreement must provide for the inclusion in the project of a specific number of affordable dwelling units, or the building of such units elsewhere in the territory of the municipality.

184. The agreement may provide that the obligation to include affordable dwelling units in the project or build such units elsewhere in the territory of the municipality may be replaced in whole or in part by the payment of an amount of money, by the transfer of an immovable in favour of the municipality or by a formal undertaking to carry out such a transfer. The agreement may make the issue of the permit subject to such a payment, transfer or undertaking.

All amounts paid by an applicant under the first paragraph and all proceeds of the alienation by the municipality of an immovable transferred to it under the first paragraph form part of a fund exclusively earmarked for the carrying out of an affordable housing program by the municipality.

185. The by-law may establish rules to determine the number and type of affordable dwelling units that can be required and, if applicable, the amount of money that can be paid; the rules may provide that the number of units and amount of money are to be determined in the agreement, subject to a minimum and maximum number or amount determinable under the rules.

The by-law may also prescribe minimum standards for the particulars of the agreement described in section 186.

186. The agreement may contain rules or standards for the dimensions of the housing units concerned, the number of rooms they comprise, their location in the housing project or elsewhere in the territory of the municipality and their design and construction.

The agreement may establish rules under which the purchase or rental of the housing units concerned, for the period specified in the agreement, will be reserved for persons with low and moderate income.

DIVISION VI

AMENDMENT OF PLANNING BY-LAWS UPON APPLICATION

§1. — *General provisions*

187. The council of a local municipality may, by by-law, regulate applications for the amendment of the municipal planning by-laws; the by-law must establish, among other things, the application procedure and, in order to ensure that the council is provided with necessary and helpful information, must prescribe what documents must be filed with the application and their minimum content.

The council may also, in accordance with this division, regulate applications for the amendment of a specific project or an overall development plan.

188. Any authorization or refusal to authorize a specific project or an overall development plan requires the prior opinion of the planning advisory committee.

The decision referred to in the first paragraph must include reasons; if conditions are attached to a favourable decision, a guaranty or security may be required in order to ensure they are met.

189. A by-law in force, adopted under the second paragraph of section 192 or 196, may be amended without formality if

(1) the amendment may be considered minor in view of the nature of the specific project or the overall development plan as defined in the by-law;

(2) the amendment does not affect any provision of the by-law that is subject to referendum approval within the meaning of section 204; and

(3) the amendment has been the subject of an opinion of the planning advisory committee indicating that the amendment is minor within the meaning of subparagraph 1.

An amending by-law comes into force in accordance with the Act governing the municipality with respect to the matter concerned.

The municipality makes the by-law and the document explaining the nature and objectives of the amendments made by the by-law available for public inspection.

§2. — *Amendment concerning a specific project*

190. A by-law of the council may allow the council, on application and subject to certain conditions, to authorize a specific building construction, alteration or occupancy project that is at variance with a by-law provided for in Divisions II to V.

191. The by-law must delimit the parts of the territory where a specific project may be authorized.

It must establish the applicable procedure, specify what documents must be filed with the application and establish criteria for evaluating it.

192. After consulting the planning advisory committee in accordance with section 188, the council authorizes or refuses the specific project. An authenticated copy of the resolution containing the decision is sent to the applicant.

If the council authorizes the project, it also adopts a by-law making the necessary changes to integrate the project into the by-laws. The by-law is adopted and comes into force in accordance with Title VI.

The resolution adopting the by-law may set out any condition to be met in carrying out the project.

§3. — *Overall development plan*

193. A by-law of the council may authorize the council to require the production of an overall development plan for the zone concerned as a prior condition to the amendment, on application, of the planning by-laws.

194. The by-law must identify any zone with respect to which an amendment of the planning by-laws is subject to the production of an overall development plan.

It must specify, for each zone, the land uses and occupation densities applicable to an overall development plan.

It must establish the procedure for applying for an amendment to the planning by-laws when the production of an overall development plan is required.

It must prescribe the mandatory content elements of an overall development plan and the required accompanying documents, and determine the criteria for the evaluation of such a plan.

195. Before approving an overall development plan, the council may require that the owners of the immovables situated in the zone concerned bear the cost of certain content elements of the plan, particularly that of infrastructures and public facilities, or that they undertake to implement the plan within a specified time.

196. After consulting the planning advisory committee in accordance with section 188, the council authorizes or refuses the overall development plan. An authenticated copy of the resolution containing the decision is sent to the applicant.

If the council authorizes the plan, it also adopts a by-law making the necessary changes to integrate the plan into the by-laws. The by-law is adopted and comes into force in accordance with Title VI.

The resolution adopting the by-law may set out any condition to be met in carrying out the project.

CHAPTER III

REGIONAL BY-LAWS

197. A regional county municipality may regulate the planting and felling of trees in order to protect and develop private forests.

198. A regional county municipality may establish separation distances in or near agricultural zones to reduce the inconvenience caused by odours from agricultural activities or to protect a water supply source.

199. A regional county municipality may, with respect to a determined place, establish zoning or subdivision standards to reflect

(1) any factor, specific to the nature of the place, that it considers must be taken into consideration on health or security grounds or to protect riverbanks and lakeshores, littoral zones, floodplains, water environments, wetlands, underground water reserves or other ecologically sensitive environments; or

(2) the actual or potential proximity of an immovable or activity that subjects land occupancy to health, security or environmental constraints.

200. For the purposes of this chapter, the council of a regional county municipality has the powers provided for in sections 120, 121, 150 to 154 and 159 with respect to zoning, subdivision, acquired rights and permits, with the necessary modifications. It also has the powers provided for in section 149

with respect to acquired rights against by-law provisions that require the presence of plants on land.

The council of a regional county municipality also has, in the territory of the local municipalities that have a planning advisory committee, powers provided for in sections 135 to 139 with respect to minor variances. However, the by-law on minor variances to regional planning by-laws must specify which council, between that of the regional county municipality and that of the local municipalities in its territory, has the power to grant variances. In the first case, the planning advisory committee gives its opinions to the council of the regional county municipality; in the second case, a delegation to the planning decision committee by the council of a local municipality in accordance with section 112 also applies to variances from regional planning by-laws.

For the purposes of the third paragraph of section 154, the council of the regional county municipality may designate an officer in each local municipality in whose territory the by-law applies; the designation is only valid if the council of the local municipality consents to it.

201. The coming into force, in the territory of a local municipality, of a provision of a regional by-law adopted under this chapter entails the lapse of any local by-law provision concerning the same subject and of the power of the local municipality to adopt such a provision.

202. A local municipality which is the central municipality of an urban agglomeration and whose territory is not situated within the territory of any regional county municipality also has the powers provided for in this chapter.

TITLE VI

ADOPTION AND COMING INTO FORCE OF PLANNING BY-LAWS OF LOCAL MUNICIPALITY

CHAPTER I

INTRODUCTORY PROVISIONS

203. This Title determines the formality requirements for the adoption and coming into force of a planning by-law of a local municipality.

These requirements concern information and prior public consultation with respect to a draft by-law, referendum approval of certain by-laws, and the examination of certain by-laws for conformity with the regional sustainable land use and development plan of the regional county municipality.

The requirements apply to any by-law

(1) amending the zoning by-law, subdivision by-law or building by-law of the municipality;

(2) replacing a by-law referred to in subparagraph 1, subject to section 223; and

(3) referred to in any of sections 123, 128, 130, 132, 135, 140, 149 to 152, 159, 160, 175, 176, 177, 182, 190 and 193.

204. For the purposes of this Title, a provision is subject to referendum approval if, once in force, it would operate to modify, in a specific place,

(1) the list of authorized uses, including conditional uses; or

(2) a standard relating to the authorized dimensions or type of buildings, except a standard relating to accessory buildings.

A provision adopted under section 130 establishing, as an incentive, an alternate standard with respect to either of the subjects listed in subparagraph 2 of the first paragraph is also subject to referendum approval.

205. Despite section 204, the following are not subject to referendum approval:

(1) any provision insofar as it applies to a zone exempt from referendum approval delimited in accordance with section 82;

(2) any provision adopted

(*a*) to reflect any factor, specific to the nature of a place, which is taken into consideration on health or security grounds, to protect riverbanks and lakeshores, littoral zones, floodplains, water environments, wetlands, underground water reserves or other ecologically sensitive environments; or

(*b*) because of the actual or potential proximity of an immovable or activity that subjects land occupancy to health, security or environmental constraints; and

(3) any provision to allow the carrying out of a housing project for persons requiring assistance, protection, care or lodging, particularly within the framework of a social housing program implemented under the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

CHAPTER II

INFORMATION AND PUBLIC CONSULTATION WITH RESPECT TO DRAFT BY-LAW

DIVISION I

RESOLUTION OF INTENTION AND DRAFT BY-LAW

206. A council of a local municipality that intends to adopt a by-law to which this Title applies must express that intention in a resolution. The council adopts a draft by-law by the same resolution.

The resolution must explain the content and objectives of the draft by-law and relate them to the policy directions, objectives, strategies and targets defined in the comprehensive plan.

If applicable, the resolution must also explain the specific nature of the building construction or alteration project already submitted to the municipality which the draft by-law is intended to authorize.

DIVISION II

INFORMATION AND PUBLIC CONSULTATION WITH RESPECT TO DRAFT BY-LAW CONTAINING NO PROVISIONS SUBJECT TO REFERENDUM APPROVAL

207. A policy of the council must determine the information and consultation procedure that applies to a draft by-law containing no provisions subject to referendum approval. The policy may prescribe different rules according to the class of draft by-law it specifies.

If no such policy is in force, Division III applies to such a draft by-law, with the necessary modifications.

208. The policy must prescribe, as a minimum requirement, the publication of a notice addressed to the persons concerned stating the purpose of the draft by-law and the date of the sitting of the council at which the draft by-law is to be adopted.

If the policy provides that a public consultation meeting is to be held, it may specify the composition of a commission for that purpose; in such a case, the notice provided for in the first paragraph must also contain information enabling any person who so desires to attend the meeting.

209. The adoption of the policy is preceded by the adoption of a draft policy, to which Division III applies with the necessary modifications.

DIVISION III

INFORMATION AND PUBLIC CONSULTATION WITH RESPECT TO DRAFT BY-LAW CONTAINING ONE OR MORE PROVISIONS SUBJECT TO REFERENDUM APPROVAL

§1. — *Application*

210. This division applies to any draft by-law containing one or more provisions described in section 204, including such provisions that are exempt from referendum approval under section 205.

§2. — *Information*

211. The municipality produces a document explaining the nature and objectives of the draft by-law and how it will contribute to achieving the policy directions, objectives, strategies and targets defined in the comprehensive plan, and identifying the parts of the territory of the municipality concerned. If applicable, the document must identify the provisions of the draft by-law that are exempt from referendum approval pursuant to section 82 and reiterate the reasons for the exemption in relation to the policy directions, objectives, strategies and targets referred to in that section.

The municipality makes the draft by-law and the document referred to in the first paragraph available for public inspection.

212. With respect to any provision of the draft by-law described in the third paragraph of section 206, the document referred to in section 211 must state the reasons why, in the opinion of the council, the project is admissible, in particular in relation to its contribution to the policy directions and the achievement of objectives, strategies and targets defined in the comprehensive plan; it must also explain as thoroughly as possible, given the availability of information at the time,

(1) the nature of the project;

(2) the components of the project that do not comply with the applicable by-laws and thus require an amendment to those by-laws;

(3) the nature of the amendments needed to the by-laws for the carrying out of the project; and

(4) the significant impacts the project would have on its immediate environment.

213. If the draft by-law contains a provision described in the third paragraph of section 206, the municipality holds an information meeting.

The information meeting is conducted by a commission whose members are designated by the council, possibly from among the council members; the chair

of the commission is also designated by the council. The commission may be assisted by any officer or employee of the municipality or any expert commissioned for that purpose by the council.

The purpose of the information meeting is to give attendees the information required to understand the draft by-law, and to answer their questions.

A further purpose of the information meeting is to identify any provision described in the third paragraph of section 206, to present the building construction or alteration project referred to in that provision as well as any provision that is subject to referendum approval, and to explain the nature of that provision and the referendum approval procedure provided for in sections 218 to 221 in greater detail.

§3. — *Consultation*

214. The municipality holds a public consultation meeting.

If an information meeting has been held in accordance with section 213, the consultation meeting is conducted by the same commission, at least seven days afterwards. The purpose of the consultation meeting is to reiterate and complete the information already given during the information meeting, answer the attendees' questions and give attendees an opportunity to voice their views.

If no information meeting has been held, the consultation meeting is conducted by a commission established in accordance with the second paragraph of section 213, and serves as both an information meeting and a consultation meeting.

215. On or before the 15th day before the information meeting or, as applicable, the meeting referred to in the third paragraph of section 214, a public notice is given by the municipality.

The notice must contain the information required to understand the purpose and objectives of the draft by-law; it must also contain information enabling any person who so desires to attend any meeting.

The notice must also state

(1) that an information document is available for public inspection on the municipality's website or at its office;

(2) whether or not the draft by-law contains one or more provisions subject to referendum approval;

(3) that the commission will receive oral and written comments at the consultation meeting, and that the meeting may involve more than one session, any subsequent sessions to be announced to the attendees of the first session; and

(4) that the municipality will receive written comments until the date specified in the notice, which must not be prior to the 15th day after the consultation meeting.

The notice must include information identifying the parts of the territory of the municipality affected by the draft by-law; if this information is approximate, the notice must mention that more specific information on the subject is available on the municipality's website or at its office.

If the draft by-law contains a provision described in the third paragraph of section 206, a notice, noticeable and clearly visible from the public highway, must be posted on the immovable or as close to the immovable as possible. The notice must summarize the nature of the project, state where necessary information may be obtained and contain information enabling any person who so desires to attend the information and consultation meetings. The notice must remain posted from the 15th day before the information meeting or, as applicable, before the meeting referred to in the third paragraph of section 214, until the deadline for receiving written comments referred to in subparagraph 4 of the third paragraph of this section.

216. After the expiry of the period for receiving written comments after the consultation meeting, the municipality sees that a consultation report is prepared.

The report is tabled before the council.

The municipality makes the report available for public inspection on site.

CHAPTER III

ADOPTION OF BY-LAW

217. The by-law may be adopted after the consultation report is tabled before the council.

The resolution adopting the by-law must set out the substantial changes made to the draft by-law or, as applicable, must state that no substantial changes have been made.

Despite section 356 of the Cities and Towns Act and article 445 of the Municipal Code of Québec, no notice of motion is necessary prior to the adoption of the by-law.

CHAPTER IV

REFERENDUM APPROVAL

DIVISION I

AMENDING BY-LAW

218. Any provision of a by-law that is subject to referendum approval must be approved by the qualified voters in accordance with the Act respecting elections and referendums in municipalities.

For the purposes of Title II of that Act,

(1) each provision that is subject to referendum approval is deemed to constitute a separate by-law;

(2) for each provision that is subject to referendum approval, the sector concerned comprises every zone in whose respect the provision operates to modify, add or eliminate any of the standards referred to in section 204, and any zone contiguous to such a zone;

(3) subparagraph 3 of the second paragraph of section 532 of that Act does not apply; and

(4) for the purposes of section 535 of that Act, the number of applications considered is the total number of applications required with respect to the whole by-law.

For the purposes of the second paragraph, if a provision of the by-law affects two or more zones, it is deemed to constitute as many separate provisions applicable to each of those zones.

219. If it is necessary to hold a simultaneous registration procedure in respect of two or more provisions of the by-law, in accordance with section 540 of the Act respecting elections and referendums in municipalities, a single notice may, despite the second paragraph of that section, be published with respect to provisions of the by-law which do not concern the same qualified voters.

In such a case, section 539 of that Act applies with the following modifications:

(1) the obligation under the second paragraph of that section to identify the group of persons for whom the notice is intended in the title of the notice is met if the title mentions that the notice is intended for two or more separate groups of qualified voters;

(2) a summary description and a sketch and description for each sector concerned and a statement of the number of applications required for each

sector in order for a referendum poll to be held may, if they are not included in the notice, be included in separate notices meeting the requirements of that section and distributed by mail or otherwise in each sector concerned; and

(3) a statement of the object of each provision, required under subparagraph 1 of the third paragraph of that section, may be replaced by a statement to the effect that the purpose of the provisions is explained in an information document, a copy of which may be obtained by any person.

In addition to the information required under section 539 of that Act, the notice must also identify the number of every provision of the by-law which is the subject of the notice and the register.

The notice distributed in accordance with subparagraph 2 of the second paragraph must be received on or before the fifth day before the register opens.

220. If, following the qualified voter registration procedure, a referendum poll must be held with respect to any provision of the by-law, the by-law may not come into force.

The council may, as a replacement and without formality, adopt a by-law that contains no provisions with respect to which a referendum poll must be held; the by-law is deemed to be approved by the qualified voters.

221. The council may also adopt one or more by-laws each of which contains only those provisions of the by-law adopted under section 217 that must be submitted to a referendum poll involving the same group of qualified voters. Any such by-law must be adopted at the meeting at which the council sets the polling date in accordance with section 558 of the Act respecting elections and referendums in municipalities.

For the purposes of the provisions of that Act that concern the holding of a referendum poll, the date of reference is the date the by-law referred to in section 217 is adopted.

DIVISION II

REPLACEMENT BY-LAW

222. The council of a local municipality must, on pain of nullity, adopt a new zoning by-law to replace the existing one on the same day it adopts a new comprehensive plan to replace the existing one.

Moreover, the council may not initiate a simultaneous comprehensive plan and by-law replacement process under the first paragraph before the expiry of five years after the coming into force of the comprehensive plan to be replaced.

223. Despite sections 218 to 221, a by-law establishing a new zoning by-law to replace the existing one in accordance with section 222 must be approved by the qualified voters in the whole territory of the municipality, in accordance with the Act respecting elections and referendums in municipalities.

However, the referendum approval process provided for in that Act may not begin before the by-law is found to be in conformity with the RCM plan. Consequently, the period during which the register is to be open under section 535 of that Act and the 120-day period during which the referendum poll is to be held under section 568 of that Act both begin on the day after the by-law is found by the council of the regional county municipality or by the Commission municipale to be in conformity with the RCM plan in accordance with Chapter V.

The first paragraph does not apply to a by-law adopted at the same time as the comprehensive plan in accordance with section 222 and already approved by the qualified voters which must be re-adopted, in accordance with that section, without amendment and at the same time as another by-law that must be adopted to replace a by-law that did not come into force because it was found not to be in conformity with the RCM plan or was not approved by the qualified voters.

CHAPTER V

CONFORMITY WITH RCM PLAN

DIVISION I

GENERAL PROVISIONS

224. A by-law must be examined by the council of the regional county municipality for conformity with the RCM plan in accordance with this chapter. For that purpose, an authenticated copy of the by-law is sent to the regional county municipality.

However, despite section 203, the first paragraph does not apply to a by-law referred to in any of sections 135, 140, 175 and 176, or to a by-law adopted by the council of a regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization.

225. The council of the regional county municipality must give its opinion on or before the 120th day after it is sent the copy of the by-law.

As soon as the resolution is passed, an authenticated copy is sent to the local municipality.

If the resolution denies approval of the by-law, it must include reasons and identify the provisions that are not in conformity with the RCM plan.

If the resolution approves the by-law, the secretary of the regional county municipality issues a certificate of conformity and sends an authenticated copy to the local municipality.

226. If the council of the regional county municipality denies approval of the by-law or fails to give an opinion within the period prescribed, the council of the local municipality may request the opinion of the Commission municipale on the conformity of the by-law with the RCM plan.

Authenticated copies of the resolution requesting the opinion and of the by-law are served on the Commission; an authenticated copy of the resolution is served on the regional county municipality.

The copies addressed to the Commission must be received by the Commission on or before the 45th day after the copy of the resolution denying approval of the by-law is sent to the local municipality or, as applicable, after the expiry of the 120-day time limit prescribed in section 225.

227. If the council of the regional county municipality denies approval of the by-law, the council of the local municipality, instead of requesting the Commission's opinion, may adopt either

(1) a single by-law containing only the content elements of the by-law that did not cause approval to be denied; or

(2) both such a by-law and another by-law containing content elements of the by-law that caused approval to be denied.

The provisions of sections 206 to 216 relating to the adoption of a draft by-law, to information and to public consultation do not apply to a by-law adopted under the first paragraph. The council of the local municipality may, by the same resolution, request the Commission's opinion on a by-law provided for in subparagraph 2 of the first paragraph.

The first two paragraphs do not apply to a replacement by-law adopted under section 222.

228. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting it under section 226 or 227.

If the opinion indicates that the by-law is not in conformity with the RCM plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the regional county municipality and the local municipality.

229. If the Commission's opinion indicates that the by-law is in conformity with the RCM plan, the secretary of the regional county municipality must, as

soon as practicable after receiving the copy of the opinion, issue a certificate of conformity with respect to the by-law and send an authenticated copy to the local municipality.

230. If the by-law for which the council of the regional county municipality denies approval is a harmonization by-law referred to in section 54, the council of the regional county municipality must ask the council of the local municipality to replace it if

(1) the local municipality has not requested the Commission's opinion; or

(2) the Commission's opinion indicates that the by-law is not in conformity with the RCM plan.

The council of the regional county municipality sets a deadline for the replacement, which must not be earlier than the 45th day after an authenticated copy of the resolution requesting the replacement is sent to the local municipality.

If the council of the local municipality fails to adopt a replacement by-law before the deadline set under the second paragraph, the council of the regional county municipality may do so in its place; sections 57 and 58 apply, with the necessary modifications.

The provisions of sections 206 to 216 relating to the adoption of a draft by-law, to information and to public consultation do not apply to a by-law that differs from the by-law it replaces, at the request of the council of the regional county municipality, only so as to bring it into conformity with the RCM plan.

DIVISION II

PROVISIONS SPECIFIC TO BY-LAW SUBJECT TO REFERENDUM APPROVAL

231. If, at the time an authenticated copy of a by-law is sent to the regional county municipality in accordance with section 224, the by-law is not yet deemed approved by the qualified voters, the local municipality must inform the regional county municipality that the by-law must receive such approval; in such a case, despite sections 225 and 229, the secretary of the regional county municipality may only issue the certificate of conformity on or after the date the local municipality informs it that the by-law is deemed to have received such approval.

If, at the time an authenticated copy of the by-law is sent to the regional county municipality, the by-law is deemed approved by the qualified voters, the local municipality informs the regional county municipality of that fact.

In the case of a replacement by-law referred to in section 222, an authenticated copy of the by-law must be sent to the regional county municipality as soon as the by-law is adopted.

232. Any by-law adopted under section 227 containing a provision that entailed, in respect of the by-law which was denied approval by the council of the regional county municipality, the application of the referendum approval process must be approved by the same qualified voters, regardless of any change in the date of reference within the meaning of the Act respecting elections and referendums in municipalities. However, the by-law is deemed to have received such approval if, on the date of its adoption, the by-law which was denied approval by the council of the regional county municipality is deemed to have been approved by the qualified voters.

CHAPTER VI

COMING INTO FORCE

233. Any by-law to which Chapter V applies comes into force on the date a certificate of conformity is issued in its regard. However, if the certificate of conformity is, despite the first paragraph of section 231, issued by the secretary of the regional county municipality before the by-law receives the approval of the qualified voters, the by-law comes into force at the time it is deemed to have received such approval under the Act respecting elections and referendums in municipalities.

In the case of a replacement by-law adopted under section 222, the certificates of conformity with respect to the comprehensive plan and the zoning by-law must be issued on the same day, failing which the comprehensive plan and the zoning by-law come into force on the date the last certificate is issued.

A by-law that comes into force in accordance with the first or second paragraph is deemed to be in conformity with the RCM plan. The local municipality publishes a notice to that effect on its website or in a newspaper circulated in its territory, and posts the notice at its office.

234. Any other by-law adopted under this Act comes into force in accordance with the Act that governs the municipality.

CHAPTER VII

TEMPORARY RESTRICTIONS TO ISSUING PERMITS

235. On adopting a draft by-law under section 206, the council of a local municipality may prohibit the issue of any permit authorizing an act, a type of occupation, a use or an activity that the draft by-law seeks to prohibit.

The prohibition ceases to have effect on the date that occurs eight months after the resolution is adopted if the by-law is not in force on that date. However,

the council may specify that the resolution will cease to have effect before that date.

236. A council that plans to adopt a draft by-law in accordance with section 206 may, before adopting it, prohibit the issue of any permit authorizing an act, a type of occupation, a use or an activity.

The resolution passed under the first paragraph must specify the nature of the permits that may not be issued; the resolution ceases to have effect on the 60th day after the date it is passed if the draft by-law has not been adopted by that date; otherwise, it ceases to have effect eight months after the draft by-law is adopted.

TITLE VII

ADOPTION AND COMING INTO FORCE OF CERTAIN REGIONAL COUNTY MUNICIPALITY PLANNING BY-LAWS

CHAPTER I

APPLICATION

237. This Title applies to by-laws adopted under any of sections 197 to 202.

CHAPTER II

DRAFT BY-LAW, INFORMATION AND PUBLIC CONSULTATION

238. The council of the regional county municipality adopts a draft by-law.

239. The regional county municipality produces a document that explains the nature and objectives of the draft by-law and that identifies the parts of its territory it affects.

It makes the draft by-law and the document referred to in the first paragraph available for public inspection on site.

240. The regional county municipality holds a public consultation on the draft by-law, in accordance with an information and public consultation policy adopted by its council.

The policy must provide for at least one public consultation meeting, and include measures to ensure that clear, complete information concerning the draft by-law and information enabling any person to attend such a meeting is effectively circulated throughout the territory of the regional county municipality.

The policy must also include measures to encourage public participation and open discussion on the subject of the consultation and to allow members of the public to make comments or suggestions orally or in writing.

241. The regional county municipality sees that a consultation report is prepared.

The report is tabled before the council.

The regional county municipality makes the report available for public inspection.

CHAPTER III

ADOPTION OF BY-LAW AND EXAMINATION OF CONFORMITY WITH RCM PLAN

242. The by-law may be adopted after the consultation report is tabled before the council.

The resolution adopting the by-law must set out the substantial changes made to the draft by-law or, as applicable, must state that no substantial changes have been made.

An authenticated copy of the by-law is sent to every local municipality whose territory is situated within the territory of the regional county municipality.

Despite section 356 of the Cities and Towns Act and article 445 of the Municipal Code of Québec, no notice of motion is necessary prior to the adoption of the by-law.

243. If the council of a local municipality whose territory is affected by the by-law considers that the by-law is not in conformity with the RCM plan, it may request the opinion of the Commission municipale as to such conformity.

The resolution requesting the opinion must be served on the Commission and received by it on or before the 30th day after an authenticated copy of the by-law is sent to the local municipality under the third paragraph of section 242. A copy of the resolution is sent to the regional county municipality.

244. The Commission must issue its opinion on or before the 60th day after receiving a copy of the resolution requesting it.

If the opinion indicates that the by-law is not in conformity with the RCM plan, it may include suggestions of the Commission on how to bring it into conformity.

The secretary of the Commission sends an authenticated copy of the opinion to the regional county municipality and to every local municipality whose territory is situated within the territory of the regional county municipality.

245. Sections 238 to 241 do not apply to a new by-law that differs from the by-law it replaces, following the issue of the Commission's opinion, only so as to bring it into conformity with the RCM plan.

CHAPTER IV

COMING INTO FORCE

246. The by-law comes into force on the day the Commission issues an opinion indicating that the by-law is in conformity with the RCM plan or, if no request has been made under section 243, on the 31st day after the authenticated copy of the by-law is sent to the local municipality under the third paragraph of section 242.

247. On the coming into force of the by-law, the regional county municipality has a notice to that effect published on its website or in a newspaper circulated in its territory.

CHAPTER V

TEMPORARY RESTRICTIONS TO ISSUING PERMITS

248. On adopting a draft by-law under section 238, the council of the regional county municipality may prohibit the issue of any permit authorizing an act, a type of occupation, a use or an activity that the draft by-law seeks to prohibit.

The prohibition ceases to have effect on the date that occurs eight months after the resolution is adopted if the by-law is not in force on that date. However, the council may specify that the resolution will cease to have effect before that date.

TITLE VIII

AGRICULTURAL MATTERS

CHAPTER I

APPLICATION

249. In this Act, "agricultural zone" means an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) and "agricultural activities" means agricultural activities within the meaning of that Act.

CHAPTER II

AGRICULTURAL ADVISORY COMMITTEE

250. A competent body whose territory includes an agricultural zone must establish an agricultural advisory committee.

Any other competent body may establish such a committee.

251. A competent body that has established an agricultural advisory committee must determine the number of members who are to sit on the committee.

252. The competent body appoints the committee members from among the following persons:

(1) the members of the council of the competent body;

(2) the members of the council of any municipality whose territory is situated within the territory of the competent body;

(3) farm producers, within the meaning of the Farm Producers Act (R.S.Q., chapter P-28), who are not members of a council referred to in subparagraph 1 or 2, reside in the territory of the competent body and are on a list drawn up by the certified association within the meaning of that Act; and

(4) persons residing in the territory of the competent body who are not eligible under any of subparagraphs 1 to 3.

At least half of the committee members must be chosen from among the farm producers described in subparagraph 3 of the first paragraph.

If the territory of the competent body includes that of a core city and the competent body appoints committee members from among its own council members, one of them must be a representative of the core city, unless the core city has waived that requirement. A "core city" is any local municipality whose territory corresponds to a census agglomeration, as defined by Statistics Canada, or any local municipality whose territory is situated within such an agglomeration and whose population is the highest among all the local municipalities whose territories are situated within that agglomeration.

The council of the competent body may, subject to the second and third paragraphs, determine the number of committee members who must be chosen under a particular subparagraph of the first paragraph.

The list referred to in subparagraph 3 of the first paragraph must include a number of names equal to the lesser of twice the minimum number of committee members who must be chosen under that subparagraph and the total number of farm producers, within the meaning of the Farm Producers Act, who reside in the territory of the competent body.

253. The competent body must determine the term of the committee members. It may provide for cases in which a committee member may be replaced before the expiry of his or her term.

A committee member ceases to hold office either on the expiry of the term or on being replaced, resigning, or ceasing to be eligible under the first paragraph of section 252. A committee member who, in accordance with the second paragraph of that section or with a resolution passed under the fourth paragraph of that section, was appointed under a particular subparagraph of the first paragraph of that section ceases to hold office as a committee member on ceasing to be eligible under that subparagraph.

A resigning member sends a signed resignation to the competent body. The resignation takes effect on the date it is received.

254. The competent body designates the chair of the committee from among its members. The first paragraph of section 253 applies, with the necessary modifications, to the chair.

The chair ceases to hold office as chair either on the expiry of the term or on being replaced, ceasing to be a member of the committee or resigning from the office of chair.

A resigning chair sends a signed resignation notice to the competent body. The resignation takes effect on the date the notice is received.

255. The function of the committee is to examine, at the request of the council of the competent body or on its own initiative, any matter relating to agricultural land use planning, agricultural activities, and environmental considerations pertaining to such planning or activities.

The committee also gives the council of the competent body any opinion it considers appropriate.

256. The committee may make internal rules.

Subject to sections 257 to 260, the meetings of the committee are called and conducted according to those rules.

257. The chair of the committee presides at meetings of the committee.

If the chair is unable to act, or if the office of chair is vacant, the committee members present at a meeting designate a member from among their number to preside at the meeting.

258. The quorum at committee meetings is a majority of its members.

259. Each committee member has one vote.

260. The adoption of the internal rules and the opinions of the committee require a majority of the votes cast.

The committee reports on its work and opinions in a report signed by the chair or a majority of the committee members.

The report is tabled at a sitting of the council of the competent body.

261. The competent body may allocate funds to the committee and assign personnel to assist it in carrying out its functions.

CHAPTER III

PROVISIONS SPECIFIC TO AGRICULTURAL MATTERS

262. Any RCM plan applicable in a territory that includes an agricultural zone must include parameters for the determination, under section 263, of separation distances to reduce the inconvenience caused by odours from agricultural activities.

263. A zoning by-law may not establish a separation distance in an agricultural zone except for the purpose of protecting a water supply source or reducing the inconvenience caused by odours from agricultural activities. The zoning by-law may, for the same purposes, establish any separation distance between places where manure is spread and non-agricultural structures or uses.

For any other purpose, the separation distances may only apply to other structures or uses on adjacent lots situated in contiguous zones.

264. A limiting measure applicable in an agricultural zone may only, as concerns agricultural uses, apply to hog farms; moreover, the only limiting measures possible with respect to hog farming consist in prescribing the maximum number of sites that may be used for hog farming, the minimum distance required between such sites and the maximum floor or land area allowed.

265. A resolution granting a minor variance in accordance with section 138 may impose, from among the conditions referred to in that section, any condition set out in section 272 if the variance concerns non-compliance, during the construction or expansion of a livestock facility or building not described in the first paragraph of section 271 and intended for hog farming, with separation distances prescribed in a provision of the zoning by-law of the municipality or, if there is no such provision in the zoning by-law, in the Guidelines respecting odours caused by manure from agricultural activities (2003, G.O. *2*, 1919A) applicable in such a case under section 38 or 39 of the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, chapter 35).

266. A prohibition under section 123 on the grounds that a parcel of land is not properly served by public water and sewer services does not apply to structures for agricultural purposes on lands under cultivation.

The zoning by-law may also exempt such structures from any other prohibition it specifies, except a prohibition applicable to a residence on the grounds that the residence is or will not be properly served by private water and sewer services in compliance with the Environment Quality Act and the regulations or any municipal by-law relating to the same subject.

267. No provision concerning conditional uses adopted under section 128 is applicable to agricultural activities in an agricultural zone.

268. No provision adopted under section 159 may, as it relates to the issue of a permit with respect to an agricultural activity in an agricultural zone, have any other purpose than to prevent security or environmental risks.

CHAPTER IV

PROVISIONS SPECIFIC TO HOG FARMS

DIVISION I

GENERAL PROVISIONS

269. An applicant for a permit to build, convert or expand a building intended for hog farming must file the following documents signed by a member of the Ordre des agronomes du Québec together with the application:

(1) a document indicating whether or not an agro-environmental fertilization plan has been drawn up for the hog farm;

(2) a summary of the plan referred to in subparagraph 1, if any; and

(3) a document, incorporated into the summary required under subparagraph 2, if any, setting out

(*a*) for each parcel of land under cultivation, the doses of fertilizer materials to be used and the manuring methods and periods;

(*b*) the name of any other municipality, referred to as "other interested municipality" in this chapter, in whose territory liquid manure from the hog farm is to be spread; and

(*c*) the annual phosphorus (P_2O_5) production resulting from the activities of the hog farm.

For the purposes of this chapter, "annual phosphorus (P_2O_5) production" means the annual volume in cubic metres of livestock waste produced per

raising facility multiplied by the average phosphorus (P_2O_5) concentration in kilograms per cubic metre of that livestock waste.

270. On or before the 30th day after receiving the permit application, the competent municipal officer informs the applicant whether the application is admissible under the applicable municipal by-laws, and issues the permit if the application is admissible.

The first paragraph applies subject to section 271.

DIVISION II

CONDITIONS

271. Despite section 270, this division and Divisions III to V apply prior to the issue of the permit

(1) if the application concerns the establishment, in the territory of the municipality, of a new hog farm involving an annual phosphorus (P_2O_5) production of over 1,600 kilograms; or

(2) if the application involves an increase of more than 3,200 kilograms in the annual phosphorus (P_2O_5) production of an existing hog farm, either by itself or in combination with the production resulting from an application made less than five years before.

For the purposes of the first paragraph, a hog farm is deemed to be a new hog farm if it cannot be operated on the immovable where an existing hog farm is operated or on an immovable that is contiguous to it or would be contiguous to it were it not separated by a watercourse, a thoroughfare or a public utility network.

The municipality must notify any other interested municipality that liquid manure from the hog farm is to be spread in its territory.

272. In view of the particular context of the application and in order to ensure the harmonious coexistence of hog farms and non-agricultural uses while promoting the development of hog farms, the council may make the issue of a permit subject to any or all of the following conditions:

(1) that liquid manure storage facilities be covered at all times in order to substantially reduce the resulting odours;

(2) that liquid manure be spread in such a way as to ensure that it is incorporated into the soil within 24 hours whenever it is possible to do so without harming the crops, even in the territory of any other interested municipality;

(3) that separation distances between the facility or building for which the permit application is made and non-agricultural uses, specified by the council and different from those applicable under provisions of the zoning by-law of the municipality or, if there are no such provisions in the zoning by-law, under the Guidelines respecting odours caused by manure from agricultural activities, be complied with;

(4) that an odour barrier determined by the council and designed to substantially reduce odour dispersion be installed within the time specified by the council;

(5) that facilities or buildings have equipment designed to reduce the consumption of water.

273. On or before the 15th day after the resolution is passed, the secretary of the municipality sends the applicant an authenticated copy of the resolution and a notice stating that the applicant may request conciliation in accordance with section 285.

If, in accordance with section 276, sections 277 to 284 apply prior to the issue of the permit, a copy of the report adopted under section 282 and of the resolution adopting it must also be sent to the applicant.

In addition, the secretary posts at the office of the municipality and publishes in a newspaper circulated in the territory of the municipality and in the territory of any other interested municipality a notice stating that any person may consult the report and the resolution referred to in the first or second paragraph on the municipality's website or at its office, or obtain a copy of them.

274. Failure to comply with a condition imposed under section 272 constitutes an offence that may be prosecuted by the municipality that issued the permit. Section 369 of the Cities and Towns Act and article 455 of the Municipal Code of Québec apply for the purpose of determining the amount of the fine.

275. The holder of a permit that is subject to the condition set out in paragraph 2 of section 272 must send notice of that condition, by registered or certified mail, to any person who, under an agreement, may spread liquid manure from the hog farm for which the permit was issued, failing which the permit holder is liable for the payment of any fine imposed on that person. A copy of the notice must also be sent in the same manner to the municipality and to any other interested municipality.

DIVISION III

INFORMATION AND PUBLIC CONSULTATION

276. Sections 277 to 284 apply prior to the issue of a permit.

However, they apply optionally, on a decision of the council, if the council is satisfied that the project submitted for a permit already adequately meets all the conditions set out in section 272.

277. If the project submitted requires an authorization certificate under the Environment Quality Act, the Minister of Sustainable Development, Environment and Parks sends the municipality an authenticated copy of the certificate; otherwise, a written confirmation that no certificate is required is sent to the municipality by that Minister.

The certificate or written confirmation must be sent on or before the 15th day after it is issued.

278. On or before the 30th day after the later of the date the copy of the certificate or written confirmation is received and the date the competent municipal officer informs the applicant of the admissibility of the application in accordance with section 270, a public consultation meeting must be held on the permit application in order to inform and to hear the citizens of the municipality and any other interested municipality, receive their comments and answer their questions; written comments are also accepted by the municipality until the 15th day after the meeting is held.

The meeting is conducted by a commission chaired by the mayor of the municipality and composed of the mayor and at least two other council members designated by the mayor.

The applicant or a representative designated by the applicant must also be present.

If the applicant is the mayor, the commission is chaired by the acting mayor. If the applicant is a council member, that council member may not sit on the commission.

279. The council sets the date, time and place of the meeting; it may delegate all or part of that power to the secretary of the municipality.

The council may make any rule concerning the conduct of the meeting.

280. On or before the 15th day before the meeting, the secretary of the municipality posts a notice of the date, time, place and purpose of the meeting at the office of the municipality, publishes the notice in a newspaper circulated in the territory of the municipality and any other interested municipality, and sends the notice, by registered or certified mail, to the applicant and

(1) to any other interested municipality;

(2) to the competent body with respect to the RCM plan applicable in the territory of the municipality; and

(3) to the Minister of Agriculture, Fisheries and Food, the Minister of Sustainable Development, Environment and Parks and the public health director for the region appointed under section 372 of the Act respecting health services and social services, who must each delegate a representative to attend the meeting.

The notice must identify the site for which the application is made, using the names of thoroughfares insofar as possible, and illustrate that site by means of a sketch.

The notice must mention that all the documents filed by the applicant are available for public inspection on the municipality's website or at its office; it must also mention that the commission will receive written comments at the meeting and that such comments will be accepted by the municipality until the 15th day after the meeting.

281. During the meeting, the applicant or the applicant's representative presents the project.

The commission hears the citizens of the municipality and of any other interested municipality; the applicant or the applicant's representative, the commission, the representatives of the ministers and the public health director for the region referred to in subparagraph 3 of the first paragraph of section 280 answer the questions asked by citizens.

Written comments may be received at the meeting; the commission must mention that such comments will be accepted by the municipality until the 15th day after the meeting.

282. On or before the 30th day after the expiry of the period during which written comments are accepted by the municipality, the council adopts a report.

The resolution adopting the report must include reasons and list the conditions which the council intends to make the issue of the permit subject to in accordance with section 272.

DIVISION IV

INFORMATION AND CONSULTATION BY REGIONAL COUNTY MUNICIPALITY

283. The public meeting provided for in section 278 must be held by the regional county municipality whose territory includes the territory of the local municipality if the council of the local municipality passes a resolution to that effect and sends an authenticated copy of the resolution and a copy of all the documents filed by the applicant in support of the application to the regional county municipality, by registered or certified mail, on or before the 15th day after the later of the date the municipality receives a copy of the certificate or

the written confirmation referred to in section 277 from the Minister of Sustainable Development, Environment and Parks and the date the competent municipal officer informs the applicant of the admissibility of the application.

The public meeting is held on or before the 30th day after receipt of the resolution referred to in the first paragraph and is conducted by a commission composed of the warden, the mayor of the local municipality and at least one other member of the council of the regional county municipality designated by the warden and chaired by the warden. If the warden is also the mayor of the local municipality, the commission is composed of the warden and two other members of the council of the regional county municipality designated by the warden, from among whom the warden designates a chair. The meeting must be held in the territory of the local municipality.

If the warden or the mayor is the applicant, that person is replaced by the deputy warden or the acting mayor, as applicable.

284. The council of the regional county municipality sets the date, time and place of the meeting; it may delegate all or part of that power to the secretary.

Sections 280 to 282 apply, with the necessary modifications.

On or before the 10th day after the report is adopted under the first paragraph of section 282, the competent body sends an authenticated copy to the municipality. The municipality passes the resolution referred to in the second paragraph of that section at its first regular meeting following receipt of the copy of the report.

DIVISION V

CONCILIATION

285. On or before the 15th day after the notice is sent under section 273, the applicant may send the Minister of Municipal Affairs, Regions and Land Occupancy a request for conciliation, by registered or certified mail. The applicant must send a copy of the request to the municipality at the same time and in the same manner.

286. If the Minister receives a request for conciliation within the period prescribed, the Minister appoints a conciliator on or before the 15th day after receiving the request from among the persons named on a list jointly drawn up beforehand by the Minister and the Minister of Agriculture, Fisheries and Food.

The remuneration of the conciliator and the rules governing the reimbursement of the conciliator's expenses are determined by the Minister; the remuneration and expenses are paid by the Government.

The Minister may not exercise the power provided for in the first paragraph if the municipality did not receive a copy of the request within the period prescribed.

287. On or before the 30th day after being appointed, the conciliator reports to the municipality and to the applicant.

If the parties have agreed on conditions, among those set out in section 272, for the issue of the permit, the report gives an account of the agreement. If no agreement has been reached, the conciliator must, in making recommendations, take into account the impact they will have on the financial viability of the proposed hog farm and on the harmonious coexistence of hog farms and non-agricultural uses.

The secretary of the municipality posts at the office of the municipality and publishes in a newspaper circulated in the territory of the municipality a notice stating that any person may consult the report or obtain a copy.

288. On or before the 30th day after the conciliator's report is submitted, the council of the municipality determines the conditions, among those set out in section 272, for the issue of the permit. However, if the report states that the parties have agreed on such conditions, the council confirms them.

DIVISION VI

ISSUE OF PERMIT

289. If the application complies with the applicable by-laws, the competent municipal officer issues the permit

(1) if no copy of a request for conciliation was received by the municipality within the period prescribed in section 285, on presentation of an authenticated copy of the resolution referred to in the first paragraph of section 273;

(2) otherwise, on presentation of an authenticated copy of the resolution provided for in section 288.

290. The municipality posts at its office and publishes in a newspaper circulated in its territory a notice stating that any person may consult the resolution on the municipality's website or at its office, or obtain a copy.

DIVISION VII

AGREEMENTS

291. The municipality and the permit holder may make an agreement to modify the terms of implementation of any condition prescribed by the municipality under section 272 or 288.

The municipality posts at its office and publishes in a newspaper circulated in its territory a notice stating that any person may consult the agreement and the resolution adopting it on the municipality's website or at its office, or obtain a copy.

292. The permit holder may, by agreement with the municipality, undertake to carry out any measure, as defined in the agreement, either for the monitoring of the hog farming activities at the site for which the permit has been issued, or in addition to the conditions prescribed by the municipality under section 272 or 288 or instead of any of those conditions.

The municipality posts at its office and publishes in a newspaper circulated in its territory a notice stating that any person may consult the agreement on the municipality's website or at its office, or obtain a copy.

TITLE IX

PROVISIONS SPECIFIC TO CERTAIN MUNICIPALITIES

CHAPTER I

GENERAL PROVISIONS

293. This Title contains certain provisions specific to local municipalities that are competent with respect to an RCM plan under the second paragraph of section 7 and to regional county municipalities acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization.

It also contains special provisions to reflect the fact that some of those municipalities are the central municipality of an urban agglomeration within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) or have borough councils that exercise certain powers with respect to urban planning.

CHAPTER II

CONFORMITY WITH RCM PLAN

DIVISION I

APPLICATION

294. Division II sets out the process for examining whether a plan or by-law whose adoption falls under the jurisdiction of the council of a local municipality referred to in the second paragraph of section 7 or, in the case of the central municipality of an urban agglomeration, of its regular council, is in conformity with the RCM plan.

295. Division III sets out the process for examining whether a by-law whose adoption falls under the jurisdiction of a borough council is in conformity with the RCM plan.

DIVISION II

DOCUMENTS ADOPTED BY COUNCIL OF LOCAL MUNICIPALITY OR BY REGULAR COUNCIL OF CENTRAL MUNICIPALITY OF URBAN AGGLOMERATION

296. After the adoption of a plan or by-law that must be examined for conformity, the municipality gives a public notice stating that the document has been adopted and explaining the rules set out in sections 297 to 301.

The municipality sends a copy of the notice to the Commission municipale.

297. Any qualified voter in the territory of the municipality may request the opinion of the Commission on the conformity of the document with the RCM plan of the municipality.

The request must be received by the Commission on or before the 15th day after the notice referred to in section 296 is published.

The secretary of the Commission sends a copy of every request received within the period prescribed to the municipality.

298. The request must be made in writing and include reasons, specifying which content elements of the document are alleged to be nonconforming and why.

The Commission may summarily reject any request that does not include sufficient reasons or that is clearly frivolous or unfounded, or founded on arguments beyond the scope of the examination for conformity requested. The secretary of the Commission informs the person who made the request of the summary rejection by way of a notice that includes reasons.

299. The Commission must issue an opinion on the alleged non-conformity of any content element of the document in respect of which it receives at least 25 valid requests within the period prescribed in the second paragraph of section 297. Any request that meets the requirements set out in the first paragraph of section 298 and was not summarily rejected by the Commission under the second paragraph of that section is considered valid.

The Commission must issue an opinion on or before the 60th day after the expiry of the period prescribed in the second paragraph of section 297.

300. The secretary of the Commission sends the municipality and every person who requested an opinion,

(1) if the Commission did not receive at least 25 valid requests with respect to any content element of the document, a written document informing them of that fact;

(2) otherwise, a copy of the Commission's opinion.

301. If the Commission did not receive at least 25 valid requests with respect to any content element of the document, the document is deemed to be in conformity with the RCM plan as of the day after the expiry of the period prescribed in the second paragraph of section 297 expires.

However, if the Commission received at least 25 valid requests with respect to a content element of the document, the document is deemed to be in conformity with the RCM plan from the date of issue of the Commission's opinion indicating that all of the content elements with respect to which at least 25 valid requests were received are in conformity with the RCM plan.

The opinion sent in accordance with section 300 must state the date the document is deemed, in accordance with the first or second paragraph, to be in conformity with the RCM plan.

The secretary of the municipality issues a certificate of conformity.

302. If the Commission's opinion indicates that one or more content elements of the document is not in conformity with the RCM plan, the council of the municipality may, without formality, adopt a plan or by-law that does not contain any of the content elements identified in the opinion. The plan or by-law is deemed to be in conformity with the RCM plan.

303. Sections 296 to 301 apply, with the necessary modifications, with respect to a resolution passed under section 64 to the effect that the comprehensive plan or a by-law does not need to be amended to reflect the revision of the RCM plan. The possibility, provided for in section 57, of adopting a harmonization by-law in the place of the competent council that failed to do so does not apply.

DIVISION III

DOCUMENTS ADOPTED BY BOROUGH COUNCIL

304. A by-law whose adoption falls under the jurisdiction of a borough council is examined for conformity with the RCM plan in accordance with sections 224 to 232, with the necessary modifications, in particular modifications arising from the fact that the functions devolved to the council of a regional county municipality under those provisions are exercised by the urban agglomeration council in accordance with section 313.

CHAPTER III

MAINTENANCE OF COMPREHENSIVE PLAN

305. A regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization does not have the power to maintain a comprehensive plan under section 80.

Nor do Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières have that power.

The RCM plan of the cities mentioned in the second paragraph may include any content element that is normally included in a comprehensive plan under this Act; any reference in this Act to the comprehensive plan or its content is a reference to the RCM plan or the part of its content that is normally included in a comprehensive plan, with the necessary modifications.

306. In the case of a municipality referred to in the second paragraph of section 305 that does not have a comprehensive plan, the provisions of sections 222, 223 and 233 relating to the simultaneous replacement of the zoning by-law and the comprehensive plan apply to the simultaneous replacement of the zoning by-law and the RCM plan, with the necessary modifications, including the following:

(1) the council must adopt a new zoning by-law on the same day it adopts a revised RCM plan;

(2) for the purposes of the process for examining conformity with the RCM plan, set out in sections 296 to 303, the revised RCM plan adopted on the same day as the by-law is considered rather than the RCM plan in force; and

(3) the revised RCM plan and the new by-law come into force on the last of the three following dates:

(*a*) the date referred to in the first paragraph of section 53 or, in the case of Ville de Laval, Ville de Lévis and Ville de Mirabel, the date referred to in the second paragraph of that section;

(*b*) the date the zoning by-law is deemed pursuant to section 301 to be in conformity with the revised RCM plan adopted on the same day; and

(*c*) the date the zoning by-law is deemed to be approved by the qualified voters under the Act respecting elections and referendums in municipalities.

CHAPTER IV

CONFORMITY OF BY-LAWS ADOPTED BY BOROUGH COUNCIL WITH COMPREHENSIVE PLAN

DIVISION I

APPLICATION

307. This chapter applies to Ville de Longueuil, Ville de Montréal and Ville de Québec.

DIVISION II

MANDATORY CONFORMITY

308. Any by-law provided for by this Act whose adoption, under the charter of the city, falls under the jurisdiction of a borough council must be examined prior to its coming into force by the city council for conformity with the city's comprehensive plan, in accordance with the process described in sections 224 to 232, with the necessary modifications, in particular those set out in sections 311 to 313.

DIVISION III

MANDATORY HARMONIZATION

309. Within six months of the coming into force of an amendment to the comprehensive plan or of a new comprehensive plan, every borough council must adopt a harmonization by-law.

"Harmonization by-law" means any by-law to amend a by-law only so as to reflect the amendment of the comprehensive plan or the coming into force of the new comprehensive plan.

DIVISION IV

COMING INTO FORCE

310. A by-law described in section 308 comes into force on the later of the date of issue of the certificate of conformity with the RCM plan and the date of issue of the certificate of conformity with the comprehensive plan.

The by-law is deemed to be in conformity with the RCM plan and the comprehensive plan.

CHAPTER V

ADAPTATIONS

311. If a municipality referred to in section 293 is considered in its double capacity as a competent body with respect to an RCM plan and as a municipality whose territory is situated within the territory of the competent body, the following adaptations apply:

(1) for the purposes of any provision of this Act under which the original or a copy of a document of a competent body must be sent to or served on a municipality whose territory is situated within the territory of the competent body, or vice versa, the sending or service is not required and is deemed, if two or more copies of the document must be sent to or served on two or more recipients on the same day, to have been carried out on the day the other copies were sent or served; and

(2) for the purposes of any provision of this Act under which a third party must send or serve the original or a copy of a document to or on a competent body and a municipality whose territory is situated within the territory of the competent body, only one original or copy is required to be sent or served, in accordance with the most stringent time frame and procedure if different time frames and procedures are prescribed with respect to the competent body and the municipality.

312. For the purposes of any provision of this Act under which a document from a competent body may or must be examined or approved by or be the subject of an opinion of a municipality whose territory is situated within the territory of the competent body, or vice versa, where, under that provision, a document adopted by the urban agglomeration council of the central municipality of an urban agglomeration may or must be examined or approved by or be the subject of an opinion of the regular council or a borough council of the municipality, or vice versa, the urban agglomeration council may, by by-law, prescribe rules to determine

(1) the procedure for sending certified copies, within the municipality, of documents adopted by any of those deliberative bodies;

(2) what may stand in lieu of service of a copy referred to in subparagraph 1; and

(3) the date a copy referred to in subparagraph 1 is deemed to be sent or served.

If the territory under the jurisdiction of the regular council of such a municipality or the council of another municipality referred to in section 293 includes a borough, that council also has the powers provided for in the first paragraph for the purposes of any provision under which a document adopted by the council may or must be examined or approved by or be the subject of an opinion of a borough council, or vice versa.

If a by-law contains rules prescribed under subparagraph 1 of the first paragraph, those rules apply and the adaptation provided for in subparagraph 1 of section 311 does not apply.

313. The set of functions devolved the central municipality of an urban agglomeration as a competent body with respect to an RCM plan constitutes a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

In particular, in accordance with that Act,

(1) the territory of the municipality is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration concerned; and

(2) if those functions are to be exercised by the council of a competent body with respect to an RCM plan, they are exercised by the urban agglomeration council of the municipality.

TITLE X

GOVERNMENT POWERS

CHAPTER I

GOVERNMENT INTERVENTIONS IN TERRITORY OF COMPETENT BODY

DIVISION I

GENERAL PROVISION

314. A metropolitan plan and an RCM plan are binding on the Government, its ministers and mandataries of the State when they plan to carry out an intervention to which Divisions II to VI apply.

DIVISION II

CONFORMITY OF GOVERNMENT INTERVENTION WITH METROPOLITAN PLAN AND RCM PLAN

315. Sections 316 to 328 apply to interventions through which the Government, any of its ministers or any mandatary of the State

(1) begins to use an unused immovable or begins to use an immovable for a different use;

(2) carries out land work;

(3) builds, installs, demolishes, removes, enlarges or moves a building, facility or infrastructure;

(4) creates, abolishes or changes the boundaries of a wildlife preserve, wildlife sanctuary, wildlife management area, park, ecological reserve, aquatic reserve, biodiversity reserve or man-made landscape;

(5) delimits part of the lands in the domain of the State with a view to increased utilization of wildlife resources, or abolishes or changes such a delimitation;

(6) authorizes, in accordance with the Act respecting the lands in the domain of the State, the construction of a road other than a forest or mining road;

(7) authorizes the construction of a main forest road included in a general forest management plan by issuing, in accordance with the Forest Act (R.S.Q., chapter F-4.1), a forest management permit which authorizes the construction of such a road; or

(8) makes available, for vacation purposes on lands in the domain of the State, a location consisting of at least five sites with a concentration of at least one site per 0.8 hectare.

However, sections 316 to 328 do not apply to

(1) an intervention described in any of subparagraphs 1 to 3 of the first paragraph in a territory referred to in either of subparagraphs 4 and 5 of the first paragraph unless such an intervention concerns a component of an electrical network;

(2) an intervention by Hydro-Québec described in any of subparagraphs 1 to 3 of the first paragraph that does not concern any of the following:

(*a*) construction requiring prior authorization by the Government under the Hydro-Québec Act (R.S.Q., chapter H-5);

(*b*) a power transmission line over two kilometres long with a capacity of 120 kV or more;

(*c*) a transformer station with a capacity of 120 kV or more;

(3) an intervention described in any of subparagraphs 1 to 3 of the first paragraph which is related to the management of resources on lands in the domain of the State, such as a forest management or wildlife management activity;

(4) an intervention described in either of subparagraphs 2 and 3 of the first paragraph aimed at restoring a site after unlawful occupation; or

(5) repair or maintenance work.

For the purposes of subparagraph 1 of the first paragraph, the transfer of a right in respect of an immovable does not in itself constitute the beginning of or a change in the use of an immovable.

316. Every intervention must, in accordance with this chapter, be examined beforehand by the competent body for conformity with any applicable metropolitan or RCM plan.

If both a metropolitan plan and an RCM plan are in force in the territory to be affected by the planned intervention, the intervention must only be examined for conformity with the plan whose provisions applicable to the site concerned came into force most recently.

317. The Minister must serve a notice on the competent body describing the planned intervention.

The council of the competent body gives its opinion on the conformity of the planned intervention by a resolution an authenticated copy of which must be served on the Minister on or before the 90th day after the notice is served on the competent body under the first paragraph.

If the competent body fails to serve the opinion within the period prescribed in the second paragraph, the intervention is deemed to be conforming.

DIVISION III

NONCONFORMING INTERVENTION

318. If the competent body's opinion indicates that the planned intervention is nonconforming, the Minister may

(1) request the opinion of the Commission municipale on the conformity of the intervention; or

(2) ask the competent body to amend the metropolitan or RCM plan so that the intervention will be in conformity with it.

Any request made under the first paragraph must be served on the Commission or the competent body, as applicable, on or before the 60th day after the Minister receives the competent body's opinion.

If the Commission's opinion is requested, an authenticated copy of the request is sent to the competent body at the same time.

A request addressed to the competent body must include reasons and state what amendments must be made to the metropolitan or RCM plan to ensure that the planned intervention will be in conformity with the metropolitan or RCM plan.

319. On or before the 60th day after receiving a request, the Commission must serve its opinion on the Minister and the competent body.

If the Commission's opinion indicates that the planned intervention is nonconforming, it may include suggestions of the Commission on how to bring it into conformity.

If the Commission's opinion indicates that the planned intervention is nonconforming, the Minister may ask the council of the competent body to amend the metropolitan or RCM plan so that the intervention will be in conformity with it. The request must be served on the competent body on or before the 120th day after the Commission serves its opinion in accordance with the first paragraph.

DIVISION IV

OBLIGATION FOR COMPETENT BODY TO AMEND METROPOLITAN OR RCM PLAN

320. At the Minister's request, the council of the competent body amends the metropolitan or RCM plan so that the planned intervention will be in conformity with it. Sections 27 to 38 and 42 to 49 do not apply to an amendment made to the metropolitan or RCM plan only so as to comply with the Minister's request.

As soon as the amendment is adopted, an authenticated copy is served on the Minister.

321. The amendment comes into force on the day the Minister serves an opinion on the competent body indicating that the amendment ensures the planned intervention is in conformity with the metropolitan or RCM plan.

DIVISION V

AMENDMENT OF METROPOLITAN OR RCM PLAN BY GOVERNMENT

322. If, on the 60th day after a request is made under the first paragraph of section 318 or the third paragraph of section 319, the competent body has not yet adopted an amendment to the metropolitan or RCM plan that is likely to receive a positive ministerial opinion, the Government may act in the place of the council and adopt the amendment in accordance with sections 323 to 326.

323. The Minister produces a document describing the planned intervention and the amendments required to the metropolitan or RCM plan to ensure that the intervention will be in conformity with it; the Minister sends an authenticated copy to the competent body.

324. The Minister holds at least one public consultation meeting on the document.

The Minister takes the measures needed

(1) to communicate clear, complete information to the persons concerned concerning the subject of the consultation, and information enabling any person to attend such a meeting;

(2) to encourage public participation and open discussion on the subject of the consultation at the meeting or meetings; and

(3) to allow members of the public to make comments or suggestions orally or in writing at the meeting or meetings, or in writing within a reasonable period after the last meeting is held.

325. The Minister produces a consultation report and takes measures to facilitate its consultation.

326. After the consultation report is produced, the Government may amend the metropolitan or RCM plan so that the planned intervention will be in conformity with it. The amendment is deemed to have been adopted by the council of the competent body.

The Minister sends authenticated copies of the government order and of the amendment to the competent body.

The government order specifies the date of coming into force of the amendment; it is published in the *Gazette officielle du Québec*.

DIVISION VI

INTERVENTION DEEMED IN CONFORMITY

327. The planned intervention is deemed to be in conformity with the metropolitan or RCM plan as of

(1) the day the council of the competent body or the Commission municipale issues an opinion indicating that such conformity exists;

(2) the day after the expiry of the period prescribed in the second paragraph of section 317 if the council of the competent body has failed to give its opinion during that period; or

(3) the coming into force of a by-law amending the metropolitan or RCM plan adopted in accordance with this chapter by the council of the competent body or by the Government.

328. The planned intervention must begin within three years after the day as of which it is deemed to be conforming; if it does not begin within that period, a new notice must be served on the competent body under the first paragraph of section 317 with respect to the planned intervention and its conformity with the metropolitan or RCM plan as it exists at that time.

CHAPTER II

SPECIAL INTERVENTION ZONE

329. The Government may delimit a special intervention zone in accordance with this chapter in order to make planning rules for that zone that will prevent or resolve a problem which, in the opinion of the Government, is urgent or serious enough to warrant its intervention in the public interest.

330. In addition to describing the boundaries of the zone, a special intervention zone order must state the objectives of the order, explain the problem it seeks to prevent or resolve and establish the planning by-laws applicable within the zone.

Those by-laws are, with respect to any part of the zone situated within the territory of a local municipality, deemed to be by-laws of the municipality, and the municipality exercises its powers under this Act with respect to those by-laws.

However, the order may include any rule, including a rule that is at variance with any provision of this Act, concerning the administration, amendment, revision or repeal of the by-laws it establishes.

331. Before making the order, the Government makes a draft order.

The Minister publishes the draft order in the *Gazette officielle du Québec* and serves it on every metropolitan community, regional county municipality and local municipality whose territory includes all or part of the zone delimited by the draft order.

The draft order is the subject of a public consultation conducted in accordance with sections 324 and 325.

332. The Government may, in all or part of the special intervention zone delimited by the draft order, prohibit any new land use, structure or cadastral amendment. It may specify the cases in which a prohibition does not apply, or prescribe conditions and the procedure for the lifting of the prohibition on the issue of a permit. It may designate for that purpose an officer in every local municipality in the territory in which a prohibition that may be lifted applies.

Such a prohibition takes effect on the date of publication in the *Gazette officielle du Québec* of the order imposing it; it ceases to have effect

(1) at the time, if any, specified in the order imposing it;

(2) in all or part of the territory subject to the prohibition, on the date of the publication, in the *Gazette officielle du Québec*, of a government order to that effect which delimits, if applicable, the part of the territory concerned; or

(3) at the latest, on the coming into force of the special intervention zone order.

333. The special intervention zone order comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the order.

An authenticated copy of the order is served on every metropolitan community, regional county municipality and local municipality whose territory includes all or part of the zone delimited by the order.

334. A draft order or an order made in accordance with this chapter is not a proposed regulation or a regulation for the purposes of the Regulations Act (R.S.Q., chapter R-18.1).

CHAPTER III

AMENDMENT OF METROPOLITAN OR RCM PLAN AT MINISTER'S REQUEST

335. The Minister may request an amendment to a metropolitan plan or RCM plan in either of the following situations:

(1) the Minister considers that an amendment is necessary to bring the metropolitan or RCM plan into conformity with government policy directions or with the policy of the Government referred to in section 2.1 of the Environment Quality Act;

(2) the Minister considers that the metropolitan or RCM plan does not comply with the limits of a floodplain situated within the territory of the responsible body or, given the distinctive features of the locality, does not provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains; or

(3) the Minister considers that an amendment is necessary on health or security grounds.

The Minister serves a notice with reasons on the competent body, specifying the nature and purpose of the required amendment.

336. On or before the 90th day after the Minister serves the notice on the competent body, the council of the competent body must adopt the amendment requested by the Minister.

The provisions of sections 27 to 31 relating to the adoption of a draft, to information and to public consultation do not apply to an amendment adopted only so as to comply with the Minister's request.

The amendment is examined, in accordance with sections 34 to 36, for conformity with the ministerial request and in relation to any other content element defined by the order made under section 33.

The amendment comes into force in accordance with paragraph 2 of section 37.

If the Minister requests an amendment to both a metropolitan plan and an RCM plan applicable to a part of the territory of the metropolitan community concerned, the provisions of sections 42 to 49 relating to examination for conformity with the metropolitan plan do not apply with respect to amendments to the RCM plan that the council of the competent body adopts to comply with the request.

CHAPTER IV

REVISION OF METROPOLITAN OR RCM PLAN AT MINISTER'S REQUEST

337. The Minister may, by a notice with reasons served on the competent body, request the revision of any metropolitan or RCM plan; the Minister sets the deadlines for the adoption of the draft revised metropolitan or RCM plan and of the revised metropolitan or RCM plan.

CHAPTER V

AMENDMENT OF BY-LAW AT MINISTER'S REQUEST

338. The Minister may request the amendment of any planning by-law of a regional county municipality or a local municipality in any of the following situations:

(1) the Minister considers that an amendment is necessary to bring the by-law into conformity with the policy of the Government referred to in section 2.1 of the Environment Quality Act;

(2) the Minister considers that, given the distinctive features of the locality, the by-law does not provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains; or

(3) the Minister considers that an amendment is necessary on health or security grounds.

The Minister serves a notice with reasons on the municipality, specifying the nature and purpose of the required amendments.

339. On or before the 90th day after the Minister serves the notice on the municipality, the council of the municipality must adopt a by-law to comply with the Minister's request.

If the by-law makes amendments only so as to comply with the Minister's request, the following do not apply:

(1) the provisions of sections 206 to 216 relating to public consultation on a draft by-law;

(2) the provisions of sections 218 to 221 relating to approval by the qualified voters; and

(3) the provisions of sections 224 to 232 relating to examination of the by-law for conformity with the RCM plan.

TITLE XI

PENALTIES AND REMEDIES

CHAPTER I

PENALTIES

340. Any demolition contrary to a by-law or a discretionary decision in an individual case provided for in Title V renders the perpetrator liable to a fine the minimum amount of which is equal to the loss of value resulting from the demolition. However, if the demolition causes the total loss of a building entered separately on the property assessment roll of the municipality, the minimum amount of the fine is equal to the value of the building as entered on the roll.

341. The minimum fine for felling trees in contravention of a municipal zoning by-law or a by-law adopted by a regional county municipality under section 197 is $500 plus,

(1) for felling trees on an area of less than one hectare, an amount varying from $100 to $200 per tree illegally felled, up to a total of $5,000; or

(2) for felling trees on an area of one hectare or more, an amount varying from $5,000 to $15,000 per hectare deforested, in addition to the amount determined under subparagraph 1 for each additional fraction of a hectare.

The amounts prescribed in the first paragraph are doubled for a subsequent offence.

CHAPTER II

REMEDIES

342. Any contravention of this Act, of an instrument made, passed or adopted under this Act or of an agreement entered into under such an instrument, and any failure to meet a condition, prescription or undertaking set out in such an instrument or agreement or in an expert report filed under section 159 may, on a motion of the Attorney General, the competent body, the municipality or any other interested person, be brought to the attention of the Superior Court with a view to obtaining an order prescribing any measure to put an end to the contravention or to compel compliance with the condition, prescription or undertaking.

To that end, the court may, for instance, order the cessation of any use, any use of land or a structure or any activity, the restoration of a site, the carrying out of work or the cancellation of any subdivision or cadastral amendment; it may also, if there is no other viable solution, order the demolition of a structure.

The first and second paragraphs also apply to any departure from a rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV.2.1 of Chapter I of the Environment Quality Act. In such a case, and in the case of a contravention of a regulatory provision concerning the protection of lakeshores, riverbanks, littoral zones and floodplains, the motion may also be submitted by the Minister of Sustainable Development, Environment and Parks.

The first and second paragraphs do not permit the cancellation of a subdivision or cadastral amendment confirmed by the registration of immovables as part of the cadastral renewal or review in the territory concerned according to a renewal plan prepared under Chapter II of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) or a plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11).

343. Any municipality which has established standards or prescribed measures in its building by-law that relate to the maintenance of structures or to the conditions of occupancy of buildings may order restoration, repair or maintenance work. It must send the owner of the building a written notice specifying the work to be carried out to bring the building into conformity and the time limit for carrying it out. The municipality may grant additional time.

Any municipality may, with respect to a structure it considers uncompleted, abandoned, dilapidated or partly destroyed to the point of being dangerous or very unsightly, serve a formal notice on the owner to carry out any work and take any measure the municipality considers necessary to remedy the situation, which may include the demolition of the structure, within the time it specifies.

If the owner fails to comply, a judge of the Superior Court sitting in the district where the immovable is situated may, on a motion of the municipality, order any work or measure, including the demolition of the structure.

344. Any court order under this chapter may authorize the municipality or the competent body to act in the place of the person named in the order if that person fails to comply; the court order may also so provide if the owner or occupant is not known or cannot be found. The costs incurred by the municipality or the competent body constitute a prior claim establishing a real right on the immovable, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

Any motion under this chapter is heard and decided by preference.

TITLE XII

MISCELLANEOUS PROVISIONS

345. If a competent body or a local municipality has failed or will likely fail to meet a deadline prescribed by this Act or by a by-law, order, notice or opinion provided for in this Act, the Minister may, on the Minister's own initiative or at the request of the competent body or the local municipality, set a new deadline.

The first paragraph also applies to a failure to comply with a new deadline.

A request from a competent body or the local municipality must, to the Minister's satisfaction, include reasons and a work plan showing its willingness to meet any new deadline. When granting a new deadline, the Minister may also, on the Minister's own initiative, require the competent body or the local municipality to produce such a work plan within the period specified by the Minister.

A notice of the Minister's decision and of the date of the decision is published in the *Gazette officielle du Québec*.

346. If a competent body or a local municipality fails to meet a deadline prescribed by this Act or by a by-law, order, notice or opinion provided for in this Act, or any new deadline set under section 345, the Minister may act in its place. Any act performed by the Minister is deemed to be performed by the competent body or the local municipality and has the same effect.

The Minister serves on the competent body or the local municipality an authenticated copy of the decision and of any document adopted in its place. The Minister publishes a notice of the decision in the *Gazette officielle du Québec*.

The first paragraph does not apply to a failure to meet the deadline prescribed in section 322.

347. Before giving an opinion under paragraph 2 of section 37 or 51 with respect to an RCM plan applicable in a territory that is contiguous to the territory of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec, the Minister must ask the Community for an opinion on the document submitted to the Minister.

The opinion of the Community must be received by the Minister on or before the 45th or 60th day after it was requested, depending on whether the ministerial opinion has been applied for under paragraph 2 of section 37 or 51. Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) or section 38 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), as applicable, the council of the Community may delegate to the executive committee the power to formulate the opinion requested by the Minister.

Aside from inconsistency with government policy directions, an objection or disapproval expressed by the Minister under either of the sections mentioned in the first paragraph may be based on an opinion received by the Minister. For the purposes of the provisions of this Act that concern the RCM plan amendment or revision process and refer to conformity with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in a ministerial opinion based on the opinion received by the Minister.

The first three paragraphs do not apply with respect to a replacement document that differs from the document it replaces only so as to heed the ministerial opinion.

348. The council of a metropolitan community may, by by-law, determine the cases in which an amendment to an RCM plan does not require examination for conformity with the metropolitan plan.

The council of a regional county municipality may do likewise in respect of by-laws amending a planning by-law of a local municipality as concerns their examination for conformity with the RCM plan.

A by-law adopted under the first or second paragraph may not concern a harmonization resolution or by-law as defined in section 54 or a resolution or by-law whose purpose is referred to in a provision of the metropolitan or RCM plan adopted under section 21 or 24.

An authenticated copy of such a by-law is sent to every regional county municipality or local municipality whose territory is situated within the territory of the metropolitan community or the regional county municipality, as applicable.

349. The council of a regional county municipality may, by by-law, delegate to its administrative committee some or all of its powers under this Act, except

(1) the power to adopt a by-law or a draft by-law or a document that must accompany either of them;

(2) the power to adopt a strategic vision statement, a draft statement, a draft amendment to the statement or an amendment to the statement;

(3) the power to adopt an amendment or revision of the RCM plan, a draft amendment to the RCM plan or a draft revised RCM plan or a document that must be adopted at the same time as either one; and

(4) the power to impose interim control measures.

350. If an act must be performed under this Act by the secretary of a metropolitan community or a municipality, it is performed

(1) in the case of a metropolitan community, by the secretary of the Community or by any other officer designated by the executive committee for that purpose; and

(2) in the case of a regional county municipality or a local municipality, by the secretary-treasurer, the clerk or any other officer designated by the council for that purpose.

351. A metropolitan plan, RCM plan, comprehensive plan, diagnostic document, analysis, report, implementation program or indicator adopted or produced under this Act creates no obligation, including with respect to the objectives and targets pursued, to deadlines, and to the construction of facilities and infrastructures.

352. To the extent provided for in the second paragraph and in addition to any sending or service prescribed elsewhere in this Act, a municipal body is required to send to another municipal body, at the latter's request and free of charge, a certified copy of any document from its archives or any information it is authorized to communicate that is directly or indirectly related to the exercise by the other municipal body of a power under this Act.

The sending referred to in the first paragraph is carried out reciprocally between a metropolitan community and a regional county municipality that is competent with respect to an RCM plan applicable in part of the territory of the Community and between a regional county municipality and a municipality in whose territory the regional county municipality's RCM plan applies.

353. The Commission municipale may obtain, free of charge and within the period it prescribes, an authenticated copy of any document it requires to perform its functions under this Act.

354. Every opinion issued by the Commission under this Act must include reasons.

355. For the purposes of this Act, qualified voters are those determined as such in accordance with the Act respecting elections and referendums in municipalities.

Where this Act grants qualified voters the right to request an opinion from the Commission, the date of reference to determine who is a qualified voter is the date of adoption of the document that is the subject of the request or, in the case of section 297, the date of publication of the notice prescribed in section 296.

356. Documents are sent under this Act using any means appropriate to the medium, in accordance with the Act to establish a legal framework for information technology (R.S.Q., chapter C-1.1).

Documents are served under this Act through a bailiff, by certified or registered mail or by a private courier service that provides the same guarantees as certified or registered mail. Service is deemed to have been made on the date the recipient signs the acknowledgement of receipt.

357. No provision of this Act, of a metropolitan plan, of an RCM plan, of an interim control resolution or of a by-law adopted under any provision of Title V may operate to prevent the staking or designation on a map of a claim, or the exploration or search for, or the development or mining of, mineral substances or underground reservoirs in accordance with the Mining Act (R.S.Q., chapter M-13.1).

The first paragraph does not apply to the extraction of sand, gravel or building stone on private lands where the right to those mineral substances belongs to the owner of the soil under the Mining Act.

358. Non-compliance with a formality required by this Act is not grounds for invalidating an act unless serious prejudice can be proved.

359. No authorization under this Act may operate to restrict the scope or substance of an express or specific authorization under the Act respecting land use planning and development, repealed by section 528, solely because it is expressed in general terms; the scope and substance of such an authorization is determined in accordance with section 104.

360. This Act does not apply in territories north of the fifty-fifth parallel or lands excluded from the territory of Municipalité de Baie-James by paragraph 2 of section 40 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2).

361. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act. For the purpose of preparing

opinions and other documents referred to in paragraph 2 of section 37 or in any of sections 51, 53, 317, 318, 319, 321, 323, 335, 337, 338, 345 and 346, the Minister seeks the opinion of the other ministers concerned, to the extent that is deemed necessary or useful.

The Minister may delegate to another minister or a mandatary of the State the exercise of some or all of the powers, duties and responsibilities conferred on the Minister by sections 315 to 335.

TITLE XIII

AMENDING PROVISIONS

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

362. Section 30 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by replacing "metropolitan land use and development plan, RCM land use and development plans and planning programs referred to in sections 2.24, 5 and 83 of the Act respecting land use planning and development (chapter A-19.1)" in subparagraph 2 of the second paragraph by "metropolitan sustainable land use and development plan, RCM sustainable land use and development plans and comprehensive plans adopted under the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

SUSTAINABLE FOREST DEVELOPMENT ACT

363. Section 150 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is amended

(1) by replacing "land use planning and development plan, within the meaning of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "RCM sustainable land use and development plan, within the meaning of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by inserting "sustainable" before "land use" in subparagraph *c* of subparagraph 1 of the third paragraph, replaced by section 156 of chapter 10 of the statutes of 2010;

(3) by replacing "land use planning and development plan" and "metropolitan land use and development plan" in subparagraph 3 of the third paragraph, replaced by section 156 of chapter 10 of the statutes of 2010, by "RCM sustainable land use and development plan" and "metropolitan sustainable land use and development plan", respectively.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

364. Division III of Chapter I of Title II of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), comprising sections 188 to 188.3, becomes Division VI of Chapter II of Title II.1, comprising sections 210.29.4 to 210.29.7, of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), subject to the following modifications:

(1) the necessary numbering changes;

(2) replacing "this Act" in subparagraph 1 of the fourth paragraph of section 188 by "the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

365. Division IV of Chapter I of Title II of the Act, comprising sections 194 and 197 to 203, becomes Division VII of Chapter II of Title II.1, comprising sections 210.29.8 to 210.29.15 of the Act respecting municipal territorial organization, subject to the following modifications:

(1) the necessary numbering changes;

(2) striking out "of the Act respecting municipal territorial organization (chapter O-9)" and "of that Act" wherever they appear;

(3) replacing "second paragraph of section 188" in the second paragraph of section 200 by "second paragraph of section 210.29.4";

(4) replacing "section 197" in the fourth paragraph of section 201 by "section 210.29.9";

(5) replacing "section 201" in the second paragraph of section 202 by "section 210.29.13".

366. Sections 205 and 205.1 of the Act become articles 974.1 and 974.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), after replacing "section 188" in the third paragraph of section 205 by "section 210.29.4 of the Act respecting municipal territorial organization (chapter O-9)".

CULTURAL PROPERTY ACT

367. Section 1.2 of the Cultural Property Act (R.S.Q., chapter B-4) is amended by replacing "158 to 165 of the Act respecting land use planning and development (chapter A-19.1)" by "329 to 334 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

368. Section 59 of the Act is amended by replacing "146 of the Act respecting land use planning and development (chapter A-19.1)" by "105 of

the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

369. Section 113 of the Act is replaced by the following section:

"**113.** This chapter applies to Ville de Laval and Ville de Mirabel, but the references to the comprehensive plan in sections 84, 90, 111 and 112 are references to the RCM sustainable land use and development plan and to a territory identified in the RCM plan as presenting a historic or cultural interest.

This chapter applies to Ville de Gatineau, Ville de Lévis, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières, with the modifications provided for in the first paragraph, from the repeal of their comprehensive plan."

CHARTER OF VILLE DE GATINEAU

370. Section 89 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by replacing "any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "paragraph 2 of section 37 or paragraph 4 of section 51 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

371. Section 14 of Schedule B to the Charter is amended by replacing "148.0.2 of the Act respecting land use planning and development (chapter A-19.1)" by "140 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

372. Section 23 of Schedule B to the Charter is amended by replacing "subparagraph 9 of section 113 of the Act respecting land use planning and development (chapter A-19.1)" by "section 120 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

CHARTER OF VILLE DE LÉVIS

373. Section 86 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended

(1) by replacing "of sections 123 to 137 of the Act respecting land use planning and development (chapter A-19.1)" in the introductory clause by "of subdivision 3 of Division III of Chapter II and Chapter IV of Title VI of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "publique de consultation" in paragraph 1 in the French text by "de consultation publique";

(3) by inserting “public consultation” after “place of any” in paragraph 2;

(4) by striking out paragraphs 3 and 5;

(5) by replacing paragraph 4 by the following paragraph:

“(4) the notice required by section 215 of that Act shall be posted at the office of the city and at the office of each borough affected by the draft by-law, and shall state that a copy of the information document is available for consultation both at the office of the city and at the office of each such borough;”;

(6) by replacing paragraph 6 by the following paragraph:

“(6) for the purposes of sections 218 and 219 of that Act and section 539 of the Act respecting elections and referendums in municipalities (chapter E-2.2), a separate notice shall be issued for each borough and shall deal only with the provisions of the by-law that are to affect the borough concerned by the notice.”

374. Section 87 of the Charter is amended by replacing “with Chapter V of Title I of the Act respecting land use planning and development (chapter A-19.1)” by “with sections 105 to 108 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)”.

375. Section 88 of the Charter is amended by replacing “Division VI of Chapter IV of Title I of the Act respecting land use planning and development applies (chapter A-19.1), with the necessary modifications. In particular, if the application for a minor exemption concerns an immovable situated in a zone contiguous to another borough, the notice required under section 145.6” in the second paragraph by “Sections 135 to 139 and 148 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) apply, with the necessary modifications. In particular, if the application for a minor variance concerns an immovable situated in a zone contiguous to another borough, the notice required under section 148”.

CHARTER OF VILLE DE LONGUEUIL

376. Section 58.1 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by replacing “shall include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (chapter A-19.1),” in the first paragraph by “provided for in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) shall include”;

(2) by replacing "Act respecting land use planning and development" in the second paragraph by "Sustainable Regional and Local Land Use Planning Act".

377. Section 58.2 of the Charter, amended by section 216 of chapter 21 of the statutes of 2011, is again amended

(1) by replacing "Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving" in the first paragraph by "Despite any by-law adopted by a borough council, the city council may exercise the jurisdiction of the city with respect to land use planning in order to authorize the carrying out of a project involving";

(2) by striking out "planning" in the second paragraph.

378. Section 58.3 of the Charter is amended

(1) by replacing "Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1), a by-law adopted by the city council under section 58.2 is not subject to approval by way of referendum" in the first paragraph by "Despite section 204 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), a by-law adopted by the city council under section 89 is not subject to approval by way of referendum";

(2) by replacing "Sections 125 to 127 of the Act respecting land use planning and development" in the second paragraph by "Sections 207 to 216 of the Sustainable Regional and Local Land Use Planning Act".

379. Section 58.4 of the Charter is amended by replacing "section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1)" by "section 309 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

380. Section 72 of the Charter is replaced by the following section:

"**72.** The borough council shall exercise the jurisdiction of the city with respect to zoning and subdivision under sections 120 to 122 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), including

(1) jurisdiction relating to regulatory powers attributing discretionary powers in individual cases under Division III of Chapter II of Title IV of that Act,

except the power under section 130 of that Act to adopt an incentive by-law and jurisdiction over demolition under sections 140 to 147 of that Act;

(2) jurisdiction relating to parking and the transfer of streets under sections 176 and 177 of that Act; and

(3) jurisdiction relating to the amendment upon application of planning by-laws under Division VI of Chapter II of Title IV of that Act.

The following modifications are among those applicable for the purposes of the first paragraph:

(1) a reference to the territory and the office of the municipality in Title V of that Act is a reference to the borough and its office, respectively;

(2) for the purposes of the approval of a by-law by qualified voters, a contiguous zone referred to in subparagraph 2 of the first paragraph of section 218 of that Act may be included in a contiguous borough;

(3) any notice given with respect to information and public consultation under Division III of Chapter II of Title V of that Act must, if it concerns a by-law that is to have effect in a zone that is contiguous to another borough, be posted in the office of that borough and published in a newspaper circulated in its territory.

The borough council also has, within its areas of jurisdiction, the powers conferred by sections 149 to 154 of the Sustainable Regional and Local Land Use Planning Act with respect to acquired rights and to permits."

381. Section 73 of the Charter is amended by replacing "with Chapter V of Title I of the Act respecting land use planning and development (chapter A-19.1)" by "with subdivision 1 of Division I of Chapter II of Title IV of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

382. Section 74 of the Charter is repealed.

383. Section 40 of Schedule C to the Charter is amended

(1) by adding the following sentence at the end of the first paragraph: "The municipality may administer and carry out work on any immovable it holds under the program.";

(2) by striking out the second paragraph.

384. Section 47 of Schedule C to the Charter is amended

(1) by striking out the second sentence of the first paragraph;

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

"The program must determine

(1) the persons or classes of persons that may benefit from it;

(2) the immovables or classes of immovables covered by it;

(3) the nature of the activities involved;

(4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which may not exceed five years; and

(5) the terms and conditions governing its implementation.

The city may acquire and administer any immovable and carry out work on it under the program."

CHARTER OF VILLE DE MONTRÉAL

385. Section 83 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing "sections 109.2 to 109.4 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "sections 88 to 91 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

386. Section 88 of the Charter is amended

(1) by replacing "must include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (chapter A-19.1)," in the first paragraph by "provided for in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) must include";

(2) by replacing "Act respecting land use planning and development" in the second paragraph by "Sustainable Regional and Local Land Use Planning Act".

387. Section 89 of the Charter, amended by section 218 of chapter 21 of the statutes of 2011, is again amended

(1) by replacing "The city council may, by by-law, enable the carrying out of a project, notwithstanding any by-law adopted by a borough council, where the project relates to" in the first paragraph by "Despite any by-law adopted by a borough council, the city council may exercise the jurisdiction of the city with respect to land use planning in order to authorize the carrying out of a project involving";

(2) by striking out “land planning” in the third paragraph.

388. Section 89.1 of the Charter, amended by section 219 of chapter 21 of the statutes of 2011, is again amended

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

“**89.1.** A by-law adopted by the city council under section 89 is not subject to referendum approval, except, subject to the fourth paragraph, in the case of a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of that section, insofar as it contains a provision subject to referendum approval within the meaning of section 204 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)”;

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

“The public consultation conducted under the second paragraph replaces the public consultation required by the Sustainable Regional and Local Land Use Planning Act.”;

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

“For the purposes of section 218 of the Sustainable Regional and Local Land Use Planning Act as it applies to a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of section 89, if the project is situated in the borough of Vieux-Montréal, the sector concerned comprises, for each provision subject to referendum approval, the whole borough in which the project is planned, or, as applicable, all the boroughs affected by the project.”;

(4) by replacing “and sections 125 to 127 of the Act respecting land use planning and development” in subparagraph 2 of the fifth paragraph by “and sections 207 to 216 of the Sustainable Regional and Local Land Use Planning Act”.

389. Section 89.2 of the Charter is amended by replacing “any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1)” by “section 309 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)”.

390. Section 90 of the Charter is amended by replacing “of paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1)” by “of the third paragraph of section 154 of the Sustainable

Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

391. Section 130.3 of the Charter is replaced by the following section:

"**130.3.** The borough council shall exercise, concurrently with the city council, the jurisdiction of the city under sections 87 to 91 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) as regards an amendment to the comprehensive plan, with the necessary modifications, including the following modifications:

(1) section 88 of that Act is replaced by the following section:

"**88.** Authenticated copies of the draft and of the document described in section 87 are sent by the secretary of the borough to the secretary of every contiguous borough, to the city clerk and to every municipality whose territory is contiguous to the borough.";

(2) a reference to the territory and the office of the municipality is a reference to the borough and its office, respectively.

The first paragraph does not apply to an amendment to the complementary document described in section 88, an amendment required to carry out a project referred to in the first paragraph of section 89 or an amendment delimiting a zone exempt from referendum approval under section 82 of the Sustainable Regional and Local Land Use Planning Act or setting out policy directions, objectives, strategies and targets referred to in section 130 or 182 of that Act. Nor may the power provided for in the first paragraph be exercised with respect to an object that is the subject of a draft amendment adopted by the city council."

392. Section 131 of the Charter is amended

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

"**131.** The borough council shall exercise the jurisdiction of the city with respect to zoning and subdivision under sections 120 to 122 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), including

(1) jurisdiction relating to regulatory powers attributing discretionary powers in individual cases under Division III of Chapter II of Title V of that Act, except the power under section 130 to adopt an incentive by-law;

(2) jurisdiction relating to parking and the transfer of streets under sections 176 and 177 of that Act; and

(3) jurisdiction relating to the amendment upon application of planning by-laws under Division VI of Chapter II of Title IV of that Act.

The following modifications are among those applicable for the purposes of the first paragraph:

(1) a reference to the territory and the office of the municipality in Title V of that Act is a reference to the borough and its office, respectively;

(2) for the purposes of the approval of a by-law by qualified voters, a contiguous zone referred to in subparagraph 2 of the first paragraph of section 218 of that Act may be included in a contiguous borough;

(3) any notice given with respect to information and public consultation under Division III of Chapter II of Title V of that Act must, if it concerns a by-law that is to have effect in a zone that is contiguous to another borough, be posted in the office of that borough and published in a newspaper circulated in its territory.

The borough council also has, within its areas of jurisdiction, the powers conferred by sections 149 to 154 of the Sustainable Regional and Local Land Use Planning Act with respect to acquired rights and to permits.";

(2) by replacing "Act respecting land use planning and development" wherever it appears in the third paragraph by "Sustainable Regional and Local Land Use Planning Act";

(3) by replacing "section 123" in the third paragraph by "section 203".

393. Section 132 of the Charter is amended by replacing "with Chapter V of Title I of the Act respecting land use planning and development (chapter A-19.1)" by "with subdivision 1 of Division I of Chapter II of Title IV of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

394. Section 133 of the Charter is repealed.

395. Section 2 of Schedule C to the Charter is amended by replacing "to subparagraph 10.1 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)" in subparagraph 2 of the second paragraph by "to section 175 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

396. Section 87 of Schedule C to the Charter is amended by replacing "148.0.25 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "147 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

397. Section 88 of Schedule C to the Charter is amended by replacing "148.0.25 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "147 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

398. Section 89 of Schedule C to the Charter is amended by replacing "148.0.25 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "147 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

399. Section 90 of Schedule C to the Charter is amended by replacing "148.0.25 of the Act respecting land use planning and development (chapter A-19.1)" by "147 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

400. Section 152 of Schedule C to the Charter is repealed.

401. Sections 155 to 156 of Schedule C to the Charter are repealed.

402. Section 162.1 of Schedule C to the Charter is repealed.

403. Sections 163 to 165 of Schedule C to the Charter are repealed.

However, the third paragraph of section 163 of Schedule C to the Charter remains effective with respect to by-laws referred to in the first paragraph of that section.

404. Section 166 of Schedule C to the Charter is amended

(1) by replacing "Where a notice of motion has been given with a view to passing or amending a by-law referred to in section 89 of this Act" by "Where a draft by-law referred to in section 89 of this Charter has been adopted";

(2) by striking out "that is the subject of the notice of motion".

405. Section 167 of Schedule C to the Charter is repealed.

406. Section 168 of Schedule C to the Charter is amended by replacing "145.16 to 145.20.1 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "132 to 134 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

407. Section 169 of Schedule C to the Charter is replaced by the following section:

"**169.** The borough council shall exercise the jurisdiction of the city under sections 64, 65, 77, 157 and 162 of this Schedule."

408. Schedule C to the Charter is amended by inserting the following section after section 169:

"**169.1.** The functions with respect to the demolition of immovables which, under the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), may be delegated to the planning decision committee may be delegated to the planning advisory committee established under section 132 of this Charter. The sittings of the committee held for that purpose are public; the committee may also hold a public hearing if it considers it advisable."

409. Section 190.1 of Schedule C to the Charter is amended

(1) by replacing "section 117.1 of the Act respecting land use planning and development (chapter A-19.1)" by "section 160 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "section 117.2" by "section 162".

CHARTER OF VILLE DE QUÉBEC

410. Section 72.1 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by replacing "Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "the third paragraph of section 123 of the Act respecting land use planning and development, is not subject to approval by way of referendum" in the second paragraph by "section 204 of the Sustainable Regional and Local Land Use Planning Act is not subject to referendum approval".

411. Section 72.2 of the Charter is amended by replacing "In addition to the components listed in section 83 of the Act respecting land use planning and development (chapter A-19.1), the city's planning program may include" by "The city's comprehensive plan provided for in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) may include".

412. Section 73 of the Charter is repealed.

413. Section 74 of the Charter is amended by replacing "of paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1)" by "of the third paragraph of section 154 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

414. Section 74.1 of the Charter is amended

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

"**74.1.** If a borough council plans to amend a by-law under its jurisdiction, it may order that a consultation be held, before it passes a resolution referred to in section 206 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), on the proposed draft amendment or, as applicable, on the different options available. The executive committee may do likewise with respect to a draft amendment under the jurisdiction of the city council.

The consultation on the draft amendment is carried out in accordance with sections 207 to 209 of the Sustainable Regional and Local Land Use Planning Act or, if the draft amendment involves the adoption of provisions that are subject to referendum approval, in accordance with sections 210 to 216 of that Act, with the necessary modifications.";

(2) by replacing "the public consultation meeting required under the first paragraph" in the second paragraph by "any necessary public consultation meeting".

415. Section 74.3 of the Charter is amended by replacing "under sections 125 to 127 of the Act respecting land use planning and development (chapter A-19.1) and, if the draft by-law contains a provision making it a by-law subject to approval by way of referendum, it is considered to be the second draft by-law referred to in section 128 of that Act" by "under sections 206 to 216 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

416. Section 74.4 of the Charter, amended by section 222 of chapter 21 of the statutes of 2011, is again amended

(1) by replacing "Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving" in the first paragraph by "Despite any by-law adopted by a borough council, the city council may exercise the jurisdiction of the city with respect to land use planning in order to authorize the carrying out of a project involving";

(2) by striking out "planning" in the second paragraph.

417. Section 74.5 of the Charter is amended

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

"**74.5.** A by-law adopted by the city council under section 74.4 is not subject to referendum approval, except in the case of a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of that section insofar as it contains a provision that is subject to referendum approval within the meaning of section 204 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "Sections 124 to 127 of the Act respecting land use planning and development" in the second paragraph by "The provisions of sections 206 to 216 of the Sustainable Regional and Local Land Use Planning Act relating to public consultation".

418. Section 74.6 of the Charter is amended by replacing "section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1)" by "section 309 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

419. Section 115 of the Charter is amended

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

"**115.** The borough council shall exercise the jurisdiction of the city with respect to zoning and subdivision under sections 120 to 122 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), including

(1) jurisdiction relating to regulatory powers attributing discretionary powers in individual cases under Division III of Chapter II of Title V of that Act, except the power under section 130 of that Act to adopt an incentive by-law and jurisdiction over demolition under sections 140 to 147 of that Act;

(2) jurisdiction relating to parking and the transfer of streets under sections 176 and 177 of that Act; and

(3) jurisdiction relating to the amendment upon application of planning by-laws under Division VI of Chapter II of Title IV of that Act, except that provided for in sections 193 and 194.

It also exercises the jurisdiction of the city under sections 96, 103, 110, 111 and 112 of Schedule C to this Charter.

The following modifications are among those applicable for the purposes of the first paragraph:

(1) a reference to the territory and the office of the municipality in Title V of that Act is a reference to the borough and its office, respectively;

(2) for the purposes of the approval of a by-law by qualified voters, a contiguous zone referred to in subparagraph 2 of the first paragraph of section 218 of that Act may be included in a contiguous borough;

(3) any notice given with respect to information and public consultation under Division III of Chapter II of Title V of that Act must, if it concerns a by-law that is to have effect in a zone that is contiguous to another borough, be posted in the office of that borough and published in a newspaper circulated in its territory.

The borough council also has, within its areas of jurisdiction, the powers conferred by sections 149 to 154 of the Sustainable Regional and Local Land Use Planning Act with respect to acquired rights and to permits.";

(2) by replacing "first two paragraphs" in the third paragraph by "first three paragraphs";

(3) by replacing "Act respecting land use planning and development" wherever it appears in the third paragraph by "Sustainable Regional and Local Land Use Planning Act";

(4) by replacing "section 123" in the third paragraph by "section 203".

420. Section 116 of the Charter is amended by replacing "with Chapter V of Title I of the Act respecting land use planning and development (chapter A-19.1)" by "with subdivision 1 of Division I of Chapter II of Title IV of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

421. Section 117 of the Charter is replaced by the following section:

"**117.** For the purposes of the examination of a borough council by-law for conformity with the comprehensive plan of the city as required by section 308 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), the functions of the city council are exercised by the executive committee. The executive committee also exercises the powers provided for in the second paragraph of section 312 and designates the officer responsible for issuing certificates of conformity.

The first paragraph does not apply to the power of substitution provided for in section 57 of the Sustainable Regional and Local Land Use Planning Act."

422. Section 85 of Schedule C to the Charter is amended

(1) by replacing "if no notice of motion has been given to the city council or the borough council for the amendment of the provisions that are the subject of the draft amendment" in subparagraph *a* of subparagraph 1 of the third paragraph by "if no prohibition has been imposed by the city council or the borough council, as applicable, under section 235 or 236 of the Sustainable

Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing subparagraph *b* of subparagraph 1 of the third paragraph by the following subparagraph:

"(*b*) otherwise, on the day determined in accordance with section 235 or 236 of that Act, as applicable;".

423. Section 87 of Schedule C to the Charter is amended

(1) by replacing "145.21 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "177 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "section 145.21" in the first paragraph by "that section 177".

424. Section 90 of Schedule C to the Charter is amended by replacing "referred to in section 119 of the Act respecting land use planning and development (chapter A-19.1)" by "required under the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

425. Section 92 of Schedule C to the Charter is amended by striking out the second paragraph.

426. Section 94 of Schedule C to the Charter is amended by replacing "section 119 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

427. Section 96 of Schedule C to the Charter is amended

(1) by replacing "148.0.2 of the Act respecting land use planning and development (chapter A-19.1)" by "140 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "section 148.0.2" by "that section 140".

428. Section 101 of Schedule C to the Charter is repealed.

429. Section 107 of Schedule C to the Charter is repealed.

430. Section 110 of Schedule C to the Charter is amended by replacing the second paragraph by the following paragraph:

"Title VI of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) applies, with the necessary modifications, to a by-law under the first paragraph."

431. Section 111 of Schedule C to the Charter is amended by replacing the second paragraph by the following paragraph:

"Division II of Chapter II of Title VI of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) applies, with the necessary modifications, to a by-law under the first paragraph."

432. Section 112 of Schedule C to the Charter is amended by replacing subsection 4 by the following subsection:

"(4) Title VI of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) applies, with the necessary modifications, to a by-law under subsection 1.

Division II of Chapter II of Title VI of the Sustainable Regional and Local Land Use Planning Act applies, with the necessary modifications, to a by-law under subsection 3."

433. Section 117 of Schedule C to the Charter is amended by replacing "section 145.15 of the Act respecting land use planning and development (chapter A-19.1)" by "section 132 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

434. Section 118 of Schedule C to the Charter is repealed.

435. Section 119 of Schedule C to the Charter is amended by replacing "section 146 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "section 105 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

436. Section 120 of Schedule C to the Charter is amended by replacing "145.6 of the Act respecting land use planning and development (chapter A-19.1)" by "148 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), in the case of a minor variance".

437. Section 124 of Schedule C to the Charter, amended by section 224 of chapter 21 of the statutes of 2011, is again amended by replacing "under section 145.19 of the Act respecting land use planning and development (chapter A-19.1)" in the fourth paragraph by "which, under section 134 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*), is required prior to the approval of plans relating to the site and architecture of constructions and the related work,".

438. Section 125 of Schedule C to the Charter is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out the second paragraph.

HIGHWAY SAFETY CODE

439. Section 207 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing "by-law" in paragraph 5 by "measure".

MUNICIPAL CODE OF QUÉBEC

440. Article 161 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing "197 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "210.29.9 of that Act".

441. Article 267.0.1 of the Code is amended

(1) by replacing "201 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "210.29.13 of the Act respecting municipal territorial organization (chapter O-9)";

(2) by replacing "paragraph 7 of section 119 of the Act respecting land use planning and development" in the third paragraph by "the third paragraph of section 154 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

442. Article 678.1 of the Code is amended by replacing "sections 188 and 205 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "section 210.29.4 of the Act respecting municipal territorial organization (chapter O-9) and article 974.1 of this Code".

443. Article 960.0.7 of the Code is amended by replacing "201 of the Act respecting land use planning and development (chapter A-19.1)" by "210.29.13 of the Act respecting municipal territorial organization (chapter O-9)".

444. The Code is amended by inserting the following before article 975:

"(*As provided in section 366, insert sections 205 and 205.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), which become articles 974.1 and 974.2)*."

445. Article 976 of the Code is amended by replacing "section 205.1 of the Act respecting land use planning and development (chapter A-19.1)" in the fourth paragraph by "article 974.2".

446. Article 1094.0.8 of the Code is amended by replacing "201 of the Act respecting land use planning and development (chapter A-19.1)" by "210.29.13 of the Act respecting municipal territorial organization (chapter O-9)".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

447. Section 119.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing "responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan" by "competent body under the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) with respect to a metropolitan sustainable land use and development plan".

448. Section 265 of the Act is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

449. Section 112.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing "responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan" by "competent body under the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) with respect to a metropolitan sustainable land use and development plan".

450. Section 228 of the Act is repealed.

MUNICIPAL POWERS ACT

451. Section 12 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing "section 205.1 of the Act respecting land use planning and development (chapter A-19.1)" in the fourth paragraph by "article 974.2 of the Municipal Code of Québec (chapter C-27.1)".

NATURAL HERITAGE CONSERVATION ACT

452. Section 44 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01) is amended by replacing "Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1)" in paragraph 1 by "Chapter I of Title X of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING MUNICIPAL TAXATION

453. Section 244.65 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by replacing "land use planning and development plan" in the second paragraph by "RCM sustainable land use and development plan";

(2) by replacing "116 of the Act respecting land use planning and development (chapter A-19.1) or by any other regulation or resolution having contents analogous to those permitted under section 116" in subparagraph 2 of the second paragraph by "123 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) or by any other by-law or resolution whose content is similar to that permitted under that section 123".

FOREST ACT

454. Section 124.18 of the Forest Act (R.S.Q., chapter F-4.1) is amended

(1) by replacing "land use planning and development plan, within the meaning of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "RCM sustainable land use and development plan, within the meaning of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by inserting "sustainable" after "metropolitan" in subparagraph *c* of subparagraph 1 of the third paragraph;

(3) by replacing "land use planning and development plan" and "metropolitan land use and development plan" in subparagraph 3 of the third paragraph by "RCM sustainable land use and development plan" and "metropolitan sustainable land use and development plan", respectively.

ACT RESPECTING ADMINISTRATIVE JUSTICE

455. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 235 of chapter 21 of the statutes of 2011, is again amended by replacing "117.7 of the Act respecting land use planning and development (chapter A-19.1)" in paragraph 1 by "165 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

456. The heading of Chapter II of Title II.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing "AND COMPOSITION OF THE COUNCIL" by ", DELIBERATIONS OF THE COUNCIL AND MODE OF OPERATION".

457. Section 210.26 of the Act is amended

(1) by replacing "202 of the Act respecting land use planning and development (chapter A-19.1)" in the third paragraph by "210.29.14";

(2) by replacing "202 of the Act respecting land use planning and development" in the fourth paragraph by "210.29.14".

458. The Act is amended by inserting the following after section 210.29.3:

"**DIVISION VI**

"DELIBERATIONS OF THE COUNCIL

"(*As provided in section 364, insert sections 188 to 188.3 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), which become sections 210.29.4 to 210.29.7*).

"**DIVISION VII**

"MODE OF OPERATION OF REGIONAL COUNTY MUNICIPALITIES

"(*As provided in section 365, insert sections 194 and 197 to 203 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), which become sections 210.29.8 to 210.29.15*)".

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

459. Section 58.1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended

(1) by replacing "in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "in section 120 or 198 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by inserting ", with any by-law adopted under section 198 of that Act" after "zoning by-law" in the second paragraph.

460. Section 59 of the Act is amended

(1) by inserting "sustainable" before "land use" wherever it occurs in subparagraph 2 of the third paragraph;

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

"However, an application that relates to a proposed amendment or revision of the RCM sustainable land use and development plan or the metropolitan

sustainable land use and development plan may only be made as of the day the draft may be adopted under the first paragraph of section 32 and, if applicable, section 51 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)."

461. Section 62 of the Act is amended

(1) by replacing "in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)" in subparagraph 3 of the second paragraph by "in section 120 or 198 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*);

(2) by replacing "RCM land use and development plan and the provisions of the complementary document or with the metropolitan land use and development plan" in subparagraph 1 of the third paragraph by "RCM sustainable land use and development plan or the metropolitan sustainable land use and development plan".

462. Section 65.1 of the Act is amended by replacing "RCM land use and development plan or the metropolitan land use and development plan" in the second paragraph by "RCM sustainable land use and development plan or the metropolitan sustainable land use and development plan".

463. Section 79.1 of the Act is amended by replacing the second paragraph by the following paragraph:

"From the date of their coming into force, all revised RCM or metropolitan sustainable land use and development plans, all amendments to an RCM or metropolitan sustainable land use and development plan and all interim control measures of a regional county municipality or community that affect an agricultural zone are deemed to be consistent with the first paragraph."

464. Section 79.2.2 of the Act is amended by replacing "in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and" by "in section 120 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) and specifying, for each zone, the structures and uses that are authorized and those that are prohibited and the applicable land occupation densities, and".

465. Section 79.2.5 of the Act is amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) standards originating from the exercise of the powers provided for in section 120 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) and

(*a*) specifying, for a zone, the structures and agricultural uses that are authorized and those that are prohibited, and land occupation densities; and

(*b*) specifying, for 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 parcel of land and the use and layout of such open space, or the distance from the street of buildings in relation to their height;";

(2) by striking out subparagraph 3 of the second paragraph.

466. Section 79.12 of the Act is amended by replacing "land use planning and development plan pursuant to subparagraph 2.1 of the first paragraph and the third paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)" in paragraph 3 by "RCM sustainable land use and development plan".

467. Section 98 of the Act is amended

(1) by inserting "sustainable" before "land use" wherever it appears in the second paragraph;

(2) by replacing "master" in the second paragraph by "comprehensive".

ENVIRONMENT QUALITY ACT

468. Section 31.65 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing "sections 120 and 121 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "section 157 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

469. Section 31.68 of the Act is amended by replacing "to the conditions set out in sections 120 and 121 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "to the condition set out in section 157 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING THE RÉGIE DU LOGEMENT

470. Section 32 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing "148.0.2 of the Act respecting land use planning and development (chapter A-19.1)" by "140 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

471. Section 54.12 of the Act is amended

(1) by replacing "Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "Act respecting land use planning and development" in the second paragraph by "Sustainable Regional and Local Land Use Planning Act".

WATERCOURSES ACT

472. Section 8 of the Watercourses Act (R.S.Q., chapter R-13) is amended

(1) by replacing "paragraph 16 of the second paragraph of section 113 and section 118 of the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "section 122 or 124 or paragraph 1 of section 199 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "land use planning and development plan adopted under the Act respecting land use planning and development" in the second paragraph by "RCM sustainable land use and development plan adopted under the Sustainable Regional and Local Land Use Planning Act".

FIRE SAFETY ACT

473. Section 6 of the Fire Safety Act (R.S.Q., chapter S-3.4) is amended by replacing "the remedies provided for in sections 231, 232 and 233 of the Act respecting land use planning and development (chapter A-19.1)" in the second paragraph by "the remedy provided for in sections 343 and 344 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING AGRICULTURAL LANDS IN THE DOMAIN OF THE STATE

474. Section 45.1 of the Act respecting agricultural lands in the domain of the State (R.S.Q., chapter T-7.1) is amended by replacing "an interim control by-law or a subdivision by-law" in the first paragraph by "an interim control measure or a subdivision by-law".

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

475. Section 18 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by replacing "of an interim control by-law" by "of an interim control measure".

476. Section 23 of the Act is amended

(1) by replacing "process of preparation or review of the land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1)" in the first paragraph by "preparation and revision of the RCM sustainable land use and development plan provided for in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "land use planning and development plan" wherever it appears in the second and third paragraphs by "RCM sustainable land use and development plan".

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

477. Section 12 of the Act to amend the charter of the City of Laval (1999, chapter 91) is amended by replacing "section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in the first paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

478. Section 13 of the Act is repealed.

479. Section 14 of the Act is amended by replacing "with the objectives of the development plan and with the provisions of the complementary document" by "with the RCM plan".

ACT RESPECTING LA SOCIÉTÉ AÉROPORTUAIRE DE QUÉBEC

480. Section 6 of the Act respecting La Société Aéroportuaire de Québec (2000, chapter 68) is amended by replacing "117.1 to 117.16 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) do not apply in respect of a cadastral operation within the meaning of the said Act" by "160 to 174 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) do not apply to a cadastral operation".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

481. Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), amended by section 46 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

ACT RESPECTING VILLE DE MONT-TREMBLANT

482. Section 1 of the Act respecting Ville de Mont-Tremblant (2001, chapter 86) is amended

(1) by replacing "117.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in the first paragraph by "160 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "117.1 to 117.15" in the second paragraph by "160 to 174".

483. Section 2 of the Act is amended

(1) by replacing "117.15" in the first paragraph by "173";

(2) by replacing "117.15" in the third paragraph by "173".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

484. Section 237 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20) is repealed.

ACT RESPECTING MUNICIPALITÉ DE SAINT-DONAT

485. Section 1 of the Act respecting Municipalité de Saint-Donat (2005, chapter 61) is amended

(1) by replacing "117.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in the first paragraph by "160 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "117.1 to 117.15" in the fourth paragraph by "160 to 174".

ACT TO ENSURE THE ENLARGEMENT OF PARC NATIONAL DU MONT-ORFORD, THE PRESERVATION OF THE BIODIVERSITY OF ADJACENT LANDS AND THE MAINTENANCE OF RECREATIONAL TOURISM ACTIVITIES

486. Section 35 of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14) is amended by replacing "in Title III of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in the second paragraph by "in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING VILLE DE SAINT-JÉRÔME

487. Section 1 of the Act respecting Ville de Saint-Jérôme (2007, chapter 50) is amended by replacing "paragraph 9.1 of section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" by "the third paragraph of section 252 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

ACT RESPECTING THE BOUNDARIES OF THE WATERS IN THE DOMAIN OF THE STATE AND THE PROTECTION OF WETLANDS ALONG PART OF THE RICHELIEU RIVER

488. Section 23 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31) is amended by replacing "148.4, 148.5 and 148.7 to 148.13 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" by "253, 254 and 256 to 261 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) and section 70.0.1 of the Cities and Towns Act (R.S.Q., chapter C-19)".

489. Section 25 of the Act is amended by replacing "227 and following of the Act respecting land use planning and development" in paragraph 6 by "342 and following of the Sustainable Regional and Local Land Use Planning Act".

ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT AND OTHER LEGISLATIVE PROVISIONS CONCERNING METROPOLITAN COMMUNITIES

490. Section 162 of the Act to amend the Act respecting land use planning and development and other legislative provisions concerning metropolitan communities (2010, chapter 10) is repealed.

491. Sections 164 and 165 of the Act are repealed.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

492. Section 115 of the Act to amend various legislative provisions respecting municipal affairs (2010, chapter 18) is repealed.

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

493. Section 3 of the Act to amend the Charter of the city of Laval (2010, chapter 51) is amended

(1) by replacing "under subparagraph 7 of the second paragraph of section 115 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in the introductory clause of the first paragraph by "under

section 176 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "145.21 of the Act respecting land use planning and development" in subparagraph 2 of the first paragraph by "177 of the Sustainable Regional and Local Land Use Planning Act".

494. Section 4 of the Act is amended by replacing "117.1 of the Act respecting land use planning and development" in the first paragraph by "160 of the Sustainable Regional and Local Land Use Planning Act".

CULTURAL HERITAGE ACT

495. Section 4 of the Cultural Heritage Act (2011, chapter 21) is amended by replacing "158 to 165 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" by "329 to 334 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

496. Section 23 of the Act is replaced by the following section:

"**23.** Despite any inconsistent provision, any amendment made by the council of a regional county municipality or a metropolitan community to its RCM sustainable land use and development plan or its metropolitan sustainable land use and development plan for the sole purpose of describing the designated landscape is made by a by-law adopted without formality that comes into force on the day it is adopted. As soon as possible, a certified copy of the by-law is served on the Minister of Municipal Affairs, Regions and Land Occupancy in the manner set out in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)."

497. Section 117 of the Act is amended by replacing "146 of the Act respecting land use planning and development" by "105 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

498. Section 163 of the Act is replaced by the following section:

"**163.** For the purposes of this chapter as it applies to Ville de Laval, Ville de Mirabel and, from the repeal of their comprehensive plans, Ville de Gatineau, Ville de Lévis, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières, the references to the comprehensive plan in sections 127, 132, 161 and 162 are references to the RCM sustainable land use and development plan and to a territory identified in the plan as presenting a heritage interest within the meaning of this Act."

ACT RESPECTING THE HÔTEL-DIEU DE QUÉBEC AUGUSTINIAN MONASTERY

499. Section 1 of the Act respecting the Hôtel-Dieu de Québec Augustinian monastery (2011, chapter *insert the chapter number of that Act*) is amended by replacing "Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1)" in subparagraph *b* of paragraph 2 by "subdivision 3 of Division V of Chapter II of Title V of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

OTHER AMENDING PROVISIONS

500. "Land use planning and development plan" is replaced by "RCM sustainable land use and development plan" wherever it appears in the following provisions, with the necessary modifications:

(1) sections 152, 153, 155 and 156 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1);

(2) sections 124.20, 124.21, 124.22 and 124.23 of the Forest Act (R.S.Q., chapter F-4.1);

(3) section 77 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(4) section 150 of the Cultural Heritage Act (2011, chapter 21).

501. "Metropolitan land use and development plan" is replaced by "metropolitan sustainable land use and development plan", and "land use planning and development plan", "RCM land use and development plan" and "land use and development plan" are replaced by "RCM sustainable land use and development plan", wherever they appear in the following provisions, with the necessary modifications:

(1) sections 58.4, 67, 69.1 and 69.4 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(2) section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(3) section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2).

502. "Paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1)" is replaced by "third paragraph of section 252 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)" wherever it appears in the following provisions:

(1) the third paragraphs of articles 82, 123 and 129 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(2) the first paragraph of section 210.26.1 and the second paragraph of section 210.28 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9).

503. "Section 113 of the Act respecting land use planning and development (chapter A-19.1)" is replaced by "the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)" wherever it appears in sections 98, 99, 100, 102, 104 and 109 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5).

504. "Section 188 of the Act respecting land use planning and development (chapter A-19.1)" is replaced by "section 210.29.4 of the Act respecting municipal territorial organization (chapter O-9)" wherever it appears in the following provisions:

(1) the first paragraph of article 678.0.2.9, the fifth paragraph of article 681.1 and the third paragraph of article 681.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(2) the second paragraph of section 112 of the Municipal Powers Act (R.S.Q., chapter C-47.1);

(3) the third paragraph of section 5 and the second paragraph of section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(4) section 21.34 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1).

505. "Act respecting land use planning and development (chapter A-19.1)" is replaced by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) wherever it appears in the following provisions:

(1) subparagraph 1 of the second paragraph of section 23 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(2) subparagraph 1 of the second paragraph of section 32 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

(3) subparagraph 1 of the second paragraph of section 34 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

(4) subparagraph 1 of the second paragraph of section 34 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(5) subparagraph 1 of the third paragraph of section 32 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) and section 76 of Schedule C to that charter;

(6) subparagraph 1 of the second paragraph of section 47 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(7) subparagraph 1 of the second paragraph of section 38 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(8) subparagraph 2 of the first paragraph of section 54.13 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1).

506. "Land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1)" and "land use planning and development plan provided for by the Act respecting land use planning and development (chapter A-19.1)" are replaced by "RCM sustainable land use and development plan provided for in the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)" wherever they appear in the following provisions:

(1) section 88 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(2) paragraph 2 of section 128.5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(3) paragraph 2 of section 15 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01).

507. "Paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1)" is replaced by "the third paragraph of section 154 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)" wherever it appears in the following provisions:

(1) section 72 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

(2) section 59 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

(3) the third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).

508. "In subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)" is replaced by "in sections 120 and 198 of the Sustainable Regional and Local Land Use

Planning Act (*insert the year and chapter number of this Act*)" wherever it appears in the following provisions:

(1) the fourth paragraph of section 79.2, paragraph 1 of section 79.17, paragraph 1 of section 79.19 and section 79.19.2 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(2) section 19.1 of the Environment Quality Act (R.S.Q., chapter Q-2).

509. Section 27.1 of Order in Council 1294-2000 (2000, G.O. 2, 5335), concerning Ville de Mont-Tremblant, enacted by section 127 of chapter 50 of the statutes of 2005 and amended by section 125 of chapter 31 of the statutes of 2006, is again amended

(1) by replacing "146 of the Act respecting land use planning and development (R.S.Q., c. A-19.1)" in the first paragraph by "105 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "Divisions VI to VIII, X and XI of Chapter IV of Title I of the Act respecting land use planning and development" in the third paragraph by "Divisions III and VI of Chapter II of Title V of the Sustainable Regional and Local Land Use Planning Act".

510. Section 27 of Order in Council 841-2001 (2001, G.O. 2, 3660), concerning Ville de Saguenay, is amended by replacing "Act respecting land use planning and development (R.S.Q., c. A-19.1)" in subparagraph *a* of the second paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

511. Section 51 of the Order in Council, amended by section 47 of chapter 68 of the statutes of 2002, is again amended

(1) by replacing "paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1)" in the first paragraph by "third paragraph of section 154 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by striking out the second and third paragraphs.

512. Section 69 of the Order in Council is amended

(1) by replacing "123 to 137 of the Act respecting land use planning and development" in the introductory clause by "203 to 223 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "publique de consultation" in paragraph *a* in the French text by "de consultation publique";

(3) by inserting "public consultation" after "place of any" in paragraph *b*;

(4) by striking out paragraphs *c* and *e*;

(5) by replacing paragraph *d* by the following paragraph:

"(*d*) the notice required by section 215 of that Act shall be posted not only at the office of the city but also at the office of each borough referred to in the draft by-law, and shall state that a copy of the information document is available for consultation both at the office of the city and at the office of each such borough;";

(6) by replacing paragraph *f* by the following paragraph:

"(*f*) a notice under section 219 of that Act shall be issued separately for each borough and shall deal only with the provisions of the draft by-law that affect the borough referred to in the notice."

513. Section 70 of the Order in Council is amended by replacing "with Chapter V of Title I of the Act respecting land use planning and development" by "with subdivision 1 of Division I of Chapter II of Title V of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

514. Section 71 of the Order in Council, amended by section 120 of chapter 18 of the statutes of 2008 and section 109 of chapter 18 of the statutes of 2010, is again amended by replacing "Division VI of Chapter IV of Title I of the Act respecting land use planning and development applies, adapted as required. In particular, the notice referred to in section 145.6" in the second paragraph by "subdivision 5 of Division III of Chapter II of Title V and section 148 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) apply, adapted as required. In particular, the notice referred to in section 148".

515. Section 31 of Order in Council 850-2001 (2001, G.O. 2, 3695), concerning Ville de Sherbrooke, is amended by replacing "Act respecting land use planning and development (R.S.Q., c. A-19.1)" in subparagraph 1 of the second paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

516. Section 48 of the Order in Council, amended by section 48 of chapter 68 of the statutes of 2002, is again amended

(1) by replacing "paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1)" in the first paragraph by "third

paragraph of section 154 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by striking out the second and third paragraphs.

517. Section 64 of the Order in Council is amended

(1) by replacing "123 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1)" in the introductory clause by "203 to 223 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)";

(2) by replacing "publique de consultation" in paragraph 1 in the French text by "de consultation publique";

(3) by inserting "public consultation" after "place of any" in paragraph 2;

(4) by striking out paragraphs 3 and 5;

(5) by replacing paragraph 4 by the following paragraph:

"(4) the notice required by section 215 of that Act shall be posted not only at the office of the city but also at the office of each borough referred to in the draft by-law, and shall state that a copy of the information document is available for consultation both at the office of the city and at the office of each such borough;";

(6) by replacing paragraph 6 by the following paragraph:

"(6) a notice under section 219 of that Act shall be issued separately for each borough and shall deal only with the provisions of the draft by-law that affect the borough referred to in the notice."

518. Section 65 of the Order in Council is amended by replacing "with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1)" by "with subdivision 1 of Division I of Chapter II of Title V of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

519. Section 66 of the Order in Council, amended by section 121 of chapter 18 of the statutes of 2008 and section 110 of chapter 18 of the statutes of 2010, is again amended by replacing "Division VI of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) applies, adapted as required. In particular, the notice referred to in section 145.6" in the second paragraph by "subdivision 5 of Division III of Chapter II of Title V and section 148 of the Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*) apply, adapted as required. In particular, the notice referred to in section 148".

520. Section 18 of Order in Council 851-2001 (2001, G.O. 2, 3726), concerning Ville de Trois-Rivières, is amended by replacing "Act respecting land use planning and development (R.S.Q., c. A-19.1)" in subparagraph 1 of the second paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

521. Section 25 of the Order in Council, amended by section 49 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

522. Section 12 of Order in Council 1478-2001 (2001, G.O. 2, 6960), concerning Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002, is again amended by striking out the first, second and fourth paragraphs.

523. Section 41.1 of Order in Council 110-2002 (2002, G.O. 2, 1462), concerning Ville de Sainte-Agathe-des-Monts, enacted by section 193 of chapter 28 of the statutes of 2005, is repealed.

524. Section 23 of Order in Council 371-2003 (2003, G.O. 2, 1339), concerning Ville de La Tuque, is amended by replacing "Act respecting land use planning and development (R.S.Q., c. A-19.1)" in subparagraph 1 of the second paragraph by "Sustainable Regional and Local Land Use Planning Act (*insert the year and chapter number of this Act*)".

525. Section 29 of the Order in Council, amended by section 158 of chapter 10 of the statutes of 2010, is again amended by striking out the second paragraph.

526. In any Act or statutory instrument and in any document, a reference to the Act respecting land use planning and development or any of its provisions is a reference to this Act or the corresponding provision of this Act.

527. In the English text of any Act and statutory instrument, and in any document, "planning program" means "comprehensive plan" when it refers to a comprehensive plan under this Act, and the singular and plural forms of "planning program" are replaced by the singular and plural forms of "comprehensive plan", respectively.

TITLE XIV

FINAL AND TRANSITIONAL PROVISIONS

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

529. The purpose of this Title is to ensure the transition between the former Act and this Act. In this Title,

(1) a reference to the former Act is a reference to the Act respecting land use planning and development, repealed by section 528; and

(2) a reference to the date of coming into force of this Act is a reference to (*insert the date of coming into force of this Act*).

530. Metropolitan land use and development plans, RCM land use and development plans, resolutions, by-laws, orders, agreements and other acts and documents adopted, entered into or made under the former Act that are in force on the date of coming into force of this Act remain in force insofar as they are consistent with this Act. Those that are no longer required to be adopted by by-law under this Act may be amended or replaced by resolution.

531. The first strategic vision statement of a competent body that is required under section 9 to maintain one must be adopted

(1) in the case of a competent body referred to in section 534, on or before the date the draft of the first revised RCM plan following the one referred to in that section is adopted;

(2) in the case of any other competent body, on or before the date the draft of the first revised RCM plan following the coming into force of this Act is adopted; or

(3) in the case of Municipalité régionale de comté du Golfe du Saint-Laurent, on the date its first RCM plan is adopted in accordance with section 13 of Order in Council 516-2010 (2010, G.O. 2, 1973) or, if that first RCM plan was adopted before the date of coming into force of this Act, on the date the draft of the first revised RCM plan following the coming into force of this Act is adopted.

In the case of a competent body which, under section 53 of chapter 68 of the statutes of 2002, adopted a statement as a content element of the revised RCM plan, the obligation provided for in the first paragraph consists in adopting a separate statement that is not included in the RCM plan and either adopting an amendment to remove the other statement from the RCM plan or adopting the revised RCM plan referred to in the first paragraph.

532. The mandatory content element of an RCM plan, referred to in the second paragraph of section 24, remains optional, subject to section 21, until the time determined under rules established by the Government.

533. Every process, referred to in the second and fifth paragraphs, that is underway on the date of coming into force of this Act is governed by the former Act.

The processes referred to in the first paragraph are those governed by the provisions relating to

(1) the effects, amendment and revision of the metropolitan or RCM plan that are contained in Chapter I.0.1 of Title I of the former Act, comprising sections 32 to 72, except sections 59.5 to 59.9;

(2) the by-law provided for in Division I of Chapter II.1 of Title I of the former Act, comprising sections 79.1 to 79.19.2;

(3) the amendment of the planning program that are contained in Division VI of Chapter III of Title I of the former Act, comprising sections 109 to 110.3;

(4) the revision of the planning program that are contained in Division VI.0.1 of Chapter III of Title I of the former Act, comprising sections 110.3.1 and 110.3.2;

(5) the effects of the amendment or revision of the planning program that are contained in Division VI.1 of Chapter III of Title I of the former Act, comprising sections 110.4 to 110.10.1;

(6) interim control that are contained in Division VII of Chapter III of Title I of the former Act, comprising sections 111 to 112.8;

(7) the adoption and coming into force of by-laws that are contained in Division V of Chapter IV of Title I of the former Act, comprising sections 123 to 137.17;

(8) government interventions that are contained in Chapter VI of Title I of the former Act, comprising sections 149 to 157;

(9) a special planning zone that are contained in Chapter VII of Title I of the former Act, comprising sections 158 to 165;

(10) the protection of lakeshores, riverbanks, littoral zones and floodplains that are contained in Chapter VIII of Title I of the former Act, comprising sections 165.2 to 165.4; and

(11) hog farms that are contained in Chapter IX of Title I of the former Act, comprising sections 165.4.1 to 165.4.19.

In the case of the revision of an RCM plan, the process referred to in the first paragraph is the process by which the competent body with respect to the RCM plan has already adopted the first draft revised RCM plan referred to in section 56.3 of the former Act. Every content element resulting from the application of this Act, including, for the municipalities referred to in the second paragraph of section 305, any content element that would normally be included in a comprehensive plan, may be included in the revised RCM plan even if it was not included in the first draft or, in the case of a competent body that adopted the second draft before the date of coming into force of this Act, in the second draft.

Despite subparagraph 6 of the second paragraph, no new interim control by-law may be adopted, and an interim control by-law in force on the date of coming into force of this Act may not be amended. However, the powers conferred by this Act with respect to interim control may be used during the amendment or revision process already begun.

The first paragraph also applies to the process for adopting the first RCM plan of Municipalité régionale de comté du Golfe du Saint-Laurent, with the modifications provided for in section 13 of Order in Council 516-2010 (2010, G.O. 2, 1973).

534. Every competent body referred to in the third paragraph of section 533 must adopt a by-law enacting a revised RCM plan, in accordance with section 56.13 of the former Act, not later than 12 months after the date of coming into force of this Act.

Every other competent body with respect to an RCM plan in whose territory the first RCM plan adopted under the former Act is still in force must, in accordance with this Act, adopt a revised RCM plan not later than 24 months after the date of coming into force of this Act.

The second paragraph does not apply to Municipalité régionale de comté du Golfe du Saint-Laurent, constituted by Order in Council 516-2010 (2010, G.O. 2, 1973).

535. Only a municipality described in section 202 in whose territory a revised RCM plan is in force has the powers conferred by sections 198 and 199 with respect to regional by-laws.

536. Until the coming into force of the first government order under section 33,

(1) paragraph 1 of section 37 does not apply;

(2) the Minister may give an opinion on any draft amendment; and

(3) every amendment must be examined for conformity with government policy directions.

537. Until the coming into force of a public consultation policy adopted by the council of a competent body or of a municipality under section 30 or 90, the provisions of the former Act relating to information and public consultation with respect to the amendment, revision or replacement of a metropolitan plan, RCM plan or planning program apply to the amendment, revision or replacement of a metropolitan plan, RCM plan or comprehensive plan under this Act, with the proviso that the provisions of sections 31 and 91 relating to the consultation report also apply.

538. The power granted to the Minister under section 337 to request the revision of a metropolitan or RCM plan may not be exercised before the day that occurs five years after the coming into force of this Act.

539. The first indicators described in sections 79 and 102 must be adopted, by every competent body and every local municipality that has not adopted indicators by the date of coming into force of this Act, on or before the day that occurs two years after that date.

The first biennial report provided for in those sections must be adopted

(1) in the case of a competent body and a municipality that has adopted indicators by the date of coming into force of this Act, on or before the day that occurs two years after that date; and

(2) in other cases, on or before the day that occurs four years after the date of coming into force of this Act.

540. Despite the second paragraph of section 305, the comprehensive plan of Ville de Gatineau, Ville de Lévis, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières that is in force on the date of coming into force of this Act remains in force until it is repealed.

The comprehensive plan of a municipality referred to in the first paragraph may be repealed without formality; until it is repealed, it may not be amended.

541. Subject to the second paragraph, the term of the members of a planning advisory committee or an agricultural advisory committee in office on the date of coming into force of this Act ends in accordance with the rules governing their term of office on that date.

However, the term of the members of the planning advisory committee ends at the latest on the date that occurs four years after the date of coming into force of this Act; it may, however, be renewed in accordance with section 106.

542. A local municipality may only avail itself of section 264 if an RCM plan or interim control by-law in conformity with the government policy directions referred to in section 237 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20) is in force in its territory.

543. The rights provided for in section 153 are valid against an interim control by-law in force on the date of coming into force of this Act.

544. Sections 256.1 and 256.2 of the former Act remain effective with respect to a tract of land that meets the conditions for the application of either of those sections.

A tract of land described in the first paragraph enjoys the rights provided for in section 153 even if it does not meet the condition set out in subparagraph 2 of the first paragraph of that section, provided it meets the conditions for the application of section 256.1 or 256.2 of the former Act immediately before the acquisition referred to in that section 153.

545. The second paragraph of section 330 applies to by-laws enacted by a special planning zone order under the former Act.

The first paragraph has effect, with respect to each order, from its coming into force.

546. Despite the repeal of section 163 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) by section 403, the third paragraph of that section 163 remains effective with respect to the by-laws referred to in the first paragraph of that section.

547. This Act comes into force on (*insert the date of the 60th day after the date of assent to this Act*).

SUSTAINABLE REGIONAL AND LOCAL LAND USE PLANNING ACT

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