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chapter A-19.1

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

AS the territory of Québec is unique and diversified and as it constitutes the common heritage of all Quebecers;

AS that territory is a source of attachment, pride and identity for all its inhabitants;

AS that territory constitutes both an invaluable wealth and a limited resource, and as it is important to protect it and develop it for the benefit of current and future generations;

AS human actions in the territory have lasting effects;

AS land use planning and development are essential to the sustainable use of the territory and as they contribute to the creation of quality living environments, the protection of natural environments and agricultural land, the development of agricultural and forest activities, the development of dynamic and authentic communities and the fight against climate change;

AS land use planning and development are responsibilities that are shared by the State and the municipal authorities, and as it is important to ensure concerted action between the stakeholders as well as consistency in decisions concerning these matters;

AS it is the State's responsibility to define the policy directions that are to guide territorial planning and to ensure that its interventions contribute to the sustainable development of the territory;

AS it is incumbent on municipal authorities to make decisions concerning land use planning and development in keeping with those policy directions, giving priority to the collective interest and taking into account territorial characteristics;

1979, c. 51; 2023, c. 12, s. 1.

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TITLE PRELIMINARY

OBJECT AND INTERPRETATION

1979, c. 51, Tit. preliminary; 2023, c. 12, s. 2.

0.1. This Act establishes a land use planning and development regime designed to

(1) foster informed and sustainable planning and development of the territory;

(2) divide up land use planning and development responsibilities between the Government, metropolitan communities, regional county municipalities and local municipalities;

(3) ensure consistency of decisions made by the various stakeholders;

(4) confer a leading and unifying role on territorial planning documents;

(5) provide municipalities with versatile urban planning tools adapted to various needs; and

(6) measure the effectiveness of planning in order to support optimal and informed decision making.

2023, c. 12, s. 3.

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

(1) "alienation" means any conveyance of property, including sale with a right of redemption, emphyteusis, alienation for rent, transfer of a right contemplated in section 8 of the Mining Act (chapter M-13.1) or section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1), except by

(a) transmission owing to death;

(b) auction sale, including sale for unpaid taxes and withdrawal and any conveyance resulting from the Act respecting expropriation (chapter E-25);

(c) taking in payment to the extent that the person exercising that right becomes the owner of the whole lot or of all the lots still subject to the hypothec;

(2) *(paragraph repealed);*

(3) "Commission" means the Commission municipale du Québec;

(3.1) "wetlands and bodies of water" means the wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(4) "Minister" means the Minister of Municipal Affairs, Regions and Land Occupancy;

(5) *(paragraph repealed);*

(6) *(paragraph repealed);*

(7) "cadastral operation" means a cadastral amendment provided for in the first paragraph of article 3043 of the Civil Code;

(7.1) "responsible body" : means a metropolitan community that must maintain a metropolitan land use and development plan in force or a regional county municipality that must maintain a land use and development plan in force;

(8) "public agency" means an agency to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund;

(8.1) "metropolitan plan" : means the metropolitan land use and development plan of a metropolitan community;

(8.2) "senior officer" : means the chair of a metropolitan community, the warden of a regional county municipality or the mayor of a local municipality;

(8.2.1) "planning by-law" means any by-law provided for in Chapter IV or Chapter V.0.1 of Title I;

(8.3) "RCM plan" : means the land use and development plan of a regional county municipality;

(9) "secretary" means,

(a) in the case of a metropolitan community, the secretary or any other officer the executive committee designates for that purpose;

(b) in the case of a regional county municipality or local municipality, the clerk-treasurer, the clerk or any other officer the council designates for that purpose; and

(c) in the case of a school service centre or school board, the director general;

(9.1) "core city" means any local municipality whose territory corresponds to a census agglomeration defined by Statistics Canada or any local municipality whose territory is situated within such an agglomeration and whose population is the highest among those of the local municipalities whose territory is situated within that agglomeration;

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

1979, c. 51, s. 1; 1982, c. 2, s. 53; 1984, c. 27, s. 18; 1983, c. 55, s. 161; 1987, c. 64, s. 329; 1988, c. 19, s. 215; 1993, c. 3, s. 1; 1993, c. 65, s. 75; 1992, c. 57, s. 431; 1996, c. 2, s. 29; 1996, c. 25, s. 1; 1999, c. 40, s. 18; 1999, c. 43, s. 13; 2000, c. 8, s. 242; 2002, c. 68, s. 1; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2010, c. 10, s. 1; 2017, c. 14, s. 39; 2016, c. 35, s. 23; 2020, c. 1, s. 310 ; 2021, c. 7, s. 2; 2021, c. 31, s. 132; 2022, c. 10, s. 123; 2023, c. 12, s. 4; 2023, c. 27, s. 240.

Note *The reference pursuant to section 97 of chapter 23 of the statutes of 1987 in respect of the Lands and Forests Act (chapter T-9) could not be effected in this section because all timber limits leased on the domain of the State were cancelled on 1 April 1987. (1986, c. 108, s. 213; 1999, c. 40, s. 140).*

1.1. In this Act, the word "municipality", except where it appears as part of the expression "regional county municipality", means a local municipality.

A regional county municipality whose territory comprises an unorganized territory is a local municipality in respect of that territory, in accordance with section 8 of the Act respecting municipal territorial organization (chapter O-9). However, the provisions of this Act, other than those that refer specifically to an unorganized territory, apply to such a local municipality, with the following modifications:

(1) the regional county municipality does not have the power or the obligation to adopt a planning program in respect of that territory;

(2) any document that must be sent by a third person to the municipality and to the regional county municipality may be sent validly once, within the time and according to the procedure that are more demanding in respect of the third person if the prescribed time and procedure for the transmission of documents to the municipality and to the regional county municipality differ;

(3) any provision requiring that the by-law of a municipality be approved or certified true by the regional county municipality does not apply; in such a case, the by-law is deemed approved and certified true on being passed;

(4) *(subparagraph repealed).*

1982, c. 63, s. 69; 1988, c. 19, s. 216; 1993, c. 3, s. 2; 1996, c. 2, s. 30.

1.2. In this Act, "government policy directions" means

(1) the objectives and policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing with respect to land use development, as defined in any document adopted by the Government after consultation, by the Minister, with the authorities representing the municipal sector and with any other civil society organization the Minister considers relevant, and the equipment, infrastructure and land use 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 (chapter T-8.1).

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

2017, c. 13, s. 1.

2. A metropolitan plan, an RCM plan and an interim control by-law related to the process of amendment or revision of such a metropolitan plan or RCM plan are binding on the Government, its ministers and mandataries of the State, where they plan any intervention to which sections 150 to 157 apply, but only to the extent provided in these sections.

In particular, the Government and its ministers and mandataries of the State are not required to obtain a permit or certificate required under an interim control by-law.

For the purposes of this Act, a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) is considered a mandatary of the State.

1979, c. 51, s. 2; 1983, c. 19, s. 1; 1993, c. 3, s. 3; 1999, c. 40, s. 18; 2002, c. 68, s. 52; 2010, c. 10, s. 2; 2023, c. 12, s. 5.

TITLE I

REGULATION OF LAND USE PLANNING AND DEVELOPMENT

CHAPTER 0.1

RESPONSIBLE BODY

2010, c. 10, s. 3.

2.1. Every metropolitan community is a responsible body with respect to a metropolitan plan.

For the purposes of the functions of the Communauté métropolitaine de Québec as a responsible body, 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.

2010, c. 10, s. 3.

2.2. Every regional county municipality is a responsible body with respect to an RCM plan.

2010, c. 10, s. 3.

CHAPTER 0.1.1

PURPOSES OF TERRITORIAL PLANNING

2023, c. 12, s. 6.

2.2.1. The purposes of the territorial planning of metropolitan communities, regional county municipalities and municipalities include but are not limited to the following:

(1) the optimal use of the territory, including to limit urban sprawl, in a manner that ensures that future generations can live and prosper there;

(2) the creation of complete, quality, convivial living environments that are conducive to the adoption of a healthy lifestyle;

(3) the development and maintenance of a housing supply that meets the diversity of needs;

(4) the prevention and reduction of risks and nuisances that could affect human health and safety and the safety of property;

(5) the fight against climate change, including adaptation to that change;

(6) the development of prosperous, dynamic and attractive communities;

(7) sustainable mobility, with a view to safety, accessibility and multimodal transport;

(8) the protection, development and sustainability of agricultural land and activities;

(9) the conservation and enhancement of natural environments and biodiversity as well as accessibility to nature;

(10) the preservation and enhancement of cultural heritage and landscapes;

(11) the optimal management of public infrastructures and equipment;

(12) the sustainable and integrated management of water resources; and

(13) the preservation and development of natural resources.

2023, c. 12, s. 6.

CHAPTER 0.2

STRATEGIC VISION STATEMENT

2010, c. 10, s. 3.

DIVISION I

OBLIGATION TO MAINTAIN STATEMENT

2010, c. 10, s. 3.

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

However, a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to maintain a statement in force for the common territory.

When determining the content of its statement, the regional county municipality must take the metropolitan community's statement into consideration.

2010, c. 10, s. 3.

DIVISION II

STATEMENT ADOPTION AND AMENDMENT PROCESS

2010, c. 10, s. 3.

§ 1. — *Application*

2010, c. 10, s. 3.

2.4. The process provided for in this division aims at maintaining in force a strategic vision statement.

In the following provisions, a reference to a statement includes, in addition to the first or a replacement statement, any amendment made to the statement in force.

2010, c. 10, s. 3.

2.5. For the purposes of this division, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in the case of the statement of a metropolitan community, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and;

(3) in the case of the statement of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community, that metropolitan community.

2010, c. 10, s. 3.

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

2010, c. 10, s. 3.

2.6. The council of the responsible body shall initiate the process by adopting a draft strategic vision statement.

As soon as practicable after the adoption of the draft statement, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the draft statement and of the resolution adopting it.

2010, c. 10, s. 3; I.N. 2016-01-01 (NCCP).

2.7. The council of any partner body may give its opinion on the draft statement.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after a copy of the draft statement and of the resolution is sent to the partner body under the second paragraph of section 2.6.

2010, c. 10, s. 3.

§ 3. — *Public consultation*

2010, c. 10, s. 3.

A. — *Provisions common to all responsible bodies*

2010, c. 10, s. 3.

2.8. The responsible body must, as provided in sections 2.14, 2.15 and 2.18, hold at least one public meeting on the draft strategic vision statement.

The council of the responsible body shall specify every municipality in whose territory a public meeting must be held in accordance with the section applicable to it among those sections.

2010, c. 10, s. 3.

2.9. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

2010, c. 10, s. 3.

2.10. The council of the responsible body shall set the date, time and place of every public meeting; it may, however, delegate all or part of that power to the secretary.

2010, c. 10, s. 3.

2.11. Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the draft statement on the territory concerned; that territory is the territory determined in section 2.13 or 2.17, as the case may be.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft statement may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

2010, c. 10, s. 3.

2.12. At a public meeting, the committee shall explain the draft statement and hear the persons and organizations wishing to be heard.

2010, c. 10, s. 3.

B. — *Provisions specific to metropolitan communities*

2010, c. 10, s. 3.

2.13. For the purposes of section 2.11, in the case of a metropolitan community, the territory concerned is the territory referred to or described in any of paragraphs 1 to 5 of section 2.14 or any of paragraphs 1 to 5 of section 2.15, as applicable.

2010, c. 10, s. 3.

2.14. The Communauté métropolitaine de Montréal must hold a public meeting in

(1) the urban agglomeration of Montréal;

(2) the urban agglomeration of Longueuil;

(3) the territory of Ville de Laval;

(4) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and

(5) the part of the territory of the metropolitan community that is made up of the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

2010, c. 10, s. 3.

2.15. The Communauté métropolitaine de Québec must hold a public meeting in

(1) the urban agglomeration of Québec;

(2) the territory of Ville de Lévis;

(3) the territory of Municipalité régionale de comté de L'Île-d'Orléans;

(4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré; and

(5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

2010, c. 10, s. 3.

2.16. Despite section 2.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

2010, c. 10, s. 3.

C. — *Provisions specific to regional county municipalities*

2010, c. 10, s. 3.

2.17. For the purposes of section 2.11, in the case of a regional county municipality, every public consultation meeting concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county municipality, or unless the regional county municipality, in its decision under section 2.8, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

2010, c. 10, s. 3.

2.18. A regional county municipality must hold at least one public consultation meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft strategic vision statement is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft statement. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality

2010, c. 10, s. 3.

2.19. In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 2.11 posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

2010, c. 10, s. 3.

§ 4. — *Adoption and coming into force*

2010, c. 10, s. 3.

2.20. After the consultation period concerning the draft strategic vision statement, the council of the responsible body shall adopt the statement, with or without changes.

However, the statement may not be adopted before the later of

(1) the day after the day on which the last of the partner bodies that were sent the draft statement gives an opinion on the draft statement or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

2010, c. 10, s. 3.

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

As soon as practicable after the coming into force of the statement, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the statement and of the resolution adopting it.

2010, c. 10, s. 3; I.N. 2016-01-01 (NCCP).

2.22. In the case of a metropolitan community, the decision to adopt the strategic vision statement must be made by 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 votes cast by all 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.

2010, c. 10, s. 3.

CHAPTER 0.3

METROPOLITAN LAND USE AND DEVELOPMENT PLAN OF THE METROPOLITAN COMMUNITY

2010, c. 10, s. 3.

DIVISION I

OBLIGATION TO MAINTAIN METROPOLITAN PLAN

2010, c. 10, s. 3.

2.23. Every metropolitan community must at all times maintain in force a land use and development plan for its territory.

The plan is called the "Metropolitan land use and development plan".

2010, c. 10, s. 3.

DIVISION II

CONTENT OF METROPOLITAN PLAN

2010, c. 10, s. 3.

2.24. The metropolitan plan shall define policy directions, objectives, targets and criteria to ensure the competitiveness and attractiveness of the territory of the metropolitan community, in keeping with sustainable development.

The policy directions, objectives, targets and criteria shall concern

(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 must be the subject of integrated land use and transportation planning;

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

(5) the development of agricultural activities;

(6) the definition of territories reserved for optimal urbanization;

(6.1) land use planning conducted in a manner that is consistent with the protection, availability and integrated management of the water resource;

(7) the identification of any part of the territory of the metropolitan community that is situated within the territory of two or more regional county municipalities and is subject to significant constraints for reasons of public security, public health or general well-being; 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 policy directions, objectives and criteria and achieve the targets defined under the first paragraph with regard to a subject referred to in subparagraph 6 of the second paragraph, the plan may delimit any metropolitan perimeter.

To support policy directions, objectives and criteria and achieve the targets 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.

2010, c. 10, s. 3; 2023, c. 12, s. 7.

2.25. In order to ensure the achievement of its policy directions, objectives and targets or compliance with the criteria it sets out, the metropolitan plan may make it mandatory to include any element it specifies in the complementary document to an RCM plan applicable in the territory of the metropolitan community.

2010, c. 10, s. 3; 2023, c. 12, s. 8.

DIVISION III

FOLLOW-UP OF METROPOLITAN PLAN

2010, c. 10, s. 3.

2.26. A metropolitan community must acquire the tools necessary to ensure follow-up and implementation of its metropolitan plan and to evaluate progress toward plan objectives and success in carrying out plan proposals.

The council of the metropolitan community must adopt a biennial report on those subjects. The secretary shall send a copy of the report to the Minister.

2010, c. 10, s. 3.

CHAPTER I

REGIONAL COUNTY MUNICIPALITY LAND USE PLANNING AND DEVELOPMENT PLAN

2002, c. 68, s. 52.

DIVISION I

OBLIGATION TO MAINTAIN RCM PLAN

1996, c. 25, s. 2; 2002, c. 68, s. 52; 2010, c. 10, s. 4.

3. Every regional county municipality must maintain in force, at all times, an RCM plan applicable to its whole territory.

1979, c. 51, s. 3; 1996, c. 25, s. 2; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

4. *(Replaced).*

1979, c. 51, s. 4; 1982, c. 2, s. 54; 1994, c. 13, s. 15; 1996, c. 2, s. 31; 1996, c. 25, s. 2.

DIVISION II

CONTENTS OF THE PLAN

5. An RCM plan determines sustainable land use planning and development for the regional county municipality's territory. It defines its general aims and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the RCM plan must

(1) describe the organization of the territory;

(2) determine the general policies on land use in the territory;

(3) delimit urbanization perimeters and determine occupation densities within them;

(4) determine any part of the territory within an urbanization perimeter that is to be consolidated on a priority basis;

(5) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning;

(6) describe anticipated housing needs and set out measures for meeting those needs;

(7) define the large infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) plan land use development in a manner that is consistent with the protection, availability and integrated management of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement;

(10) determine any lake or watercourse that is of recreational interest with a view to ensuring its public accessibility; and

(11) identify any part of the territory where land occupation is subject to special restrictions for reasons of public safety or environmental protection, or because of its actual or potential proximity to a place or an activity that makes land occupation subject to special restrictions related to public safety, public health or general well-being.

For the purposes of the first paragraph, the plan of a regional county municipality whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) must ensure, in such a zone, the compatibility of land use planning and development standards with a view to favouring the priority use of land for agricultural activities and, within that framework, the harmonious coexistence of agricultural and non-agricultural uses.

The plan must describe its interrelatedness with any other planning document the regional county municipality is required to prepare.

The plan may delimit any mining-incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1).

1979, c. 51, s. 5; 1982, c. 63, s. 70; 1988, c. 84, s. 700; 1993, c. 3, s. 4; 1996, c. 26, s. 65; 1999, c. 40, s. 18; 2002, c. 68, s. 2, s. 52; 2004, c. 20, s. 1; 2010, c. 10, s. 5; 2011, c. 21, s. 210; 2017, c. 14, s. 40; 2020, c. 1, s. 165; 2021, c. 7, s. 3; 2023, c. 12, s. 10.

6. The RCM plan must contain a complementary document that sets out rules, criteria or obligations regarding the content of any planning by-law a municipality may adopt under this Act, in particular as concerns the fact that such a by-law must be adopted and that it must contain provisions at least as restrictive as those of the complementary document.

The complementary document must, in particular, require the adoption of by-law provisions contemplated in subparagraph 7.1 of the second paragraph of section 115 as regards any lake or watercourse determined in accordance with subparagraph 10 of the second paragraph of section 5.

1979, c. 51, s. 6; 1987, c. 64, s. 330; 1989, c. 46, s. 1; 1993, c. 3, s. 5; 1996, c. 14, s. 21; 1997, c. 93, s. 1; 1998, c. 31, s. 1; 2002, c. 68, s. 52; 2004, c. 20, s. 2; 2009, c. 26, s. 1; 2010, c. 10, s. 110; 2010, c. 3, s. 255; 2013, c. 32, s. 116; 2017, c. 13, s. 2; 2016, c. 35, s. 23; 2021, c. 10, s. 80; 2021, c. 7, s. 4; 2022, c. 10, s. 3; 2023, c. 12, s. 10.

7. An RCM plan shall be accompanied with

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

(1.1) a plan of action for the implementation of the plan which mentions, in particular, the steps involved in its implementation, the municipalities, public bodies, ministers and State mandataries and other persons who are likely to participate in the implementation and the means proposed to further the coordinated action of the participants;

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

1979, c. 51, s. 7; 1993, c. 3, s. 6; 1999, c. 40, s. 18; 2002, c. 68, s. 52; 2010, c. 10, s. 110; 2023, c. 12, s. 11.

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

1979, c. 51, s. 8; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

8.1. *(Repealed).*

2002, c. 37, s. 1; 2002, c. 68, s. 52; 2003, c. 19, s. 1.

DIVISION III

MONITORING OF THE IMPLEMENTATION OF THE RCM PLAN

1979, c. 51, Div. III; 1996, c. 25, s. 3; 2023, c. 12, s. 12.

9. Every regional county municipality must produce, every four years, a regional report containing the following information:

(1) a status report on land use planning in its territory;

(2) reporting on the achievement of the targets and the implementation of the policy directions and objectives set out in the RCM plan; and

(3) the means it intends to use to achieve any target that was not achieved during the period covered by the report.

The Minister shall determine, by regulation, any other information the report must contain.

1979, c. 51, s. 9; 1996, c. 25, s. 3; 2023, c. 12, s. 12.

10. A regional county municipality may request that a municipality whose territory is situated within its territory communicate to the regional county municipality the information and documents the latter considers necessary for the production of its regional report.

1979, c. 51, s. 10; 1996, c. 2, s. 32; 1996, c. 25, s. 3; 2023, c. 12, s. 12.

11. The regional report must be sent to the Minister not later than six months after the end of the period for which it is produced and be published on the website of the regional county municipality.

1979, c. 51, s. 11; 1996, c. 25, s. 3; 2023, c. 12, s. 12.

12. *(Repealed).*

1979, c. 51, s. 12; 1996, c. 2, s. 33; 1996, c. 25, s. 3.

13. *(Repealed).*

1979, c. 51, s. 13; 1996, c. 25, s. 3.

14. *(Repealed).*

1979, c. 51, s. 14; 1996, c. 25, s. 3.

15. *(Repealed).*

1979, c. 51, s. 15; 1996, c. 2, s. 34; 1996, c. 25, s. 3.

16. *(Repealed).*

1979, c. 51, s. 16; 1987, c. 23, s. 79; 1994, c. 13, s. 15; 1996, c. 25, s. 3.

17. *(Repealed).*

1979, c. 51, s. 17; 1996, c. 25, s. 3.

18. *(Repealed).*

1979, c. 51, s. 18; 1996, c. 2, s. 35; 1996, c. 25, s. 3.

19. *(Repealed).*

1979, c. 51, s. 19; 1996, c. 2, s. 36; 1996, c. 25, s. 3.

20. *(Repealed).*

1979, c. 51, s. 20; 1996, c. 25, s. 3.

21. *(Repealed).*

1979, c. 51, s. 21; 1996, c. 2, s. 68; 1996, c. 25, s. 3.

22. *(Repealed).*

1979, c. 51, s. 22; 1996, c. 25, s. 3.

23. *(Repealed).*

1979, c. 51, s. 23; 1985, c. 27, s. 1; 1996, c. 2, s. 37; 1996, c. 25, s. 3.

24. *(Repealed).*

1979, c. 51, s. 24; 1996, c. 25, s. 3.

DIVISION IV

Repealed, 1996, c. 25, s. 4.

1996, c. 25, s. 4.

25. *(Repealed).*

1979, c. 51, s. 25; 1987, c. 102, s. 1; 1996, c. 2, s. 38; 1996, c. 25, s. 4.

26. *(Repealed).*

1979, c. 51, s. 26; 1982, c. 2, s. 55; 1987, c. 102, s. 2; 1996, c. 25, s. 4.

27. *(Repealed).*

1979, c. 51, s. 27; 1987, c. 23, s. 80; 1994, c. 13, s. 15; 1996, c. 2, s. 68; 1996, c. 25, s. 4.

28. *(Repealed).*

1979, c. 51, s. 28; 1982, c. 2, s. 56; 1987, c. 102, s. 3; 1996, c. 2, s. 39; 1996, c. 25, s. 4.

29. *(Repealed).*

1979, c. 51, s. 29; 1987, c. 23, s. 81; 1996, c. 2, s. 40; 1996, c. 25, s. 4.

29.1. *(Repealed).*

1986, c. 33, s. 1; 1996, c. 25, s. 4.

30. *(Repealed).*

1979, c. 51, s. 30; 1996, c. 2, s. 41; 1996, c. 25, s. 4.

31. *(Repealed).*

1979, c. 51, s. 31; 1996, c. 25, s. 4.

CHAPTER I.0.1

EFFECTS, AMENDMENT AND REVISION OF METROPOLITAN PLAN AND RCM PLAN

2010, c. 10, s. 6.

DIVISION I

EFFECTS OF METROPOLITAN PLAN OR RCM PLAN

2010, c. 10, s. 7.

§ 1. — *General provision*

2010, c. 10, s. 7.

32. A metropolitan plan or RCM plan creates no obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for in the plan.

1979, c. 51, s. 32; 2002, c. 68, s. 52; 2010, c. 10, s. 8.

§ 2. — *Provisions specific to RCM plans*

2010, c. 10, s. 9.

33. Every municipality in the regional county municipality is required, within 24 months following the coming into force of the RCM plan, to adopt, for the whole of its territory, a planning program consistent with the objectives of the RCM plan and with the complementary document and to send a copy thereof to every contiguous municipality and to the regional county municipality.

The first paragraph does not apply to the Municipalité de Saint-Benoît-du-Lac or to the Paroisse de Saint-Louis-de-Gonzague-du-Cap-Tourmente.

1979, c. 51, s. 33; 1982, c. 63, s. 71; 1987, c. 102, s. 4; 1996, c. 2, s. 42; 1996, c. 25, s. 5; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

34. Every municipality having a master plan or a planning program is required to amend it, if necessary, to bring it into conformity with the objectives of the RCM plan and with the complementary document within 24 months of the coming into force of the RCM plan.

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

1979, c. 51, s. 34; 1982, c. 2, s. 57; 1982, c. 63, s. 71; 1987, c. 102, s. 5; 1993, c. 3, s. 7; 1996, c. 25, s. 6; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

35. *(Repealed).*

1979, c. 51, s. 35; 1987, c. 57, s. 662; 1987, c. 102, s. 6.

36. Within 45 days following the sending of the plan or program contemplated in section 33 or 34 or of a by-law contemplated in section 102, the council of the regional county municipality shall examine it and approve it if it is consistent with the objectives of the RCM plan and with the complementary document.

1979, c. 51, s. 36; 1987, c. 102, s. 7; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

37. If, at the expiration of 45 days following the sending of the plan or program contemplated in section 33 or 34 or of a by-law contemplated in section 102, the certificate of conformity has not been issued, the municipality which sent the plan, program or by-law for approval by the council of the regional county municipality may apply to the Commission for an assessment of conformity.

The clerk or clerk-treasurer of the municipality shall notify to the Commission a certified copy of the resolution by which the assessment is requested and of the plan or by-law concerned. He shall notify a certified copy of the resolution to the regional county municipality. The copy notified to the Commission must be received by it within 15 days after the expiry of the time prescribed in the first paragraph.

1979, c. 51, s. 37; 1987, c. 102, s. 8; 1996, c. 25, s. 7; I.N. 2016-01-01 (NCCP); 2021, c. 31, s. 132.

38. Within 45 days following the notification of the application, the Commission must give an assessment based solely on whether or not the plan or program contemplated in section 33 or 34 or the by-law contemplated in section 102 is consistent with the objectives of the RCM plan and with the complementary document.

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

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

1979, c. 51, s. 38; 1987, c. 102, s. 9; 2002, c. 68, s. 52; 2010, c. 10, s. 110; I.N. 2016-01-01 (NCCP).

39. If the assessment of the Commission is that the program of the by-law is in conformity with the RCM plan and with the complementary document, the secretary, within 15 days of the date of the assessment of conformity, must issue a certificate of conformity.

1979, c. 51, s. 39; 2002, c. 68, s. 52; 2010, c. 10, s. 10.

40. If, at the expiration of the 15 days provided for in the second paragraph of section 37, the municipality has not applied to the Commission for an assessment or if the Commission's assessment is that the program or the by-law is not in conformity with the objectives of the RCM plan and with the complementary document, the council of the regional county municipality shall require the municipality to amend the program or the by-law to bring it into the required conformity within such time as it may prescribe, which cannot be less than 45 days.

1979, c. 51, s. 40; 1987, c. 102, s. 10; 1993, c. 3, s. 8; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

41. *(Repealed).*

1979, c. 51, s. 41; 1993, c. 3, s. 9.

42. If, within the prescribed time, the municipality fails to submit a program prescribed in section 33 or a by-law prescribed in section 102 to the approval of the council of the regional county municipality, the latter shall itself proceed with the program or by-law at the expense of the municipality.

Once adopted by the council of the regional county municipality, the program or the by-law becomes the program or the by-law of the municipality; it is deemed to be approved by the council and to be in conformity with the objectives of the RCM plan and with the complementary document.

A copy of the program or by-law shall be filed in the office of the municipality.

The secretary of the regional county municipality shall publish a notice of the filing in a newspaper circulated in the territory of the municipality.

1979, c. 51, s. 42; 1993, c. 3, s. 10; 2002, c. 68, s. 52; 2003, c. 19, s. 2; 2010, c. 10, s. 11.

43. *(Repealed).*

1979, c. 51, s. 43; 1987, c. 102, s. 11; 1993, c. 3, s. 11.

44. On the approval or deemed approval of the program or by-law of a municipality under section 36 or under section 42, the secretary shall issue a certificate of conformity in respect of that program or by-law.

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

Notice of its coming into force shall be published in a newspaper circulated in the territory of the municipality and forwarded to the Minister of Natural Resources and Wildlife for the purposes of the cadastre. Where the coming into force results from the issuance of a certificate of conformity ending the interim control measures, the notice sent to the Minister of Natural Resources and Wildlife shall mention it.

Where the municipality has not made the amendment contemplated in section 34 since conformity was deemed to exist, the second paragraph does not apply and a notice indicating that a certificate of conformity was issued in respect of such program shall be published in accordance with the third paragraph, with the necessary modifications.

1979, c. 51, s. 44; 1982, c. 2, s. 58; 1987, c. 53, s. 1; 1987, c. 102, s. 12; 1993, c. 3, s. 12; 1994, c. 13, s. 15; 1996, c. 25, s. 8; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2010, c. 10, s. 112.

45. From the date of issuance of the certificate of conformity, the planning program or the by-law referred to in section 102 is deemed to be in conformity with the objectives of the RCM plan and with the complementary document.

1979, c. 51, s. 45; 1982, c. 63, s. 72; 2002, c. 68, s. 52; 2010, c. 10, s. 110; 2023, c. 12, s. 13.

46. A regional county municipality may examine whether public works planned by a municipality whose territory is situated within its territory are advisable given the RCM plan objectives and the provisions of the complementary document. This section does not apply to restoration, remedial or repair work.

As soon as practicable after the adoption of a by-law or a resolution providing for work that may be examined under this section, the clerk or the clerk-treasurer of the municipality shall send a certified copy to the regional county municipality.

2010, c. 10, s. 12; 2021, c. 31, s. 132.

DIVISION II

AMENDMENT OF METROPOLITAN PLAN OR RCM PLAN

1993, c. 3, s. 14; 2010, c. 10, s. 13.

§ 1. — *Application*

2010, c. 10, s. 14.

47. The council of the responsible body may amend the metropolitan plan or the RCM plan in accordance with the procedure prescribed in this division

1979, c. 51, s. 47; 1990, c. 50, s. 1; 1993, c. 3, s. 15; 2002, c. 68, s. 52; 2010, c. 10, s. 14.

47.1. The provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

2010, c. 10, s. 14.

47.2. *(Repealed).*

2010, c. 10, s. 14; 2017, c. 13, s. 3.

47.3. For the purposes of this division, the following are partner bodies:

(1) for the purposes of the amendment of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the metropolitan community;

(2) for the purposes of the amendment of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the regional county municipality; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

2010, c. 10, s. 14.

§ 2. — *Process common to metropolitan plan and RCM plan*

2010, c. 10, s. 14.

A. — *Draft by-law and notice*

2010, c. 10, s. 14.

48. The council of the responsible body shall initiate the amendment process by adopting a draft by-law.

1979, c. 51, s. 48; 1982, c. 63, s. 74; 1985, c. 27, s. 2; 1987, c. 102, s. 13; 1990, c. 50, s. 2; 1993, c. 3, s. 16; 1994, c. 32, s. 1; 1996, c. 25, s. 9; 1997, c. 93, s. 2; 2002, c. 37, s. 2; 2002, c. 68, s. 52; 2010, c. 10, s. 14.

48.1. *(Replaced).*

1987, c. 23, s. 82; 1990, c. 50, s. 2.

49. As soon as practicable after the adoption of the draft by-law, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the draft by-law and of the resolution adopting it.

1979, c. 51, s. 49; 1987, c. 102, s. 14; 1990, c. 50, s. 2; 1993, c. 3, s. 17; 1995, c. 34, s. 55; 1996, c. 25, s. 10; 2010, c. 10, s. 14; I.N. 2016-01-01 (NCCP).

50. In the interval between the adoption of the draft by-law and the adoption of the by-law, the council of the responsible body may request the Minister's opinion on the proposed amendment.

The secretary shall notify to the Minister a certified copy of the resolution setting out the request.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the resolution.

1979, c. 51, s. 50; 1990, c. 50, s. 2; 1993, c. 3, s. 18; 2010, c. 10, s. 14; I.N. 2016-01-01 (NCCP).

51. Within 60 days after receiving the copy of a resolution requesting the Minister's opinion, the Minister shall give an opinion as to the consistency of the proposed amendment with government policy directions.

If the opinion of the Minister raises objections to the proposed amendment, it must include reasons.

The Minister shall notify the opinion to the responsible body.

1979, c. 51, s. 51; 1987, c. 57, s. 663; 1990, c. 50, s. 2; 1993, c. 3, s. 19; 1995, c. 34, s. 56; 1999, c. 40, s. 18; 2001, c. 35, s. 21; 2010, c. 10, s. 14; I.N. 2016-01-01 (NCCP).

52. The council of a partner body may, within 45 days after it is sent documents in accordance with section 49, give its opinion on the draft by-law. The secretary of the partner body shall send the responsible body a certified copy of the resolution stating the opinion within the same period.

However, the council of the responsible body may, by a unanimous resolution, change the period prescribed in the first paragraph; the period set by the council may not, however, be less than 20 days. As soon as practicable after the passage of the resolution, the secretary shall send a certified copy of the resolution to every partner body.

1979, c. 51, s. 52; 1990, c. 50, s. 2; 2010, c. 10, s. 14.

B. — *Public consultation*

2010, c. 10, s. 14.

53. A responsible body must hold at least one public meeting in its territory.

The responsible body must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft by-law is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every partner body whose council so requests within 20 days after it is sent a copy of the draft by-law and of the resolution under section 49. A certified copy of the resolution setting out the request must be sent to the responsible body within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the responsible body.

1979, c. 51, s. 53; 1982, c. 2, s. 59; 1987, c. 57, s. 664; 1990, c. 50, s. 2; 1993, c. 3, s. 21; 1996, c. 25, s. 11; 2010, c. 10, s. 14.

53.1. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

1990, c. 50, s. 2; 1993, c. 3, s. 22; 2003, c. 19, s. 3; 2010, c. 10, s. 14.

53.2. The council of the responsible body shall identify any municipality in whose territory a public meeting must be held.

It shall set the date, time and place of any public meeting; it may delegate all or part of that power to the secretary.

1990, c. 50, s. 2; 1993, c. 3, s. 22; 2010, c. 10, s. 14.

53.3. Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary of the documents referred to in sections 49 and 53.11.2 or 53.11.4, describing the main effects of the proposed amendment on the territory concerned.

Every meeting concerns the whole territory of the responsible body, unless meetings are planned in all the local municipal territories situated within the territory of the responsible body, or unless the responsible body, in its decision under the first paragraph of section 53.2, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the documents referred to in sections 49 and 53.11.2 or 53.11.4 and of the summary of those documents may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

1990, c. 50, s. 2; 1993, c. 3, s. 23; 2010, c. 10, s. 14.

53.4. At a public meeting, the committee shall explain the proposed amendment and its effects, if any, on municipal plans and by-laws or on the RCM plans.

The committee shall hear the persons and organizations wishing to be heard.

1990, c. 50, s. 2; 1993, c. 3, s. 24; 2010, c. 10, s. 14.

C. — *Passage of by-law and ministerial opinion*

2010, c. 10, s. 14.

53.5. After the consultation period concerning the draft by-law, the council of the responsible body shall adopt a by-law to amend the metropolitan plan or the RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the documents referred to in sections 49 and 53.11.2 or 53.11.4 gives an opinion on the documents or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held or the day after the last day of the period prescribed in the third paragraph of section 53.

1990, c. 50, s. 2; 1993, c. 3, s. 25; 1997, c. 93, s. 3; 2010, c. 10, s. 14.

53.6. As soon as practicable after the adoption of the by-law amending the metropolitan plan or the RCM plan, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the by-law.

1990, c. 50, s. 2; 1993, c. 3, s. 26; 1995, c. 34, s. 57; 2010, c. 10, s. 14; I.N. 2016-01-01 (NCCP).

53.7. Within 60 days after receiving the copy of the by-law amending the metropolitan plan or the RCM plan, the Minister shall give an opinion as to the consistency of the amendment with government policy directions. If, under the fifth paragraph of section 5, the amending by-law delimits a mining incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1) or modifies the boundaries of such a territory, the Minister's opinion must state that the proposed amendment is inconsistent with government policy directions if the Minister has received from the Minister of Natural Resources and Wildlife an opinion, with reasons, stating that the proposed amendment is inconsistent with a government policy direction drawn up for the purpose of establishing such a territory. The opinion of the Minister of Natural Resources and Wildlife must be received by the Minister not later than the 30th day after the day the latter requested the former's opinion in accordance with section 267.

If the opinion states that the proposed amendment is not consistent with government policy directions, it must include reasons. In that case, the Minister may, in the opinion, require the responsible body to replace the by-law.

The Minister shall notify the opinion to the responsible body. If the opinion states that the proposed amendment is not consistent with government policy directions, the Minister shall send a copy to every partner body.

The Minister must refuse to give an opinion where a responsible body has failed to amend or revise its metropolitan plan or RCM plan to comply with a ministerial request under this chapter, except if the proposed amendment

(1) has the effect of remedying any of the causes of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the Minister's opinion, for a government intervention to be made or a priority project to be carried out or for reasons of public safety, public health or environmental protection; or

(3) is a concordance amendment to the metropolitan plan, in the case of an RCM plan that concerns part of the territory of a metropolitan community.

The fourth paragraph applies to a regional county municipality that has failed to amend a by-law referred to in section 79.2 to comply with a ministerial request under subdivision 5 of Division I of Chapter II.1.

If the Minister refuses to give an opinion under the fourth or fifth paragraph, the Minister shall notify a notice to the responsible body that identifies the cause of the failure.

1990, c. 50, s. 2; 1993, c. 3, s. 27; 1995, c. 34, s. 58; 1999, c. 40, s. 18; 2001, c. 35, s. 22; 2002, c. 37, s. 3; 2010, c. 10, s. 14; 2013, c. 32, s. 117; I.N. 2016-01-01 (NCCP); 2016, c. 35, s. 23; 2022, c. 10, s. 4; 2023, c. 12, s. 14.

53.8. If the opinion of the Minister states that the proposed amendment is not consistent with government policy directions, the council of the responsible body may replace the by-law amending the metropolitan plan or the RCM plan with another which is consistent with those policy directions.

Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister's opinion.

1990, c. 50, s. 2; 1993, c. 3, s. 28; 2010, c. 10, s. 14.

53.9. The by-law amending the metropolitan plan or the RCM plan comes into force on the day the Minister notifies an opinion to the responsible body declaring that the by-law is consistent with government policy directions or, in the absence of an opinion, at the expiry of the period prescribed in section 53.7.

The first paragraph does not apply if the responsible body has failed to act under the fourth or fifth paragraph of section 53.7.

1990, c. 50, s. 2; 1993, c. 3, s. 29; 2010, c. 10, s. 14; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 15.

53.10. The council of the responsible body may, by resolution, request that the secretary notify the by-law to the Minister again once the responsible body has remedied the failure referred to in the fourth or fifth paragraph of section 53.7. Section 53.6 applies to that notification, with the necessary modifications.

1990, c. 50, s. 2; 1993, c. 3, s. 30; 1994, c. 32, s. 2; 2002, c. 37, s. 4; 2010, c. 10, s. 15; 2023, c. 12, s. 16.

53.11. As soon as practicable after the coming into force of the by-law amending the metropolitan plan or the RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body. At the same time, the secretary shall send a certified copy of the by-law to every partner body.

1990, c. 50, s. 2; 1995, c. 34, s. 59; 2003, c. 19, s. 4; 2010, c. 10, s. 16.

§ 3. — *Provisions specific to metropolitan plan*

2010, c. 10, s. 16.

53.11.1. The public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

2010, c. 10, s. 16.

53.11.2. When the council of a metropolitan community adopts a draft by-law amending its metropolitan plan, it shall also adopt a document specifying the nature of the amendments a regional county municipality will be required to make to the RCM plan should the metropolitan plan be so amended. A certified copy of the document shall be notified to the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law- amending the metropolitan plan, the council shall adopt a document specifying the nature of the amendments a regional county municipality will actually be required to make to take account of the amendment of the metropolitan plan. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

2010, c. 10, s. 16; I.N. 2016-01-01 (NCCP).

53.11.3. The decision to adopt the by-law amending the metropolitan plan must be made by 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 votes cast by all 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.

2010, c. 10, s. 16.

§ 4. — *Provisions specific to RCM plan*

2010, c. 10, s. 16.

A. — *Provisions applicable to all RCM plans*

2010, c. 10, s. 16.

53.11.4. When the council of a regional county municipality adopts a draft by-law amending its RCM plan, it shall also adopt a document specifying the nature of the amendments a municipality will be required to make to its planning program and to any of its planning by-laws. The document must also specify any planning by-law it will be required to adopt. A certified copy of the document shall be notified to the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law amending the RCM plan, the council shall adopt a document specifying the nature of the amendments a municipality will actually be required to make and any planning by-law it will actually be required to adopt to take account of the amendment to the RCM plan. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

2010, c. 10, s. 16; I.N. 2016-01-01 (NCCP); 2021, c. 10, s. 81; 2023, c. 12, s. 17.

53.11.5. In the case of the amendment of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion as to consistency with government policy directions required under section 51 or 53.7 shall include the guidelines relating to the objectives set out in the third paragraph of section 5. It shall also indicate the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

2010, c. 10, s. 16; 2023, c. 12, s. 18.

53.11.6. For the purposes of section 53.3, in the case of a regional county municipality, the secretary shall also have a copy of the notice posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

2010, c. 10, s. 16.

B. — *Provisions applicable in metropolitan territories*

2010, c. 10, s. 16.

53.11.7. If the by-law amending the RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copy of the by-law is sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

The council must refuse to give its opinion if the regional county municipality has failed to make a concordance amendment to its RCM plan, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the metropolitan community's opinion, to enable a government intervention or for reasons of public safety, public health or environmental protection; or

(3) is made to comply with a ministerial request provided for in subdivision 5.

A resolution by which the council withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan. A resolution by which the council refuses to give an opinion must identify the concordance amendments the regional county municipality has failed to make.

As soon as practicable after the passage of the resolution by which the community council approves the by-law, withholds approval or refuses to give an opinion, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the other cases, send the regional county municipality a certified copy of the resolution

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan. This paragraph does not apply if the regional county municipality has failed to act under the second paragraph.

2010, c. 10, s. 16; 2023, c. 12, s. 19.

53.11.7.1. The council of the regional county municipality may, by resolution, request that the secretary notify the by-law to the metropolitan community again once the regional county municipality has remedied the failure referred to in the second paragraph of section 53.11.7. Section 53.6 applies to that notification, with the necessary modifications.

2023, c. 12, s. 20.

53.11.8. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution requesting the assessment and of the by-law concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

2010, c. 10, s. 16; I.N. 2016-01-01 (NCCP).

53.11.9. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may, instead of applying for an assessment of the Commission, adopt

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

(2) both a by-law containing only the elements of the original by-law that did not cause approval to be withheld and another by-law containing only the elements of the original by-law that caused approval to be withheld.

Sections 48 to 53.4 do not apply to a by-law adopted under the first paragraph.

If the council of the regional county municipality adopts a by-law containing only the elements that caused approval to be withheld, it may apply to the Commission for an assessment of the conformity of that by-law with the metropolitan plan. A certified copy of the resolution requesting the assessment and of the by-law concerned must be received by the Commission within 15 days after the by-law is adopted.

2010, c. 10, s. 16.

53.11.10. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

2010, c. 10, s. 16.

53.11.11. Where the regional county municipality is required to amend its RCM plan under section 58 or 58.1, if the assessment of the Commission states that the by-law is not in conformity with the metropolitan plan or if the Commission did not receive an application for assessment in respect of the by-law within the period prescribed in section 53.11.8, the council of the metropolitan community shall request that the regional county municipality replace the by-law within the period it prescribes by another by-law that is in conformity with the metropolitan plan.

As soon as practicable after the passage by the council of the metropolitan community of the resolution requesting the replacement of the by-law, the secretary of the metropolitan community shall send a certified copy of the resolution to the regional county municipality.

The period prescribed for replacement of the by-law may not end before the expiry of a period of 45 days after the copy of the resolution is sent under the second paragraph.

2010, c. 10, s. 16.

53.11.12. Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to ensure its conformity with the metropolitan plan.

2010, c. 10, s. 16.

53.11.13. If the council of a regional county municipality fails to adopt a by-law amending its RCM plan within the period prescribed in section 58 or 58.1 or in section 53.11.11, as the case may be, the council of the metropolitan community may adopt the by-law in its place.

Sections 48 to 53.4 and 53.11.7 to 53.11.12 do not apply to a by-law adopted by the council of the metropolitan community under the first paragraph, which is deemed to be a by-law adopted by the council of the regional county municipality and approved by the council of the metropolitan community. As soon as practicable after the adoption of the by-law, the secretary of the metropolitan community shall issue a certificate of conformity in respect of the by-law.

As soon as practicable after the by-law is adopted and the certificate is issued, the secretary of the metropolitan community shall send the regional county municipality a certified copy of the by-law, of the resolution adopting it and of the certificate. The certified copy of the by-law sent to the regional county municipality stands in lieu of the original when the regional county municipality itself issues certified copies of the by-law.

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

2010, c. 10, s. 16.

53.11.14. The by-law amending the RCM plan comes into force either on the date determined under section 53.9 or the date on which the certificate of conformity in respect of the by-law is issued, whichever is later. The by-law is deemed to be in conformity with the metropolitan plan.

2010, c. 10, s. 16.

§ 5. — *Ministerial requests*

2010, c. 10, s. 16.

53.12. The Minister may request that a responsible body amend a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report indicating that a target has not been achieved; or

(3) to improve public safety.

The Minister shall notify an opinion to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan.

The opinion must also indicate any interim control measure the body must take and the time limit for adopting it, unless the Minister considers such a requirement is not necessary. An interim control by-law referred to in this paragraph may be repealed only with the Minister’s approval.

The council of the responsible body must, within six months after notification of the Minister’s opinion, adopt a by-law amending its metropolitan plan or RCM plan to comply with the opinion. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be amended, with respect to the same object, the time limit applicable with respect to the by-law amending the RCM plan begins to run on the day of coming into force of the by-law amending the metropolitan plan.

Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in subparagraph 1 of the first paragraph that relates to a land use plan for the lands in the domain of the State or in subparagraph 3 of that paragraph.

For the purposes of sections 53.7 to 53.9, the Minister's opinion is also based on the by-law's consistency with the request made by the Minister.

If the council of the responsible body fails to adopt, within the prescribed time, a by-law requested by the Minister, including as regards interim control, the Minister may make it. Such a by-law is deemed to have been adopted by the council. The Minister shall, as soon as practicable after making the by-law, send a copy of it to the responsible body. The by-law comes into force on the date determined by the Minister.

The council of a responsible body that is of the opinion that its metropolitan plan or RCM plan already complies with the request and has notified a resolution to that effect to the Minister has not failed to adopt a by-law requested by the Minister in accordance with subparagraph 1 of the first paragraph.

If the Minister disagrees with the opinion given in the resolution sent to the Minister, the Minister may make a new amendment request to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan. The eighth paragraph does not apply to such a request.

1990, c. 50, s. 2; 1993, c. 3, s. 31; 1996, c. 25, s. 12; 1999, c. 40, s. 18; 2002, c. 37, s. 5; 2010, c. 10, s. 16; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 21.

53.13. The Minister of Sustainable Development, Environment and Parks may, by way of an opinion giving brief reasons and setting out the nature and purpose of the amendments to be made, request the amendment of the metropolitan plan or the RCM plan in force if the Minister is of the opinion that the metropolitan plan or the RCM plan, considering the distinctive features of the locality, fails to provide adequate protection for wetlands and bodies of water.

The third, fourth, sixth and seventh paragraphs of section 53.12 apply to a request made in accordance with the first paragraph, except that, in the case of the by-law provided for in the seventh paragraph of that section, the by-law is made by the Minister of Sustainable Development, Environment and Parks. Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with such a request.

2002, c. 37, s. 6; 2006, c. 3, s. 35; 2010, c. 10, s. 16; 2017, c. 14, s. 41; 2021, c. 7, s. 5; 2023, c. 12, s. 22.

53.14. *(Repealed).*

2004, c. 20, s. 3; 2010, c. 10, s. 16; 2023, c. 12, s. 23.

DIVISION III

REVISION OF METROPOLITAN PLAN OR RCM PLAN

1993, c. 3, s. 32; 2010, c. 10, s. 17.

§ 1. — *Application*

2010, c. 10, s. 18.

53.15. The special provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

2010, c. 10, s. 18.

53.16. *(Repealed).*

2010, c. 10, s. 18; 2017, c. 13, s. 3.

53.17. For the purposes of this division, the following are partner bodies:

(1) for the purposes of the revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and every regional county municipality whose territory is contiguous to the territory of the metropolitan community;

(2) for the purposes of the revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and every regional county municipality whose territory is contiguous to the territory of the regional county municipality, as well as every school service centre or school board all or part of whose territory is situated within the territory of the regional county municipality, except with respect to the sending of a copy of a resolution determining the date on which the revision begins, a copy of the by-law adopting the revised RCM plan, the ministerial opinion as to consistency with government policy directions and the notice of coming into force; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

2010, c. 10, s. 18; 2020, c. 1, s. 310.

53.18. For the purposes of this division, the council of a school board is the council of commissioners of the school board.

2010, c. 10, s. 18.

§ 2. — *Process common to metropolitan plan and RCM plan*

2010, c. 10, s. 18.

A. — *Revision of metropolitan plan or RCM plan*

2010, c. 10, s. 18; 2023, c. 12, s. 24.

54. The council of the responsible body may revise the metropolitan plan or RCM plan according to the process set out in this division.

It must notify the Minister and every partner body of its intention to undertake the revision process.

1979, c. 51, s. 54; 1993, c. 3, s. 32; 2002, c. 68, s. 52; 2010, c. 10, s. 18; 2023, c. 12, s. 24.

55. *(Replaced).*

1979, c. 51, s. 55; 1990, c. 50, s. 3; 1993, c. 3, s. 32; 1996, c. 25, s. 13; 2010, c. 10, s. 18; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 24.

56. *(Repealed).*

1979, c. 51, s. 56; 1990, c. 50, s. 4; 1993, c. 3, s. 32; 1996, c. 25, s. 14.

56.1. *(Repealed).*

1993, c. 3, s. 32; 1996, c. 25, s. 15; 1999, c. 40, s. 18; 2003, c. 19, s. 5; 2010, c. 10, s. 19.

56.2. *(Repealed).*

1993, c. 3, s. 32; 2003, c. 19, s. 6; 2010, c. 10, s. 19.

B. — *Adoption of first draft of revised metropolitan plan or RCM plan*

2010, c. 10, s. 20.

56.3. The council of the responsible body shall adopt a first draft of the revised metropolitan plan or RCM plan, designated as the "first draft".

As soon as practicable after the adoption of the first draft, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the draft and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the first draft.

1993, c. 3, s. 32; 1996, c. 25, s. 16; 1997, c. 93, s. 4; 2002, c. 68, s. 52; 2003, c. 19, s. 7; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 25.

56.4. Within 120 days after receiving a copy of the first draft of the revised RCM plan or within 180 days after receiving a copy of the first draft of the revised metropolitan plan, the Minister shall notify to the responsible body an opinion stating the government policy directions that concern its territory.

The opinion may also mention any objections to the first draft in view of the stated policy directions, giving reasons.

1993, c. 3, s. 32; 1996, c. 25, s. 17; 1996, c. 26, s. 66; 1999, c. 40, s. 18; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.5. The council of any partner body may give its opinion on the first draft.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the first draft and of the resolution are sent to the partner body under the second paragraph of section 56.3.

1993, c. 3, s. 32; 2003, c. 19, s. 8; 2010, c. 10, s. 20.

C. — *Adoption of second draft of revised metropolitan plan or RCM plan*

2010, c. 10, s. 20.

56.6. After the consultation period on the first draft, the council of the responsible body shall adopt, with or without changes, a second draft of the revised metropolitan plan or RCM plan for public consultation, designated as the "second draft". However, if the Minister, in accordance with section 56.4, has notified to the responsible body an opinion mentioning objections to the first draft, the second draft must contain all the changes needed to remove the reasons for the objections.

However, the second draft may not be adopted before the day after the day on which the last of the Minister and all the partner bodies that were sent the first draft gives an opinion on the first draft or the day after the last day of the allotted period

As soon as practicable after the adoption of the second draft, the secretary shall send a certified copy of the second draft and of the resolution adopting it to every partner body.

1993, c. 3, s. 32; 1996, c. 25, s. 18; 1997, c. 93, s. 5; 2002, c. 68, s. 52; 2003, c. 19, s. 9; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.7. The council of any partner body may give its opinion on the second draft

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the second draft and of the resolution are sent to the partner body under the third paragraph of section 56.6.

1993, c. 3, s. 32; 2003, c. 19, s. 10; 2010, c. 10, s. 20.

D. — *Public consultation*

2010, c. 10, s. 20.

56.8. The responsible body must, in accordance with the applicable section from among sections 56.12.5 to 56.12.8, hold at least one public meeting on the second draft.

1993, c. 3, s. 32; 2010, c. 10, s. 20.

56.9. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

1993, c. 3, s. 32; 2003, c. 19, s. 11; 2010, c. 10, s. 20.

56.10. The council of the responsible body shall set the date, time and place of every public meeting.

However, it may delegate all or part of that power to the secretary.

1993, c. 3, s. 32; 2010, c. 10, s. 20.

56.11. Not later than 30 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the second draft on the territory concerned.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 30 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 30 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the second draft and of the summary may be consulted at the office of the responsible body and at the office of every partner body.

1993, c. 3, s. 32; 2010, c. 10, s. 20.

56.12. At a public meeting, the commission shall explain the second draft and hear the persons and organizations wishing to be heard.

1993, c. 3, s. 32; 2010, c. 10, s. 20.

56.12.1. In the case of a metropolitan community, a public meeting referred to in section 56.11 concerns the territory referred to or described in any of paragraphs 1 to 5 of section 56.12.6 or any of paragraphs 1 to 5 of section 56.12.7, as applicable.

2010, c. 10, s. 20.

56.12.2. Despite section 56.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

2010, c. 10, s. 20.

56.12.3. In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 56.11 posted in the office of every municipality whose territory the meeting concerns not later than the time prescribed in that section.

2010, c. 10, s. 20.

56.12.4. In the case of a regional county municipality, every public meeting referred to in section 56.11 concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county municipality, or unless the regional county municipality, in its decision under section 56.12.5, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

2010, c. 10, s. 20.

56.12.5. The council of a responsible body to which any of sections 56.12.6 to 56.12.8 applies shall identify every municipality in whose territory a public meeting must be held in accordance with the applicable section from among those provisions.

2010, c. 10, s. 20.

56.12.6. The Communauté métropolitaine de Montréal must hold a public meeting in

(1) the urban agglomeration of Montréal;

(2) the urban agglomeration of Longueuil;

(3) the territory of Ville de Laval;

(4) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and

(5) the part of the territory of the metropolitan community that is made up of the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

2010, c. 10, s. 20.

56.12.7. The Communauté métropolitaine de Québec must hold a public meeting in

(1) the urban agglomeration of Québec;

(2) the territory of Ville de Lévis;

(3) the territory of Municipalité régionale de comté de L'Île-d'Orléans;

(4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré; and

(5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

2010, c. 10, s. 20.

56.12.8. A regional county municipality must hold at least one public meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the second draft is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality.

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality.

2010, c. 10, s. 20.

E. — *Adoption and coming into force of a revised metropolitan plan or RCM plan*

2010, c. 10, s. 20.

56.13. After the consultation period concerning the draft, the council of the responsible body shall adopt a by-law establishing a revised metropolitan plan or RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the draft by-law gives an opinion on the draft by-law sent or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

As soon as practicable after the adoption of the by-law establishing the revised metropolitan plan or RCM plan, the secretary shall notify to the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it

The Minister shall notify the responsible body in writing of the date on which the Minister received the copies of the by-law and of the resolution.

1993, c. 3, s. 32; 1996, c. 25, s. 19; 1997, c. 93, s. 6; 2003, c. 19, s. 12; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.14. Within 120 days after receiving a copy of the by-law establishing the revised RCM plan or within 180 days after receiving a copy of the by-law establishing the revised metropolitan plan, the Minister shall give an opinion as to the consistency of the revised metropolitan plan or RCM plan with government policy directions.

The opinion stating that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with the policy directions must include reasons. In that case, the Minister shall, in the opinion, request that the responsible body replace the by-law.

The Minister shall notify the opinion to the responsible body. If the opinion states that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with government policy directions, the Minister shall send a copy to every partner body.

1993, c. 3, s. 32; 1996, c. 25, s. 20; 1999, c. 40, s. 18; 2001, c. 35, s. 23; 2002, c. 37, s. 7; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.15. If the opinion of the Minister states that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with government policy directions, the council of the responsible body must, within 120 days after notification of the opinion, replace the by-law with another establishing a revised metropolitan plan or RCM plan that is consistent with those policy directions.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised metropolitan plan or RCM plan it establishes differs from the plan it replaces only so as to take account of the Minister's opinion.

If, in accordance with section 239, the Minister extends the period prescribed in the first paragraph of this section or gives the responsible body additional time to replace the by-law establishing the revised metropolitan plan or RCM plan, the Minister may give a new opinion, in accordance with section 56.14, despite the expiry of the period prescribed in that section. In that case, the council must replace the by-law establishing the revised metropolitan plan or RCM plan by a new one which takes account of the new opinion, before the end of the later of

(1) the one hundred and twentieth day after notification of the new opinion;

(2) the last day of the period determined by having the extension period or additional time granted by the Minister begin on the date of notification of the new opinion.

1993, c. 3, s. 32; 1997, c. 93, s. 7; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.16. If, on the expiry of the period applicable under section 56.15, the council of the responsible body has not adopted a by-law establishing a new revised metropolitan plan or RCM plan, the Government may, by order, amend the revised metropolitan plan or RCM plan on which the Minister gave an opinion to ensure that it is consistent with government policy directions.

If, before the expiry of that period, the council adopts a by-law establishing a new revised metropolitan plan or RCM plan that is still inconsistent with government policy directions, the Minister may either again require the responsible body to replace the revised metropolitan plan or RCM plan, or recommend that the Government exercise its power under the first paragraph.

The metropolitan plan or RCM plan, as amended by the Government, is deemed to be a revised metropolitan plan or RCM plan adopted in its entirety by a by-law of the council of the responsible body.

As soon as practicable after the order is made, the Minister shall notify a copy to the responsible body. The copy of the order shall stand in lieu of the original for the purpose of issuing certified copies of the revised metropolitan plan or RCM plan.

1993, c. 3, s. 32; 2002, c. 37, s. 8; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.17. The revised metropolitan plan or RCM plan comes into force on the day of notification to the responsible body of the Minister's opinion stating that the plan is consistent with government policy directions or, if the Minister did not give an opinion within the prescribed period, on the expiry of that period.

However, a revised metropolitan plan or RCM plan amended by the Government comes into force on the date specified in the order made under section 56.16.

1993, c. 3, s. 32; 2010, c. 10, s. 20; I.N. 2016-01-01 (NCCP).

56.18. As soon as practicable after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body.

At the same time, the secretary shall send a certified copy of the revised metropolitan plan or RCM plan to every partner body.

1993, c. 3, s. 32; 2003, c. 19, s. 13; 2010, c. 10, s. 20.

57. Within 90 days after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a summary, mentioning the date of coming into force, in a newspaper circulated in the territory of the responsible body.

However, rather than being published in a newspaper, the summary may be sent by mail or distributed, as decided by the council, within the same period to every address in the territory of the responsible body.

1979, c. 51, s. 57; 1982, c. 63, s. 75; 1987, c. 57, s. 665; 1993, c. 3, s. 32; 2010, c. 10, s. 20.

57.1. *(Repealed).*

2002, c. 37, s. 9; 2002, c. 68, s. 52; 2003, c. 19, s. 14.

§ 3. — *Provision specific to metropolitan plan*

2010, c. 10, s. 21.

57.2. The decision to adopt a by-law amending a metropolitan plan must be made by 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 votes cast by all 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.

2010, c. 10, s. 21.

§ 4. — *Provisions specific to RCM plan*

2010, c. 10, s. 21.

A. — *Provision applicable to all RCM plans*

2010, c. 10, s. 21.

57.3. In the case of the revision of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion under section 56.4 or 56.14 shall include the guidelines relating to the objectives set out in the third paragraph of section 5. It shall also specify the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

2010, c. 10, s. 21; 2023, c. 12, s. 26.

B. — *Provisions applicable in metropolitan territories*

2010, c. 10, s. 21.

57.4. If the revised RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after it is sent a copy of the by-law establishing the revised RCM plan, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution withholding approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

2010, c. 10, s. 21.

57.5. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution requesting the assessment and of the by-law concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

2010, c. 10, s. 21; I.N. 2016-01-01 (NCCP).

57.6. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

2010, c. 10, s. 21.

57.7. If the revised RCM plan established by the by-law is recognized as not being in conformity with the metropolitan plan, the council of the regional county municipality must replace the by-law with another that establishes a revised RCM plan that is in conformity with the metropolitan plan.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised RCM plan it establishes differs from the plan it replaces only so as to ensure its conformity with the metropolitan plan.

2010, c. 10, s. 21.

57.8. In the case of the revision of an RCM plan applicable to part of the territory of a metropolitan community, the revised RCM plan comes into force on the latest of all the dates determined under section 56.17 and the date on which its certificate of conformity is issued. The revised RCM plan is deemed to be in conformity with the metropolitan plan.

2010, c. 10, s. 21.

§ 5. — *Ministerial requests*

2023, c. 12, s. 27.

57.9. The Minister may request that a responsible body revise a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report that is unsatisfactory as regards the achievement of targets; or

(3) because the plan has not been revised in more than 12 years.

The Minister shall notify an opinion to the responsible body setting out the reasons why the Minister considers that a revision is warranted.

The council of the responsible body must, within three years after notification of the Minister's opinion, adopt a by-law revising its metropolitan plan or RCM plan. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be revised, the time limit applicable with respect to the by-law revising the RCM plan begins to run on the day of coming into force of the by-law revising the metropolitan plan.

The third paragraph of section 53.12 applies to a request made in accordance with the first paragraph.

2023, c. 12, s. 27.

DIVISION IV

EFFECTS OF AMENDMENT OR REVISION OF METROPOLITAN PLAN OR RCM PLAN

1993, c. 3, s. 32; 2010, c. 10, s. 22.

§ 1. — *Effect of amendment*

1993, c. 3, s. 32.

58. The council of every regional county municipality or municipality mentioned in the document adopted under section 53.11.2 or 53.11.4 shall adopt any necessary concordance by-law within six months after the coming into force of the by-law amending the metropolitan plan or the RCM plan.

In the case of the amendment of a metropolitan plan, "concordance by-law" means any by-law amending an RCM plan applicable to part of the territory of the metropolitan community that is needed to take account of the amendment of the metropolitan plan.

In the case of the amendment of an RCM plan, "concordance by-law" means any by-law that is needed to take account of the amendment of the RCM plan and by which a municipality amends its planning program or by which it adopts or amends any planning by-law.

1979, c. 51, s. 58; 1987, c. 102, s. 15; 1993, c. 3, s. 32; 1994, c. 32, s. 3; 2002, c. 37, s. 10; 2010, c. 10, s. 23; 2021, c. 10, s. 82; 2023, c. 12, s. 28.

§ 2. — *Effects of revision*

1993, c. 3, s. 32.

A. — *Obligations relating to conformity with the revised metropolitan plan*

1993, c. 3, s. 32; 2010, c. 10, s. 24.

58.1. In the case of the revision of a metropolitan plan, the council of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community must adopt any necessary concordance by-law within two years after the coming into force of the revised metropolitan plan.

For the purposes of the first paragraph, a "concordance by-law" means any by-law referred to in the second paragraph of section 58 that is needed to take account of the amendment of the metropolitan plan.

2010, c. 10, s. 25.

58.2. After the coming into force of the revised metropolitan plan, the council of any regional county municipality all or part of whose territory is situated within the territory of the metropolitan community may state that its RCM plan does not require amendment to take account of the revision of the metropolitan plan.

As soon as practicable after the council passes a resolution stating that the RCM plan does not require amendment, the secretary of the regional county municipality shall send a certified copy of the resolution to the metropolitan community and shall give public notice of the passage of the resolution, in accordance with the Act governing the regional county municipality with respect to that matter.

2010, c. 10, s. 25.

58.3. Within 120 days after the copy of the resolution referred to in the second paragraph of section 58.2 is sent, the council of the metropolitan community must approve the resolution if the RCM plan is in conformity with the revised metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the resolution of the regional county municipality must include reasons.

As soon as practicable after the council of the metropolitan community passes the resolution, the secretary shall send a certified copy to the regional county municipality.

If the council of the metropolitan community does not resolve to approve or withhold approval of the resolution within the period prescribed in the first paragraph, the resolution is deemed to be approved by the council.

The RCM plan that is the subject of the approved resolution does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the revised metropolitan plan.

2010, c. 10, s. 25.

58.4. If the council of the metropolitan community withholds approval of the resolution, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the RCM plan that is the subject of the resolution with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution requesting the assessment and of the RCM plan concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution by which the council of the metropolitan community withholds approval of the resolution referred to in the second paragraph of section 58.2 is sent to the regional county municipality.

2010, c. 10, s. 25; I.N. 2016-01-01 (NCCP).

58.5. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the RCM plan that is the subject of the resolution referred to in the second paragraph of section 58.2 is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the RCM plan is in conformity with the metropolitan plan, it does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the metropolitan plan.

2010, c. 10, s. 25.

A.1. — *Obligations relating to conformity of the objectives of the revised RCM plan and the provisions of the complementary document*

2010, c. 10, s. 25.

59. In the case of the revision of an RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality shall, within two years after the coming into force of the revised plan, adopt concordance by-laws.

For the purposes of the first paragraph, the term “concordance by-law” means any by-law referred to in the third paragraph of section 58 which is needed to take account of the revision of the plan.

1979, c. 51, s. 59; 1982, c. 63, s. 76; 1993, c. 3, s. 32; 2010, c. 10, s. 26; 2023, c. 12, s. 29.

59.1. After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that its planning program or any of its planning by-laws need not be amended for the purpose of taking the revision of the plan into account.

As soon as practicable after the adoption of the resolution by which the council indicates that its program or by-laws need not be amended, the clerk or the clerk-treasurer of the municipality shall transmit a certified copy of the resolution to the regional county municipality and, in accordance with the Act governing the municipality in that matter, give public notice of its adoption.

1993, c. 3, s. 32; 1994, c. 32, s. 4; 1996, c. 25, s. 21; 2002, c. 37, s. 11; 2021, c. 10, s. 83; 2021, c. 31, s. 132; 2023, c. 12, s. 30.

59.2. Within 120 days after the copy of the resolution referred to in the second paragraph of section 59.1 is transmitted, the council of the regional county municipality shall approve the resolution, if the planning program or the by-law which is the subject of the resolution is in conformity with the objectives of the RCM plan and with the provisions of the complementary document or, if not, it shall withhold approval thereof.

The resolution by which the council of the regional county municipality withholds approval of the municipality’s resolution must include reasons.

As soon as practicable after the adoption of the resolution by the council of the regional county municipality, the secretary shall transmit a certified copy thereof to the municipality.

For the purposes of section 59, the program or the by-law which is the subject of the approved resolution need not be amended to take into account the revision of the RCM plan. It is deemed to be in conformity with the objectives of the RCM plan and with the provisions of the complementary document.

1993, c. 3, s. 32; 1996, c. 25, s. 22; 2010, c. 10, s. 112, s. 113.

59.3. Where the council of the regional county municipality withholds approval of the resolution referred to in the second paragraph of section 59.1 or fails to give its opinion within the period prescribed in section 59.2, the council of the municipality may apply to the Commission for an assessment of the conformity of the program or of the by-law which is the subject of the resolution with the objectives of the RCM plan and the provisions of the complementary document.

The clerk or the clerk-treasurer of the municipality shall notify to the Commission a certified copy of the resolution requesting the assessment, accompanied with the program or by-law concerned. He shall notify a certified copy of the resolution to the regional county municipality.

The copy notified to the Commission must be received by it within 15 days after a copy of the resolution in which the council of the regional county municipality withholds approval of the resolution referred to in the second paragraph of section 59.1 is transmitted or, as the case may be, after the expiry of the period prescribed in section 59.2.

1993, c. 3, s. 32; 1996, c. 25, s. 23; 2010, c. 10, s. 113; I.N. 2016-01-01 (NCCP); 2021, c. 31, s. 132.

59.4. The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the program or the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

For the purposes of section 59, where the assessment states that the planning program or the by-law is in conformity with the objectives of the RCM plan and with the provisions of the complementary document, the program or by-law need not be amended to take into account the revision of the plan. It is deemed to be in conformity with the objectives of the RCM plan and with the provisions of the complementary document.

1993, c. 3, s. 32; 2010, c. 10, s. 113.

B. — *Obligations relating to conformity with the planning program*

1993, c. 3, s. 32.

59.5. The council of each municipality whose territory is comprised in that of the regional county municipality shall, within two years of the coming into force of the revised plan, adopt any by-law amending the planning program or any concordance by-law necessary for the purpose of ensuring conformity with the program of any by-law which is not deemed to be in conformity pursuant to section 59.9. Such a concordance by-law must be in conformity with the planning program.

For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law.

1993, c. 3, s. 32; 1994, c. 32, s. 5; 2002, c. 37, s. 12; 2021, c. 10, s. 84; 2023, c. 12, s. 31.

59.6. After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that any of the municipality's planning by-laws is in conformity with its planning program.

As soon as practicable after the adoption of the resolution in which the council indicates that a by-law is in conformity with the planning program, the clerk or the clerk-treasurer of the municipality shall, in accordance with the Act governing the municipality in that matter, give public notice of the adoption of the resolution, explaining the rules prescribed in the first two paragraphs of section 59.7 and in the first paragraph of section 59.8.

1993, c. 3, s. 32; 1994, c. 32, s. 6; 1996, c. 25, s. 24; 2002, c. 37, s. 13; 2021, c. 10, s. 85; 2021, c. 31, s. 132; 2023, c. 12, s. 32.

59.7. Any qualified voter in the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law which is the subject of the resolution referred to in the second paragraph of section 59.6 with the planning program.

The application must be transmitted to the Commission within 30 days after publication of the notice provided for in that paragraph.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

1993, c. 3, s. 32; 1996, c. 25, s. 25; 2005, c. 28, s. 1; 2010, c. 10, s. 27.

59.8. Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 59.7 in respect of the same by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of such a by-law with the planning program.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the clerk-treasurer of the municipality shall post in the office of the municipality a copy of the assessment received.

1993, c. 3, s. 32; 2021, c. 31, s. 132.

59.9. Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 59.7 in respect of the same by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

A by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 59.8, an assessment confirming such conformity.

1993, c. 3, s. 32.

§ 3. — *Monitoring of concordance*

1993, c. 3, s. 32; 2010, c. 10, s. 28; 2023, c. 12, s. 33.

60. A responsible body must inform the Minister if it ascertains, with respect to its metropolitan plan or RCM plan, that a regional county municipality or municipality has failed to adopt a concordance by-law required by this division.

1979, c. 51, s. 60; 1982, c. 63, s. 77; 1990, c. 50, s. 5; 1993, c. 3, s. 32; 2010, c. 10, s. 28; 2023, c. 12, s. 33.

DIVISION V

INTERIM CONTROL

1996, c. 25, s. 26; 2010, c. 10, s. 29.

§ 1. — *Application*

1996, c. 25, s. 26.

A. — *General provisions*

2010, c. 10, s. 30.

61. A responsible body whose council has adopted a draft by-law amending or revising its metropolitan plan or RCM plan may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a responsible body whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its metropolitan plan or RCM plan.

1979, c. 51, s. 61; 1982, c. 63, s. 78; 1983, c. 19, s. 2; 1996, c. 25, s. 26; 2002, c. 68, s. 52; 2010, c. 10, s. 30; 2023, c. 12, s. 34.

61.1. *(Repealed).*

2010, c. 10, s. 30; 2017, c. 13, s. 3.

B. — *Provision specific to the Communauté métropolitaine de Québec*

2010, c. 10, s. 30.

61.2. A decision of the council of the Communauté métropolitaine de Québec under any provision of subdivisions 2 to 4 must be made by a two-thirds majority of the votes cast.

The majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all 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.

2010, c. 10, s. 30.

§ 2. — *Interim control resolution*

1996, c. 25, s. 26.

61.3. For the purposes of this subdivision, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of a metropolitan plan, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and

(3) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of an RCM plan applicable to all or part of the territory of a metropolitan community, that metropolitan community.

2010, c. 10, s. 31.

62. The council of the responsible body may prohibit new uses of the land, new structures, demolitions, applications for cadastral operations or the parcelling out of lots by alienation.

However, no such prohibition may apply to

(1) new uses of the land, structures, demolitions, applications for cadastral operations or the parcelling out of lots by alienation

(a) for agricultural purposes on land under cultivation;

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

(c) for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks;

(d) for the purposes of a forest management activity or of a wildlife management activity on lands in the domain of the State;

(2) applications for cadastral operations required by a declaration of co-ownership made 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.

For the purposes of the first paragraph, the council may provide that new uses of the land, new structures, demolitions, applications for cadastral operations and the parcelling out of lots by alienation constitute classes of activities, establish subclasses or divide the territory of the responsible body. In such a case, the council may impose prohibitions that apply to one, several or all of the classes, subclasses or parts of territory or that vary according to class, subclass or part of territory or to any combination comprised of a class or subclass and a part of territory.

As soon as practicable after the passage of the resolution by which the council makes a decision under the first paragraph or amends or repeals that decision, the secretary shall publish a notice of the date of passage in a newspaper circulated in the territory of the responsible body, and send a certified copy of the resolution to the Minister and to every partner body.

1979, c. 51, s. 62; 1982, c. 63, s. 79; 1993, c. 3, s. 33; 1996, c. 25, s. 26; 1997, c. 93, s. 8; 1999, c. 40, s. 18; 2010, c. 10, s. 32; 2021, c. 10, s. 86.

63. The council of the responsible body may, by the same resolution, provide that a prohibition under section 62 may be lifted on issuance of a permit, and set out the terms and conditions for the issuance thereof which may vary according to the classes, subclasses, parts of territory or combinations established under the third paragraph of the said section.

It may designate for that purpose an officer of every municipality in whose territory the prohibition that may be lifted applies; such designation shall be valid only if the council of the municipality consents thereto.

1979, c. 51, s. 63; 1982, c. 63, s. 80; 1996, c. 2, s. 68; 1996, c. 25, s. 26; 2010, c. 10, s. 111.

63.1. A provision of a resolution passed under section 62 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law passed or adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a resolution passed under section 62 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community upon the issuance of a permit or a certificate is without effect if a provision of a resolution or a by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions for or the officers charged with the issuance of the permit or certificate are not the same.

2010, c. 10, s. 33.

§ 3. — *Interim control by-law*

1996, c. 25, s. 26.

63.2. For the purposes of this subdivision, the following are partner bodies:

(1) if the by-law is related to the amendment or revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community;

(2) if the by-law is related to the amendment or revision of an RCM plan applicable to part of the territory of a metropolitan community, that metropolitan community; and

(3) in addition to those described in paragraph 2, if the by-law is related to the amendment or revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality.

2010, c. 10, s. 34.

63.3. For the purposes of section 66, the following are also partner bodies:

(1) in every case, each regional county municipality whose territory is contiguous to the territory of the responsible body; and

(2) in addition to those described in paragraph 1, if the by-law is related to the process of amendment or revision of a metropolitan plan, each municipality whose territory is situated within the territory of the metropolitan community.

2010, c. 10, s. 34.

64. The council of the responsible body may, by by-law, exercise its powers under section 62 or under the first paragraph of section 63.

It may also, by the same by-law, prescribe special rules in the matters of zoning, subdivision or building and of issuance of permits and certificates. For that purpose, the third paragraph of section 62 and sections 113, 115, 116 and 118 to 122 apply, with the necessary modifications.

Notwithstanding subparagraph *a* of subparagraph 1 of the second paragraph of section 62, the council may avail itself, as regards an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of any of the powers provided for in subparagraphs 3, 4, 4.1 and 5 of the second paragraph of section 113. In such a case, as soon as a notice of motion is given prior to the adoption of the by-law, the secretary shall send the Minister, by registered mail, a copy of the notice, of the minutes in which it is mentioned or, where applicable, of the notice referred to in the tenth paragraph of article 445 of the Municipal Code of Québec (chapter C-27.1).

The council may make the designation provided for in the second paragraph of section 63. The officer designated shall be charged with issuing any permit required for the lifting of a prohibition and any permit or certificate required pursuant to the by-law under the second paragraph of this section.

As soon as practicable after the adoption of the by-law, the secretary shall send a certified copy of the by-law and of the resolution adopting the by-law to the Minister and to every partner body.

The Minister shall give notice in writing to the responsible body of the date on which he received the copy.

1979, c. 51, s. 64; 1982, c. 2, s. 60; 1982, c. 63, s. 81; 1993, c. 3, s. 34; 1996, c. 25, s. 26; 1997, c. 93, s. 9; 2001, c. 35, s. 24; 2002, c. 37, s. 14; 2004, c. 20, s. 4; 2010, c. 10, s. 35; I.N. 2016-01-01 (NCCP); 2018, c. 8, s. 263.

65. Within 60 days after receiving a copy of the by-law, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

If the opinion states that the by-law is not consistent with those policy directions, it must include reasons. In that case, the Minister may, in the opinion, request that the responsible body replace the by-law; the Minister may also set a time limit for the adoption of a replacement by-law.

The Minister shall notify the opinion to the responsible body. In the case provided for in the second paragraph, the Minister shall send a copy of the opinion to every partner body.

1979, c. 51, s. 65; 1982, c. 2, s. 61; 1982, c. 63, s. 82; 1996, c. 25, s. 26; 1999, c. 40, s. 18; 2001, c. 35, s. 25; 2010, c. 10, s. 36; I.N. 2016-01-01 (NCCP).

66. The by-law comes into force on the day an opinion attesting that it is consistent with the aims and projects referred to in section 65 is notified to the responsible body by the Minister, or, failing such opinion, on the expiry of the period prescribed in the first paragraph of that section.

As soon as practicable after the coming into force of the by-law, the secretary shall publish notice of the date of coming into force of the by-law in a newspaper circulated in the territory of the responsible body.

At the same time, the secretary shall send a certified copy of the by-law and of the opinion to every partner body.

1979, c. 51, s. 66; 1996, c. 2, s. 43; 1996, c. 25, s. 26; 2003, c. 19, s. 15; 2010, c. 10, s. 37, s. 115; I.N. 2016-01-01 (NCCP).

67. Sections 64 to 66 apply in respect of a by-law concerning the amendment of the interim control by-law.

The fifth paragraph of section 64 and the second and third paragraphs of section 66 apply in respect of a by-law concerning the repeal of the interim control by-law.

1979, c. 51, s. 67; 1982, c. 2, s. 62; 1996, c. 2, s. 44; 1996, c. 25, s. 26; 1998, c. 31, s. 2; 2002, c. 37, s. 15.

§ 4. — *Effects of the interim control*

1996, c. 25, s. 26.

A. — *Provisions common to interim control resolution or by-laws related to metropolitan plan or RCM plan*

2010, c. 10, s. 38.

68. No building permit, subdivision permit, certificate of authorization or certificate of occupancy may be issued pursuant to a by-law of a municipality in respect of an activity that is prohibited or that is authorized, under any of sections 62 to 64, upon issuance of a permit or a certificate, unless in the latter case the activity was so authorized.

The provisions of an interim control by-law, adopted under the third paragraph of section 64, render inoperative any inconsistent provision of a by-law of a municipality adopted under any of subparagraphs 3, 4 and 5 of the second paragraph of section 113.

In addition, where a notice of motion has been given in relation to an interim control by-law referred to in the second paragraph, no construction plan may be approved and no permit or certificate may be issued or granted for the carrying out of work or the use of an immovable which, if the by-law that is the subject of the notice of motion comes into force, will be prohibited in the agricultural zone concerned.

The third paragraph ceases to apply at the expiry of the period that begins on the day of the filing of the notice of motion and that ends four months later. The third paragraph ceases, however, to apply before the expiry of that period on the day on which a notice of motion relating to a replacement by-law is filed or, failing that, on the day on which the time limit fixed by the Minister pursuant to the second paragraph of section 65 expires.

1979, c. 51, s. 68; 1982, c. 2, s. 63; 1993, c. 3, s. 35; 1996, c. 25, s. 26; 2001, c. 35, s. 26; 2002, c. 37, s. 16; 2002, c. 77, s. 3; 2004, c. 20, s. 5.

69. *(Repealed).*

1979, c. 51, s. 69; 1982, c. 2, s. 64; 1996, c. 2, s. 68; 1996, c. 25, s. 26; 2010, c. 10, s. 39.

70. A resolution passed under section 62 shall cease to have effect, if not repealed previously, from

(1) where the council adopts under section 64, during the period of 90 days after the passage of the resolution, a by-law connected with the same process of amendment or revision of the metropolitan plan or the RCM plan, at the earliest of

(a) the date of coming into force of that by-law or of a by-law replacing it; and

(b) the one hundred and eightieth day following the passage of the resolution or, if a time limit was fixed by the Minister under the second paragraph of section 65, the date of expiry of that time limit;

(2) in the opposite case, the expiry of the period of 90 days following the passage of the resolution.

Any resolution that replaces any other resolution shall cease to have effect from the same day as the resolution replaced would have ceased to have effect.

1979, c. 51, s. 70; 1996, c. 2, s. 68; 1996, c. 25, s. 26; 2002, c. 68, s. 52; 2010, c. 10, s. 40.

71. Any by-law adopted under section 64 and connected with the process of amendment of the metropolitan plan or the RCM plan shall cease to have effect in the territory of a municipality, if not repealed previously, from the date of coming into force of the last concordance by-law that the council of the

municipality concerned must adopt under section 58 to take account of the amendment of the metropolitan plan or the RCM plan.

1979, c. 51, s. 71; 1993, c. 3, s. 36; 1996, c. 2, s. 68; 1996, c. 25, s. 26; 2002, c. 68, s. 52; 2010, c. 10, s. 41.

B. — *Provisions specific to interim control by-laws related to metropolitan plan*

2010, c. 10, s. 42.

71.0.1. In the case of a by-law adopted under section 64 that relates to the amendment of a metropolitan plan, the concordance by-law referred to in section 71 is the by-law the municipality must adopt to take account of the amendment to the RCM plan applicable to that territory as a consequence of the amendment of the metropolitan plan.

2010, c. 10, s. 42.

71.0.2. The by-law adopted under section 64 that relates to the revision of the metropolitan plan ceases to have effect in the territory of the municipality, if it has not already been repealed,

(1) on the day on which it is determined under the fifth paragraph of section 58.3 or the fourth paragraph of section 58.5 that the RCM plan applicable to that territory does not require amendment in order to take account of the revision of the metropolitan plan; or

(2) on the day of the coming into force of the last concordance by-law that the council of the municipality must adopt under section 58 in order to take account of the amendment of the RCM plan applicable to that territory under section 58.1 as a consequence of the revision of the metropolitan plan.

2010, c. 10, s. 42.

C. — *Provisions specific to interim control by-laws related to RCM plan*

2010, c. 10, s. 42.

71.0.3. The regional county municipality may examine the advisability, having regard to the interim control measures, of works provided for by any resolution or any by-law, referred to in section 46, of a municipality in whose territory the measures apply.

2010, c. 10, s. 42.

71.0.4. In the case of a by-law under section 64 that is related to the amendment or revision of an RCM plan and concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion under section 65 must take account of the guidelines relating to the objectives set out in the third paragraph of section 5. If the by-law provides for standards aimed at reducing the inconvenience caused by odours from agricultural activities, the notice shall also indicate the parameters to serve in determining separation distances for such purposes.

2010, c. 10, s. 42; 2023, c. 12, s. 35.

71.0.5. A provision of a by-law adopted under section 64 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a by-law passed under section 64 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community upon the issuance of a permit or a certificate is without effect if a resolution or a by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions for or the officers charged with the issuance of the permit or certificate are not the same.

2010, c. 10, s. 42.

71.1. *(Replaced).*

1982, c. 2, s. 65; 1996, c. 2, s. 45; 1996, c. 25, s. 26.

71.2. *(Replaced).*

1982, c. 2, s. 65; 1993, c. 3, s. 37; 1996, c. 25, s. 26.

72. Any by-law adopted under section 64 and connected with the process of revision of the RCM plan shall cease to have effect in the territory of a municipality, if not repealed previously,

(1) from the date of coming into force of the last concordance by-law that the council of the municipality concerned must adopt under section 59 to take account of the revision of the plan; or

(2) from the date on which all of the by-laws of the municipality concerned, from among those referred to in section 59.1, that are not required to be amended by a concordance by-law to take account of revisions to the plan, have been determined under the fourth paragraph of section 59.2 or 59.4, if that day is later than the day referred to in paragraph 1 or if no by-law of the municipality concerned, from among the by-laws referred to in section 59.1, has to be so amended.

1979, c. 51, s. 72; 1982, c. 63, s. 83; 1983, c. 19, s. 3; 1996, c. 25, s. 26; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

CHAPTER I.0.2

NATIONAL LAND USE PLANNING REPORT

2023, c. 12, s. 36.

73. The Minister is responsible for assessing the state of land use planning in the territory of Québec.

The Minister shall measure, by means of national targets and indicators adopted by the Government, the progress made in that area.

1979, c. 51, s. 73; 1982, c. 2, s. 66; 1993, c. 3, s. 38; 1996, c. 25, s. 26; 2023, c. 12, s. 36.

74. The Minister shall produce, every four years, a national land use planning report containing the following:

(1) a status report on land use planning in the territory of Québec; and

(2) reporting on the achievement of government targets with respect to land use planning.

1979, c. 51, s. 74; 1982, c. 63, s. 84; 1984, c. 27, s. 20; 1984, c. 38, s. 2; 1993, c. 3, s. 39; 1995, c. 34, s. 60; 1996, c. 25, s. 26; 2023, c. 12, s. 36.

75. The Minister may request that a responsible body or a municipality send him any information or document he considers necessary for the production of the national report.

1979, c. 51, s. 75; 1982, c. 63, s. 85; 1990, c. 50, s. 6; 1993, c. 3, s. 40; 1995, c. 34, s. 61; 1996, c. 25, s. 26; 2023, c. 12, s. 36.

75.0.1. The Minister shall table the national report in the National Assembly not later than six months after the end of the period for which it is produced or, if the Assembly is not sitting, within 15 days of resumption.

2023, c. 12, s. 36.

CHAPTER I.0.3

NATIONAL LAND USE PLANNING POLICY

2023, c. 12, s. 37.

75.0.2. The Minister shall develop a national land use planning policy and propose it to the Government.

In preparing the policy, the Minister shall consult the authorities representing the municipal sector and any other civil society organization he considers relevant. The Minister shall also consult the Indigenous communities concerned where circumstances so require.

The Minister shall ensure the implementation of the policy and shall propose that the policy be updated when he considers it necessary.

2023, c. 12, s. 37.

CHAPTER I.1

JOINT LAND USE PLANNING COMMISSIONS

2001, c. 25, s. 1.

75.1. The Government may, by order, establish joint land use planning commissions having jurisdiction in the combined territory of two regional county municipalities.

The order shall determine the number of members of the commission, which shall not be less than four nor more than eight. It shall also fix the date before which the commission must produce the document referred to in section 75.8 and the date before which the commission must submit the report required under section 75.12 to the Government.

2001, c. 25, s. 1; 2002, c. 68, s. 52; 2010, c. 10, s. 43.

75.2. A joint land use planning commission is composed of an equal number of members of the council of each regional county municipality in whose territory the commission has jurisdiction.

The warden of each of the regional county municipalities is a member by virtue of office.

The additional members shall be appointed by the council of each of the regional county municipalities from among its members.

2001, c. 25, s. 1.

75.3. The wardens of each regional county municipality respectively, alternating, shall act as chair and vice-chair of the commission for a period of two years. The order referred to in section 75.1 shall designate from among them the chair and vice-chair for the two-year period beginning on the date on which the commission is established.

2001, c. 25, s. 1.

75.4. The chair shall call and preside at sittings of the commission and ensure that they are properly conducted.

The vice-chair shall replace the chair where the chair is unable to act or where the office of chair is vacant. The vice-chair may also, at the chair's request, preside at any sitting of the commission.

2001, c. 25, s. 1.

75.5. A commission may adopt internal management by-laws relating to its sittings and the conduct of its affairs.

2001, c. 25, s. 1.

75.6. The quorum of a commission is a majority of its members. Every member present has one vote.

Every opinion, report, recommendation or document of a commission shall be adopted by a simple majority.

2001, c. 25, s. 1; 2010, c. 10, s. 115.

75.7. The council of each regional county municipality in whose territory a commission has jurisdiction may assign to the commission any persons whose services it may require to carry out its mandate.

2001, c. 25, s. 1.

75.8. The commission must adopt, before the date fixed in the order under section 75.1, a document determining the policy orientations and main avenues of intervention to guide the regional county municipalities in whose territory the commission has jurisdiction in land use planning and development.

The chair shall transmit a copy of the document referred to in the first paragraph, as soon as possible after it is adopted, to the Minister of Municipal Affairs, Regions and Land Occupancy and to each regional county municipality in whose territory the commission has jurisdiction.

2001, c. 25, s. 1; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

75.9. The function of a commission is to examine, on its own initiative or at the request of the council of one of the regional county municipalities in whose territory the commission has jurisdiction, any matter relating to land use planning and development throughout the combined territory.

A further function of a commission is to give its opinion, having regard to the document referred to in section 75.8 if available, to the regional county municipalities and to make recommendations to ensure that their RCM plans reflect an overall vision that is shared and that is in harmony with land use planning and development in the territories in which the RCM plans apply.

2001, c. 25, s. 1; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

75.10. For the purposes of the application of the process of amendment or revision of the RCM plan to the regional county municipalities in whose territory a commission has jurisdiction, each time the Act prescribes the transmission of a copy of a document by the secretary, the secretary shall also transmit a copy of the document to the commission so that it may give its opinion, make recommendations or produce a report in respect thereof.

2001, c. 25, s. 1; 2002, c. 68, s. 52; 2010, c. 10, s. 44.

75.11. Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality in whose territory a commission has jurisdiction, the Minister shall request that the commission and the other regional county municipality in whose territory the commission has jurisdiction to give an opinion on the document submitted to the Minister.

The opinions of the commission and the other regional county municipality must be received by the Minister, respectively, within 45 or 60 days after they were requested, depending on whether the ministerial opinion is applied for under section 51, 53.7 or 65, or under section 56.4 or 56.14.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on problems raised in the opinion of the commission or the other regional county municipality. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion of the commission or the other regional county municipality.

The first three paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 in respect of a replacement by-law referred to in the second paragraph of section 53.8;

(2) under section 53.7 if the proposed amendment to the RCM plan arises from the application of section 53.12 or 53.13;

(3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the third paragraph of that section; or

(4) under section 65 in respect of a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.

2001, c. 25, s. 1; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2010, c. 10, s. 45; 2023, c. 12, s. 38.

75.12. Every commission shall, before the date fixed in the order referred to in section 75.1, report to the Government on the exercise of its jurisdiction.

The report shall be tabled in the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days of resumption.

2001, c. 25, s. 1.

CHAPTER II

PLANNING BY-LAWS IN UNORGANIZED TERRITORIES

1988, c. 19, s. 217.

76. 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 (chapter O-9) is required to maintain in force at all times a zoning by-law, a subdivision by-law and a building by-law applicable to that territory, in addition to any other by-law it is required to adopt under the complementary document to its current RCM plan.

The regional county municipality must also maintain in force, in respect of that territory, a by-law relating to the occupancy and maintenance of buildings and a by-law relating to the demolition of immovables that is in conformity with the provisions of Chapter V.0.1, with the necessary modifications.

Different by-laws may apply to different parts of the unorganized territory determined by the council of the regional county municipality.

1979, c. 51, s. 76; 1982, c. 63, s. 86; 1988, c. 19, s. 218; 1996, c. 2, s. 46; 2002, c. 68, s. 52; 2010, c. 10, s. 46; 2021, c. 10, s. 87.

77. *(Repealed).*

1979, c. 51, s. 77; 1982, c. 63, s. 87; 1988, c. 19, s. 219; 1993, c. 3, s. 41; 1996, c. 2, s. 47; 2002, c. 68, s. 52; 2010, c. 10, s. 47.

78. *(Repealed).*

1979, c. 51, s. 78; 2003, c. 19, s. 16.

79. *(Repealed).*

1979, c. 51, s. 79; 1987, c. 57, s. 666; 1988, c. 19, s. 220; 1996, c. 25, s. 27; 2010, c. 10, s. 47.

CHAPTER II.1

OTHER BY-LAWS OF CERTAIN REGIONAL COUNTY MUNICIPALITIES

2002, c. 68, s. 3.

DIVISION I

REGIONAL BY-LAWS

2002, c. 68, s. 3; 2021, c. 7, s. 6.

§ 1. — *Regional by-laws*

2021, c. 7, s. 6.

79.1. The council of a regional county municipality may adopt a by-law to implement any flood risk management plan prepared in accordance with the regulation made under paragraph 13 of section 46.0.22 of the Environment Quality Act (chapter Q-2).

2002, c. 68, s. 3; 2010, c. 10, s. 48; 2021, c. 7, s. 6.

79.2. The council of a regional county municipality may, in respect of a determined place, establish by by-law any standard intended to take into account

(1) any factor specific to the nature of the place that makes land occupation subject to constraints related to public safety or protection of the environment; and

(2) the actual or potential proximity of an immovable or an activity that makes land occupation subject to constraints related to public safety, public health or general well-being.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.3. The council of a regional county municipality may establish by by-law any standard relating to the planting and felling of trees in order to ensure the protection and management of private forests.

2002, c. 68, s. 3; 2010, c. 10, s. 112; 2021, c. 7, s. 6.

79.4. For the purpose of exercising the powers provided for in this subdivision, the council of a regional county municipality has the powers provided for in sections 113, 115, 118 and 119 in matters of zoning, subdivision, building, permits and certificates, with the necessary modifications.

2002, c. 68, s. 3; 2010, c. 10, s. 112; 2021, c. 7, s. 6.

79.5. The council of a regional county municipality must designate, in every municipality in whose territory the by-laws provided for in section 79.1 or 79.2 apply, an officer to be responsible for enforcing those by-laws.

The council may, with the consent of the municipality concerned, designate such an officer to enforce a by-law provided for in section 79.3.

Section 120 applies to an officer referred to in this section, with the necessary modifications.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.6. The council of a regional county municipality that has a land development advisory committee also has the powers provided for in section 145.42, with the necessary modifications, for the purpose of exercising the powers provided for in paragraph 1 of section 79.2.

2002, c. 68, s. 3; 2003, c. 19, s. 17; 2021, c. 7, s. 6.

§ 2. — *Draft by-law, consultation and adoption*

2021, c. 7, s. 6.

79.7. The council of the regional county municipality shall adopt a draft of every by-law referred to in sections 79.1 to 79.3.

A copy shall be sent as soon as practicable to each municipality whose territory is concerned by such a draft by-law and, in the case of the draft of a by-law referred to in section 79.2 or 79.3, to every metropolitan community whose territory is concerned by that draft by-law.

A copy of every draft by-law referred to in section 79.1 or 79.2 shall also be sent to the Minister.

2002, c. 68, s. 3; 2010, c. 10, s. 112; 2021, c. 7, s. 6.

79.8. The council of the regional county municipality may request the Minister's opinion on a draft by-law referred to in section 79.1 or 79.2.

The secretary shall notify to the Minister a certified copy of the resolution setting out the request.

2002, c. 68, s. 3; 2010, c. 10, s. 49; 2021, c. 7, s. 6.

79.9. Within 60 days after receiving the copy of the resolution, the Minister shall give an opinion as to the consistency of the draft by-law with government policy directions or as to its compliance with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.22 of the Environment Quality Act (chapter Q-2), as applicable.

If the opinion of the Minister raises objections to the draft by-law, it must include reasons.

The Minister shall notify the opinion to the regional county municipality.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.10. The council of every municipality or metropolitan community whose territory is concerned by the draft by-law may give its opinion on the draft by-law within 60 days after receiving it.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.11. The regional county municipality shall hold at least one public meeting in the territory concerned by the draft by-law.

2002, c. 68, s. 3; 2010, c. 10, s. 112; 2021, c. 7, s. 6.

79.12. The regional county municipality shall hold its public meetings through a committee established by the council, composed of council members designated by the council and presided over by the warden or by another committee member designated by the warden.

2002, c. 68, s. 3; 2010, c. 10, s. 50, s. 113, s. 116; 2021, c. 7, s. 6.

79.13. Not later than 15 days before a public meeting is held, the secretary of the regional county municipality shall publish in a newspaper circulated in the territory of every municipality whose territory is concerned by the draft by-law a notice of the date, time and place and the purpose of the meeting the secretary shall, within the same period, have a copy of the notice posted in the office of every municipality whose territory is concerned.

A summary of the draft by-law must be included with the notice or distributed, within the time prescribed in the first paragraph, to every address in the territory concerned. In the latter case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft by-law and the summary may be consulted at the office of the regional county municipality and at the office of every municipality whose territory is concerned.

2002, c. 68, s. 3; 2003, c. 19, s. 18; 2010, c. 10, s. 112, s. 113, s. 116; 2021, c. 7, s. 6.

79.14. At a public meeting, the committee shall explain the draft by-law.

The committee shall hear the persons and bodies wishing to be heard.

2002, c. 68, s. 3; 2010, c. 10, s. 113, s. 116; 2021, c. 7, s. 6.

79.15. After the consultation period concerning the draft by-law, the council of the regional county municipality shall adopt the by-law, with or without changes.

The consultation period ends when every required public meeting has been held and every opinion on the draft by-law has been obtained or the time for giving an opinion has expired.

2002, c. 68, s. 3; 2010, c. 10, s. 113, s. 116; 2021, c. 7, s. 6.

§ 3. — *Approval, examination of conformity and coming into force*

2021, c. 7, s. 6.

A. — *Provisions applicable to flood risk management by-laws*

2021, c. 7, s. 6.

79.16. As soon as practicable after the adoption of a by-law referred to in section 79.1, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it, accompanied with a management plan and an expert assessment consistent with the rules prescribed by a regulation made under paragraph 13 of section 46.0.22 of the Environment Quality Act (chapter Q-2).

2002, c. 68, s. 3; 2010, c. 10, s. 112, s. 113; 2021, c. 7, s. 6.

79.17. Within 90 days after receiving the copy of the by-law and of the resolution, the Minister shall approve the by-law if of the opinion that it complies with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.22 of the Environment Quality Act (chapter Q-2) and is consistent with government policy directions.

The Minister shall notify a notice to the regional county municipality of the decision. If the Minister withholds approval of the by-law, the notice must include reasons.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.18. Before rendering a decision, the Minister shall consult the Minister of Sustainable Development, Environment and Parks, the Minister of Public Security and the national committee of flood zone management experts.

The Minister must also consult any other interested minister.

2002, c. 68, s. 3; 2021, c. 7, s. 6.

79.19. The national committee of flood zone management experts shall be established by the Minister according to the terms and conditions the Minister determines by regulation.

2002, c. 68, s. 3; 2003, c. 19, s. 19; 2021, c. 7, s. 6.

79.19.1. If the Minister withholds approval of the by-law, the council of the regional county municipality may, within 120 days after notification of the notice of the decision, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister's opinion.

2004, c. 20, s. 6; I.N. 2016-01-01 (NCCP); 2018, c. 8, s. 263; 2021, c. 7, s. 6.

79.19.2. The by-law comes into force on the day the Minister approves it or on any later date prescribed by the by-law.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

2005, c. 28, s. 2; 2021, c. 7, s. 6; 2023, c. 12, s. 39.

B. — *Provisions applicable to by-laws on the management of natural or man-made constraints*

2021, c. 7, s. 6.

79.19.3. As soon as practicable after the adoption of a by-law referred to in section 79.2, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it.

A certified copy must also be sent to every metropolitan community whose territory is concerned by the by-law.

2021, c. 7, s. 6.

79.19.4. Within 60 days after receiving the copies of the by-law and of the resolution, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

The Minister shall notify the opinion to the regional county municipality and, if the by-law concerns part of the territory of a metropolitan community, to the metropolitan community. If the Minister is of the opinion that the by-law is not consistent with government policy directions, the opinion must include reasons and may include the Minister's suggestions on how to ensure such consistency.

If the Minister fails to give an opinion within the time prescribed in the first paragraph, the by-law is deemed to be consistent with government policy directions.

2021, c. 7, s. 6.

79.19.5. If the Minister is of the opinion that the by-law is not consistent with government policy directions, the council of the regional county municipality may, within 120 days after notification of the opinion, replace the by-law.

Subdivision 2 does not apply to the new by-law if it differs from the one it replaces only so as to take account of the Minister's opinion.

2021, c. 7, s. 6.

79.19.6. If the by-law concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copies of the by-law and of the resolution are sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

2021, c. 7, s. 6.

79.19.7. Where the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution applying for the assessment and of the by-law concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after the copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

2021, c. 7, s. 6.

79.19.8. The Commission must give its assessment within 60 days after receiving the copy of the resolution and of the by-law.

If the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the assessment may include the Commission's suggestions on how to ensure such conformity.

The secretary of the Commission shall notify a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving the copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

2021, c. 7, s. 6.

79.19.9. Where the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure the conformity of the by-law with the metropolitan plan.

2021, c. 7, s. 6.

79.19.10. The by-law comes into force on the day an opinion attesting that it is consistent with government policy directions is notified to the regional county municipality by the Minister or, failing such an opinion, on the expiry of the period prescribed in section 79.19.4.

However, if the by-law concerns part of the territory of a metropolitan community, it cannot come into force before the date on which the secretary of the community issues the certificate of conformity.

A by-law may, however, provide that it comes into force on any date after the date provided for in the first or second paragraph.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

2021, c. 7, s. 6; 2023, c. 12, s. 40.

C. — *Provisions applicable to by-laws on the planting or felling of trees*

2021, c. 7, s. 6.

79.19.11. As soon as practicable after the adoption of a by-law referred to in section 79.3, the secretary of the regional county municipality shall see to it that a notice of the adoption of the by-law, explaining the rules prescribed in the first paragraph of section 79.19.12 and the first paragraph of section 79.19.13, is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

2021, c. 7, s. 6.

79.19.12. Any qualified voter in a municipality whose territory is concerned by the by-law may, within 30 days of publication of the notice referred to in section 79.19.11, apply, in writing, to the Commission for an assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

The secretary of the Commission shall send to the regional county municipality a copy of every application sent within the period prescribed in the first paragraph.

2021, c. 7, s. 6.

79.19.13. If the Commission receives at least five applications in accordance with section 79.19.12, it shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

If the Commission fails to receive at least five applications in accordance with section 79.19.12, the by-law is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the expiry of the period prescribed in the first paragraph of that section.

The by-law is also deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the date on which the Commission gives an assessment confirming such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to every person who made an application in accordance with section 79.19.12. If the assessment of the Commission is that the by-law is not in conformity with the objectives of the plan and the provisions of the complementary document, the assessment must include reasons and may include the Commission's suggestions on how to ensure conformity.

The secretary of the regional county municipality shall see to it that a copy of the assessment is posted in the office of every municipality whose territory is concerned by the by-law.

2021, c. 7, s. 6.

79.19.14. Where the assessment of the Commission is that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure such conformity.

2021, c. 7, s. 6.

79.19.15. The by-law comes into force on the date from which it is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document according to section 79.19.13 or on any later date prescribed by the by-law.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

2021, c. 7, s. 6; 2023, c. 12, s. 41.

§ 4. — *Effects*

2021, c. 7, s. 6.

79.19.16. The provisions of a by-law referred to in section 79.1 or 79.2 take precedence over any inconsistent provision of a by-law of a municipality.

2021, c. 7, s. 6.

79.19.17. On the coming into force of a by-law referred to in section 79.3, the council of a municipality whose territory is concerned by the by-law loses the right to include in its zoning by-law provisions regarding

a matter referred to in subparagraph 12.1 of the second paragraph of section 113, and any such provision already in force immediately ceases to have effect.

2021, c. 7, s. 6.

79.19.18. Only the representatives of the municipalities whose territory is concerned by a by-law referred to in section 79.3 are qualified to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

2021, c. 7, s. 6.

79.19.19. Where a notice of motion has been given in order to adopt or amend a by-law provided for in sections 79.1 to 79.3, no permit or certificate may be granted by the regional county municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

Where a copy of the notice of motion is sent to a municipality, no permit or certificate may, as of receipt of the notice, be granted by the municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

The first two paragraphs cease to be applicable on the day that is two months after the filing of the notice of motion in accordance with the first paragraph or a sending under the second paragraph if the by-law has not been adopted by that date or, if the by-law has been adopted, on the day that is six months after the adoption of the by-law if it is not in force on that date.

2021, c. 7, s. 6.

§ 5. — *Ministerial requests*

2023, c. 12, s. 42.

79.19.20. The Minister may request that a regional county municipality amend a by-law referred to in section 79.2 if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the by-law is consistent with them; or

(2) to improve public safety.

2023, c. 12, s. 42.

79.19.21. The Minister of Sustainable Development, Environment and Parks may request that a regional county municipality amend a by-law referred to in section 79.2 or 79.3 if the Minister considers that the by-law, considering the distinctive features of the locality, fails to provide adequate protection for wetlands and bodies of water.

2023, c. 12, s. 42.

79.19.22. The second, fourth, sixth and seventh paragraphs of section 53.12 apply to a request referred to in section 79.19.20 or 79.19.21, with the necessary modifications.

2023, c. 12, s. 42.

79.19.23. Subdivision 2 does not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in paragraph 2 of section 79.19.20 or in section 79.19.21.

2023, c. 12, s. 42.

DIVISION II

Repealed, 2023, c. 12, s. 43

2002, c. 68, s. 3; 2023, c. 12, s. 43.

79.20. *(Repealed).*

2002, c. 68, s. 3; 2003, c. 29, s. 142; 2006, c. 8, s. 16, s. 31; 2009, c. 26, s. 109; 2010, c. 10, s. 51, s. 113; 2015, c. 8, s. 213; 2021, c. 7, s. 7; 2023, c. 12, s. 43.

79.21. *(Repealed).*

2010, c. 10, s. 52; 2023, c. 12, s. 43.

80. *(Repealed).*

1979, c. 51, s. 80; 1987, c. 57, s. 667; 1993, c. 3, s. 42.

CHAPTER II.2

PUBLIC PARTICIPATION

2017, c. 13, s. 4.

80.1. Every local municipality may adopt a public participation policy that contains measures complementary to those provided for in this Act and that promotes dissemination of information, and consultation and active participation of citizens in land use planning and development decision-making.

2017, c. 13, s. 4.

80.2. If the public participation policy of the municipality complies with the requirements of the regulation made under section 80.3, no instrument adopted by the council of the municipality under this Act is subject to approval by way of referendum.

The first paragraph does not apply to a referendum and approval process that is under way at the time of the coming into force of the policy; inversely, the repeal of the policy has no effect on such a process that is under way at the time the policy is repealed. For the purposes of this paragraph, a process is under way as of the adoption of a draft by-law under section 124.

2017, c. 13, s. 4.

80.3. The Minister shall, by regulation, set any requirement relating to public participation for the purposes of this Act and to the content of a public participation policy.

The regulation must be aimed at ensuring that

(1) the decision-making process is transparent;

(2) citizens are consulted before decisions are made;

(3) the information disseminated is complete, coherent and adapted to the circumstances;

(4) citizens are given a real opportunity to influence the process;

(5) elected municipal officers are actively present in the consultation process;

(6) deadlines are adapted to the circumstances and allow citizens sufficient time to assimilate the information;

(7) procedures are put in place to allow all points of view to be expressed and foster reconciliation of the various interests;

(8) rules are adapted according to, in particular, the purpose of the amendment, the participation of citizens or the nature of the comments made; and

(9) a reporting mechanism is put in place at the end of the process.

In its policy, the local municipality must state whether it deems the policy to be compliant with the regulation made under this section and whether it avails itself of section 80.2.

The Minister may, in exercising that power, establish different rules on the basis of any relevant criterion or for any group of municipalities.

2017, c. 13, s. 4.

80.4. The public participation policy is adopted by by-law.

The first paragraph of section 124 and sections 125 to 127 and 134 apply, with the necessary modifications, to any by-law by which a municipality adopts, amends or repeals a public participation policy.

2017, c. 13, s. 4.

80.5. Every municipality must permanently publish its public participation policy on its website. If the municipality does not have a website, the policy must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality gives public notice of the address at least once a year.

2017, c. 13, s. 4.

CHAPTER III

PLANNING PROGRAM OF A MUNICIPALITY

DIVISION I

POWERS OF THE MUNICIPALITY

81. A municipality may have a planning program applicable to its whole territory.

A municipality that has a planning program in force may not repeal it.

1979, c. 51, s. 81; 1982, c. 2, s. 67; 1982, c. 63, s. 88; 1994, c. 13, s. 15; 1996, c. 25, s. 28; 2010, c. 10, s. 53.

82. *(Repealed).*

1979, c. 51, s. 82; 1994, c. 13, s. 15; 1996, c. 25, s. 29; 2002, c. 68, s. 52; 2010, c. 10, s. 54.

DIVISION II

CONTENTS OF THE PLANNING PROGRAM

1979, c. 51, Div. II; 2023, c. 12, s. 44.

83. The planning program determines sustainable land use planning and development for the territory of the municipality in harmony with the RCM plan. It defines policy directions and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the planning program must

(1) describe the organization of the territory;

(2) determine land uses and, within any urbanization perimeter, minimum land occupation densities;

(3) plan the consolidation of any part of the territory to be consolidated on a priority basis;

(4) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning in the territory;

(5) describe anticipated housing needs and set out measures for meeting those needs;

(6) plan where local services and equipment are to be located and provide measures to facilitate their accessibility;

(7) define the infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) set out measures to ensure the protection and availability of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement; and

(10) identify any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and describe any measure to mitigate the harmful or undesirable effects of those characteristics.

1979, c. 51, s. 83; 1993, c. 3, s. 43; 2021, c. 7, s. 8; 2023, c. 12, s. 44.

84. The planning program may include a special planning program for part of the territory of the municipality. The special planning program may contain elements aimed at fostering sustainable urban planning and objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the special planning program must

(1) state the objectives pursued;

(2) plan in detail land use development in the part of the territory it concerns; and

(3) specify the urban planning rules and criteria proposed.

1979, c. 51, s. 84; 1987, c. 53, s. 2; 1993, c. 3, s. 44; 2017, c. 13, s. 5; 2023, c. 12, s. 44.

85. A municipality may, by by-law, adopt a program to acquire immovables, by agreement or expropriation, for all or part of the territory covered by a special planning program, with a view to alienating or leasing the immovables for the purposes provided for in the special planning program.

The municipality may implement the program to acquire immovables once the planning by-laws consistent with the special planning program are in force. It may administer any immovable it holds under the program and carry out any work on it.

1979, c. 51, s. 85; 1983, c. 57, s. 34; 2005, c. 6, s. 129; 2023, c. 12, s. 44.

85.0.1. *(Replaced).*

2005, c. 6, s. 130; 2023, c. 12, s. 44.

85.1. *(Replaced).*

1983, c. 57, s. 35; 1985, c. 27, s. 3; 1996, c. 2, s. 48; 1996, c. 25, s. 30; 2002, c. 68, s. 52; 2010, c. 10, s. 110, s. 114; 2023, c. 12, s. 44.

85.2. *(Replaced).*

2005, c. 6, s. 131; 2023, c. 12, s. 44.

85.3. *(Replaced).*

2005, c. 6, s. 131; 2023, c. 12, s. 44.

85.4. *(Replaced).*

2005, c. 6, s. 131; 2023, c. 12, s. 44.

86. A municipality may acquire any immovable, by agreement or expropriation, even if the immovable is not covered by a program to acquire immovables, with a view to alienating it or leasing it to a person who requires it to carry out a project that is consistent with a special planning program, if the person is already the owner of land or the beneficiary of a promise of sale of land representing two-thirds of the area the person needs to carry out the project.

The municipality may administer any immovable it holds under the first paragraph and carry out any work on it.

1979, c. 51, s. 86; 1982, c. 2, s. 68; 1996, c. 25, s. 31; 2002, c. 68, s. 52; 2010, c. 10, s. 55; 2023, c. 12, s. 44.

87. *(Repealed).*

1979, c. 51, s. 87; 1996, c. 27, s. 108.

DIVISION III

PREPARATION OF THE PLANNING PROGRAM

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

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

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

The consultation shall be held in accordance with the procedure prescribed in sections 89 to 93.

1979, c. 51, s. 88.

89. The preliminary proposal shall be submitted to the council of the regional county municipality for its opinion.

1979, c. 51, s. 89.

90. The municipality shall hold a public meeting concerning the preliminary proposal presided by the mayor or by another member of the council designated by the mayor.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the clerk-treasurer of the municipality.

1979, c. 51, s. 90; 1996, c. 25, s. 32; 1996, c. 77, s. 1; 2021, c. 31, s. 132.

91. The preliminary proposal shall be sent to the municipalities whose territories are adjacent, together with a notice of the date, time, place and objects of the public meeting.

1979, c. 51, s. 91; 1996, c. 25, s. 33.

92. Not later than fifteen clear days before the holding of the meeting, the clerk or the clerk-treasurer of the municipality must publish a notice of the date, time, place and objects of the meeting in a newspaper circulated in the territory of the municipality. The notice must also indicate that a copy of the preliminary proposal is available for inspection at the office of the municipality.

The notice must also be posted up at the office of the municipality.

1979, c. 51, s. 92; 2021, c. 31, s. 132.

93. At the public meeting, the person presiding the meeting must explain the preliminary proposal and hear every person and body wishing to be heard.

1979, c. 51, s. 93; 1996, c. 25, s. 35.

94. The municipality, in preparing the planning program, shall take into account, as the case may be, the preliminary proposal, the opinion of the council of the regional county municipality, the results of the consultation or any other relevant factor.

1979, c. 51, s. 94.

95. Before adopting the planning program, the council of the municipality shall hold a consultation on the various components of the program and the consequences of its adoption. This consultation is required even where the preliminary proposal had been submitted to consultation.

The council of the municipality may submit the draft zoning, subdivision and building by-laws it intends to adopt or the amendments it intends to make to these by-laws, in the cases provided for in section 102, to consultation.

It may also, where applicable, submit to consultation any other draft planning by-law.

The terms and conditions provided in sections 88 to 93 apply, with the necessary adaptations, to the consultation on the planning program.

1979, c. 51, s. 95; 1987, c. 102, s. 16; 1989, c. 46, s. 2; 1994, c. 32, s. 7; 2002, c. 37, s. 17; 2021, c. 10, s. 88; 2023, c. 12, s. 45.

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

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

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

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

1979, c. 51, s. 96.

DIVISION IV

ADOPTION OF THE PLANNING PROGRAM

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

1979, c. 51, s. 97.

98. In the case of a municipality whose territory is comprised in that of a regional county municipality that has an RCM plan in force or that has begun to prepare its first RCM plan, the planning program comes into force on the date of the issuance of the certificate of conformity.

In any other case, the planning program comes into force on the date of the publication of the by-law contemplated in section 97 in conformity with the law governing the municipality, or on the later date provided therein.

1979, c. 51, s. 98; 1982, c. 63, s. 89; 1996, c. 2, s. 49; 1996, c. 25, s. 36; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

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

1979, c. 51, s. 99; 2003, c. 19, s. 20.

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

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

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

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

1979, c. 51, s. 100.

DIVISION V

EFFECTS OF THE PLANNING PROGRAM

2010, c. 10, s. 56.

101. A planning program does not create any obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for therein.

1979, c. 51, s. 101; 2010, c. 10, s. 57.

102. The council of a municipality shall, within 180 days following the coming into force of the planning program or the issuance of the certificate of conformity in the case contemplated in the fourth paragraph of section 44, adopt for its whole territory a zoning by-law, a subdivision by-law, a building by-law and any other by-law whose adoption is required by the complementary document and send a copy of them to the

council of the regional county municipality, if applicable. The by-laws must be in conformity with the planning program and, where such is the case, with the objectives of the RCM plan and with the complementary document.

However, if a planning by-law is in force at the time of the coming into force of the planning program, the council shall, if necessary, amend the said by-law, within the same time, to bring it into conformity with the planning program and, where such is the case, with the objectives of the RCM plan and with the complementary document, and send a copy of it to the regional county municipality, if applicable, whether amended or not.

Where the council is of the opinion that a by-law referred to in the second paragraph is consistent with the planning program and, where such is the case, with the objectives of the RCM plan and with the complementary document, it shall adopt a resolution and publish a notice indicating its intention not to amend the by-law. A copy of the resolution must be sent with the copy of the by-law.

A by-law adopted in accordance with the first paragraph must, unless it has been the subject of the consultation provided for in section 95, be submitted to the consultation provided for in sections 124 to 127.

1979, c. 51, s. 102; 1982, c. 2, s. 69; 1982, c. 63, s. 90; 1987, c. 57, s. 668; 1987, c. 102, s. 17; 1993, c. 3, s. 45; 1996, c. 25, s. 37; 1996, c. 25, s. 37; 2002, c. 68, s. 52; 2010, c. 10, s. 58, s. 110, s. 114; 2023, c. 12, s. 46.

103. Five qualified voters of the territory of the municipality may apply to the Commission in writing for an assessment of conformity within 30 days

(1) of the passing of a by-law contemplated in the first paragraph of section 102; or

(2) *(paragraph repealed);*

(3) of the publication of the notice contemplated in the third paragraph of the said section.

On receiving the application, the Commission shall send a copy of it to the municipality; the municipality may obtain free of charge from the Commission a certified copy of the program and by-law concerned.

1979, c. 51, s. 103; 1982, c. 2, s. 70; 1987, c. 57, s. 669; 1987, c. 102, s. 18; 1993, c. 3, s. 46; 1996, c. 25, s. 38; 2005, c. 28, s. 3.

104. Within forty-five days of the expiration of the time allowed in the first paragraph of section 103, the Commission shall give an assessment of the conformity of the by-law with the planning program.

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

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

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

1979, c. 51, s. 104.

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

(1) at the expiry of the period provided in section 103, where no assessment is requested from the Commission, or

(2) from the issuance of a favourable assessment by the Commission.

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

A notice of the coming into force or, in the case contemplated in the third paragraph of section 102, of the conformity of the by-law shall be published in a newspaper circulated in the territory of the municipality and posted up at the office of the municipality. Copy of the notice is sent to the Minister of Natural Resources and Wildlife for the purposes of the cadastre.

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

1979, c. 51, s. 105; 1982, c. 2, s. 71; 1982, c. 63, s. 91; 1987, c. 102, s. 19; 1993, c. 3, s. 47; 1994, c. 13, s. 15; 1996, c. 25, s. 39; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

106. If the assessment of the Commission is that a by-law contemplated in section 102 is not consistent with the planning program, the municipality shall, within 90 days, amend it to bring it into conformity with the planning program.

None of the formalities prescribed in sections 124 to 137 applies in respect of a by-law which is adopted, for the purposes of the first paragraph, solely to ensure the conformity of a by-law referred to in section 102 with the planning program.

1979, c. 51, s. 106; 1982, c. 63, s. 92; 1987, c. 57, s. 670; 1987, c. 102, s. 20; 1993, c. 3, s. 48; 1996, c. 25, s. 40.

107. *(Repealed).*

1979, c. 51, s. 107; 1993, c. 3, s. 49.

108. *(Repealed).*

1979, c. 51, s. 108; 1987, c. 57, s. 671; 1993, c. 3, s. 49.

DIVISION VI

AMENDMENT OF THE PLANNING PROGRAM

109. The council of the municipality may amend its planning program in accordance with the procedure prescribed in this division.

1979, c. 51, s. 109; 1982, c. 2, s. 72; 1993, c. 3, s. 50.

109.1. The council of the municipality shall begin the procedure for amending the planning program by the adoption of a draft by-law.

As soon as practicable after the adoption of the draft by-law amending the planning program, the clerk or the clerk-treasurer of the municipality shall transmit to every contiguous municipality and to the regional county municipality a certified copy of the draft by-law and of the resolution under which it is adopted.

1993, c. 3, s. 50; 1996, c. 25, s. 41; 2021, c. 31, s. 132.

109.2. The municipality shall hold a public meeting concerning the draft by-law presided by the mayor or by another member of the council designated by the mayor.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the clerk-treasurer of the municipality.

1993, c. 3, s. 50; 1996, c. 25, s. 42; 1996, c. 77, s. 2; 2021, c. 31, s. 132.

109.3. Not later than 15 days before the day the public meeting is held, the clerk or the clerk-treasurer of the municipality shall post in the office of the municipality and publish in a newspaper circulated in its territory a notice of the date, time, place and object of the meeting.

The notice shall include a summary of the draft by-law and mention that a copy of the latter may be examined at the office of the municipality.

However, the summary may be transmitted by mail or by other means, as the council of the municipality may choose, to every address in the territory of the municipality, not later than 15 days before the day the meeting is held instead of being integrated into the notice prescribed in the first paragraph. In this case, a notice indicating the date, time, place and object of the meeting and mentioning that a copy of the draft by-law may be examined at the office of the municipality shall accompany the summary.

1993, c. 3, s. 50; 2021, c. 31, s. 132.

109.4. At the public meeting, the person presiding the meeting shall explain the draft by-law and the consequences of the adoption and the coming into force of such a by-law and hear the persons and bodies wishing to be heard.

1993, c. 3, s. 50; 1996, c. 25, s. 43.

109.5. After the public meeting, the council of the municipality shall adopt the by-law amending the planning program, with or without changes, by a majority vote of its members.

1993, c. 3, s. 50; 1996, c. 25, s. 44.

109.6. As soon as practicable after the adoption of the by-law, the clerk or the clerk-treasurer of the municipality shall transmit a certified copy of the by-law and of the resolution under which it is adopted to the regional county municipality whose territory includes that of the municipality.

The first paragraph does not apply where no RCM plan is in force in the territory of the municipality.

Where the amendment made by the by-law is an amendment made pursuant to section 34, the clerk or the clerk-treasurer shall transmit, to any contiguous municipality and to the regional county municipality, a certified copy of the planning program which is the subject of the amendment.

1993, c. 3, s. 50; 1996, c. 25, s. 45; 2002, c. 68, s. 52; 2010, c. 10, s. 110; 2021, c. 31, s. 132.

109.7. Within 120 days after the documents described in the first paragraph of section 109.6 are transmitted, the council of the regional county municipality shall approve the by-law if it is in conformity with the objectives of the RCM plan and with the provisions of the complementary document or, if not, it shall withhold approval thereof.

However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and state the provisions of the by-law that are not in conformity. The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality.

As soon as practicable after the adoption of the resolution by which the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion, the secretary shall transmit a certified copy of the resolution to the municipality.

1993, c. 3, s. 50; 1996, c. 25, s. 46; 2010, c. 10, s. 112, s. 113; 2023, c. 12, s. 47.

109.8. Where the council of the regional county municipality withholds approval of a by-law or fails to give its opinion within the period prescribed in section 109.7, the council of the municipality may apply to the Commission for an assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

The clerk or the clerk-treasurer of the municipality shall notify to the Commission a certified copy of the resolution requesting the assessment and of the by-law concerned. The clerk shall notify a certified copy of the resolution to the regional county municipality.

The copy intended for the Commission must be received by it within 15 days after a copy of the resolution in which approval of the by-law is withheld is transmitted or, as the case may be, after the expiry of the period prescribed in section 109.7.

The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 109.7.

1993, c. 3, s. 50; 1996, c. 25, s. 47; 2010, c. 10, s. 113; I.N. 2016-01-01 (NCCP); 2021, c. 31, s. 132; 2023, c. 12, s. 48.

109.8.0.1. The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 109.7. Section 109.6 applies to that sending, with the necessary modifications.

2023, c. 12, s. 49.

109.8.1. If the council of the regional county municipality withholds approval of the by-law, the council of the municipality may, instead of applying for the assessment provided for in section 109.8, adopt

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

(2) a by-law containing only the elements of the by-law concerned that did not cause approval to be withheld together with a by-law containing only the elements of the by-law concerned that caused approval to be withheld.

Sections 109.1 to 109.4 do not apply in respect of a by-law adopted under the first paragraph. Section 109.7 does not apply in respect of a by-law containing only the elements that caused approval to be withheld; the council of the municipality may, in the same resolution, apply to the Commission for an assessment under section 109.8, as if approval of the by-law had been withheld by the council of the regional county

municipality; the time limit prescribed in the third paragraph of the said section shall be computed in relation to the date of adoption of the by-law.

1996, c. 25, s. 48.

109.9. The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

Where the assessment states that the by-law is in conformity with the objectives of the RCM plan and the provisions of the complementary document, the secretary of the regional county municipality, as soon as practicable after receipt of a copy of the assessment, shall issue a certificate of conformity in respect of the by-law and transmit a certified copy thereof to the municipality.

1993, c. 3, s. 50; 2010, c. 10, s. 59.

109.10. Where, under section 58 or 59, the municipality is bound to adopt a concordance by-law, if the assessment of the Commission indicates that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document or if the Commission has received no application for an assessment regarding the by-law within the period prescribed in section 109.8, the council of the regional county municipality shall request that the municipality replace the by-law, within the period it prescribes, by another by-law which is in conformity with these objectives and provisions.

As soon as practicable after the adoption of the resolution by which the request for replacement is formulated, the secretary shall transmit a certified copy of the resolution to the municipality.

The period prescribed for replacement shall not expire before the end of the 45-day period following transmission of the copy pursuant to the second paragraph.

1993, c. 3, s. 50; 2010, c. 10, s. 112, s. 113.

109.11. Sections 109.1 to 109.4 do not apply in respect of a new by-law differing from the by-law it replaces, at the request of the council of the regional county municipality made under section 109.10, for the sole purpose of ensuring that it is in conformity with the objectives of the RCM plan and the provisions of the complementary document.

1993, c. 3, s. 50; 2010, c. 10, s. 113.

109.12. Where the council of the municipality fails to adopt a concordance by-law within the period prescribed in section 58 or 59 or within the period prescribed under section 109.10, as the case may be, the council of the regional county municipality may adopt it in its place.

Sections 109.1 to 109.10 do not apply in respect of the by-law adopted by the council of the regional county municipality under the first paragraph. The by-law is considered to be a by-law adopted by the council of the municipality and approved by the council of the regional county municipality. As soon as practicable after the adoption of the by-law, the secretary shall issue a certificate of conformity in respect of it.

As soon as practicable after the adoption of the by-law and the issue of the certificate, the secretary shall transmit a certified copy of the by-law, of the resolution by which it is adopted and of the certificate to the municipality. The copy of the by-law transmitted to the municipality shall stand in lieu of the original for the issue by the municipality of certified copies of the by-law.

The expenses incurred by the regional county municipality to act in the place of the municipality shall be reimbursed by the municipality.

The first four paragraphs also apply where the council of a municipality fails to adopt, within the period prescribed in section 34 or within the period prescribed pursuant to section 40, as the case may be, a by-law whose object is the amendment of the planning program or master plan of the municipality to bring it into conformity with the objectives of the RCM plan and with the provisions of the complementary document.

1993, c. 3, s. 50; 2003, c. 19, s. 21; 2010, c. 10, s. 112, s. 113.

110. Where an RCM plan is in force in the territory of the municipality, the by-law shall come into force on the date of issue of the certificate of conformity in respect thereof. The by-law is deemed to be in conformity with the objectives of the RCM plan and with the provisions of the complementary document.

As soon as practicable after the coming into force of the by-law, the clerk or the clerk-treasurer of the municipality shall publish a notice thereof in a newspaper circulated in the territory of the municipality and shall post it in the office of the municipality.

1979, c. 51, s. 110; 1982, c. 2, s. 73; 1982, c. 63, s. 93; 1993, c. 3, s. 50; 2010, c. 10, s. 113; 2021, c. 31, s. 132.

110.1. Where no RCM plan is in force in the territory of the municipality, the by-law shall come into force in accordance with the Act governing the municipality in that respect.

1993, c. 3, s. 50; 1996, c. 25, s. 49; 2010, c. 10, s. 113.

110.2. As soon as practicable after the coming into force of the by-law, the clerk or the clerk-treasurer of the municipality shall transmit a certified copy of the by-law, accompanied by a notice of the date of its coming into force, to every contiguous municipality and to the regional county municipality.

However, a by-law adopted by the regional county municipality under section 109.12 need not be transmitted to the regional county municipality.

1993, c. 3, s. 50; 1996, c. 25, s. 50; 2003, c. 19, s. 22; 2021, c. 31, s. 132.

110.3. Within 90 days after the coming into force of the by-law, the clerk or the clerk-treasurer of the municipality shall publish a summary mentioning the date of its coming into force and stating that a copy of it may be examined at the office of the municipality in a newspaper circulated in the territory of the municipality.

However, the summary may be transmitted within the same period, by mail or by other means, as the council may choose, to every address in the territory of the municipality, instead of being published in a newspaper.

1993, c. 3, s. 50; 2021, c. 31, s. 132.

DIVISION VI.0.1

REVISION OF PLANNING PROGRAM

1997, c. 93, s. 10.

110.3.1. The council of the municipality may revise the planning program according to the process set out in sections 109.1 to 109.8.0.1, 109.9 and 110 to 110.3, with the necessary modifications.

1997, c. 93, s. 10; 2023, c. 12, s. 50.

110.3.2. In cases where section 109.1 applies, the clerk or the clerk-treasurer of the municipality shall also transmit a certified copy of both the draft by-law revising the planning program and the resolution under which it is adopted to every school service centre and school board whose territory is situated in whole or in part in that of the municipality.

2003, c. 19, s. 23; 2020, c. 1, s. 311; 2021, c. 31, s. 132.

DIVISION VI.1

EFFECTS OF AMENDMENT TO OR REVISION OF THE PLANNING PROGRAM

1993, c. 3, s. 50; 1997, c. 93, s. 11.

§ 1. — *Concordance by-laws*

1997, c. 93, s. 12.

110.4. Within 90 days after the coming into force of a by-law amending the planning program or within 180 days after the coming into force of a by-law revising the planning program, the council of the municipality shall adopt any concordance by-law needed to ensure conformity with the amended or revised planning program of any by-law not deemed to be in conformity pursuant to section 110.9.

For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law.

Every concordance by-law must be in conformity with the amended or revised program.

The first three paragraphs do not apply where the amendment to the planning program is made by a concordance by-law adopted under section 58 for the sole purpose of taking into account an amendment to the RCM plan and where the council adopts simultaneously a by-law amending or revising the planning program and a concordance by-law it would otherwise have been required to adopt within the period prescribed in the first paragraph.

If the concordance by-law to be adopted under the first paragraph is also required under section 59.5, it shall be adopted before the expiry of the period which ends on the later of the day prescribed in the first paragraph and that prescribed in section 59.5.

1993, c. 3, s. 50; 1994, c. 32, s. 8; 1997, c. 93, s. 13; 1998, c. 31, s. 3; 2002, c. 37, s. 18; 2010, c. 10, s. 113; 2021, c. 10, s. 89; 2023, c. 12, s. 51.

110.5. Where the council of the municipality adopts, in accordance with section 59, a concordance by-law in relation to the planning program and another in relation to any of its planning by-laws, for the purpose of taking into account the revision of the plan, the latter concordance by-law must be in conformity with the planning program amended by the former by-law.

Where the council adopts simultaneously a by-law amending or revising the planning program and a concordance by-law which the council would otherwise have been required to adopt within the period prescribed in the first paragraph of section 110.4, the latter by-law must be in conformity with the planning program amended or revised by the former by-law.

1993, c. 3, s. 50; 1994, c. 32, s. 9; 1997, c. 93, s. 14; 2002, c. 37, s. 19; 2021, c. 10, s. 90; 2023, c. 12, s. 52.

110.6. After the coming into force or adoption of the by-law amending or revising the planning program, depending on whether the conformity of a by-law with the program is imposed by section 110.4 or 110.5, the

council of the municipality may indicate that any of its planning by-laws need not be amended to bring it into conformity with the planning program.

As soon as practicable after the adoption of the resolution under which the council indicates that a by-law need not be amended, the clerk or the clerk-treasurer of the municipality shall, in accordance with the Act governing the municipality in that matter, give public notice of the adoption of the resolution, explaining the rules prescribed in the first two paragraphs of section 110.7 and in the first paragraph of section 110.8.

If a replacement by-law referred to in section 110.10.1 was adopted before the coming into force of the by-law revising the planning program, the council is exempted from being required to indicate that the replaced by-law need not be amended to bring it into conformity with the planning program.

1993, c. 3, s. 50; 1994, c. 32, s. 10; 1996, c. 25, s. 51; 1997, c. 93, s. 15; 2002, c. 37, s. 20; 2021, c. 10, s. 91; 2021, c. 31, s. 132; 2023, c. 12, s. 53.

110.7. Every qualified voter in the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law which is the object of a resolution under the second paragraph of section 110.6 with the planning program.

The application must be transmitted to the Commission within 30 days after publication of the notice required by that paragraph.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

1993, c. 3, s. 50; 1996, c. 25, s. 52; 2005, c. 28, s. 4; 2010, c. 10, s. 60.

110.8. Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 110.7 in respect of the same by-law, the Commission shall, within 60 days of the expiry of the period prescribed in that section, give its assessment of the conformity of the by-law with the planning program.

Where the conformity of a by-law with the program is required under section 110.5, the program considered by the Commission is the program amended or revised by the by-law referred to in that section, even if the by-law is not in force.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the clerk-treasurer of the municipality shall post in the office of the municipality a copy of the assessment it received.

1993, c. 3, s. 50; 1997, c. 93, s. 16; 2021, c. 31, s. 132.

110.9. Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 110.7 in respect of the same by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

A by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 110.8, an assessment confirming such conformity.

1993, c. 3, s. 50.

§ 2. —

Repealed, 2010, c. 10, s. 61.

1997, c. 93, s. 17; 2010, c. 10, s. 61.

110.10. *(Repealed).*

1993, c. 3, s. 50; 1997, c. 93, s. 18; 2010, c. 10, s. 61.

§ 3. — *Replacement of certain by-laws*

1997, c. 93, s. 19; 2023, c. 12, s. 54.

110.10.1. To replace the zoning by-law, conditional use by-law or incentive zoning by-law, the council of the municipality shall, on pain of nullity, adopt the replacement by-law not earlier than the day it adopts the by-law revising the planning program and not later than the day that is 180 days after the day of the coming into force of the revised planning program.

The replacement by-law must be in conformity with the revised planning program.

The adoption of a replacement by-law exempts the council from the obligation to adopt a concordance by-law referred to in section 110.4.

1997, c. 93, s. 19; 2023, c. 12, s. 54.

DIVISION VII

INTERIM CONTROL

1996, c. 25, s. 53.

§ 1. — *Application*

1996, c. 25, s. 53.

111. A municipality whose council has adopted a draft by-law amending or revising its planning program may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a municipality whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its planning program.

1979, c. 51, s. 111; 1982, c. 63, s. 94; 1990, c. 50, s. 7; 1993, c. 3, s. 51; 1996, c. 2, s. 50; 1996, c. 25, s. 53; 1997, c. 93, s. 20; 2023, c. 12, s. 55.

§ 2. — *Interim control resolution*

1996, c. 25, s. 53.

112. The council of the municipality may prohibit new uses of the land, new structures, demolitions, applications for cadastral operations or the parcelling out of lots by alienation.

However, no such prohibition may apply to

(1) new uses of the land, structures, demolitions, applications for cadastral operations or the parcelling out of lots by alienation

(a) for agricultural purposes on land under cultivation;

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

(c) for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks;

(d) for the purposes of a forest management activity or of a wildlife management activity on lands in the domain of the State;

(2) applications for cadastral operations required by a declaration of co-ownership made 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.

For the purposes of the first paragraph, the council may provide that new uses of the land, new structures, demolitions, applications for cadastral operations and the parcelling out of lots by alienation constitute classes of activities, establish subclasses or divide the territory of the municipality. In such a case, the council may impose prohibitions that apply to one, several or all of the classes, subclasses or parts of territory or that vary according to class, subclass or part of territory or to any combination comprised of a class or subclass and a part of territory.

As soon as practicable after the passage of the resolution by which the council makes the decision under the first paragraph or changes or repeals it, the clerk or the clerk-treasurer shall transmit a certified copy thereof to the regional county municipality and publish notice of the date of passage of the resolution in a newspaper circulated in the territory of the municipality.

1979, c. 51, s. 112; 1993, c. 3, s. 52; 1996, c. 25, s. 53; 1999, c. 40, s. 18; 2021, c. 10, s. 92; 2021, c. 31, s. 132.

112.1. The council may, by the same resolution, provide that a prohibition prescribed under section 112 may be lifted on issuance of a permit, and set out the terms and conditions for the issuance thereof which may vary according to the classes, subclasses, parts of territory or combinations established under the third paragraph of the said section.

1982, c. 2, s. 74; 1993, c. 3, s. 53; 1994, c. 13, s. 15; 1996, c. 25, s. 53.

§ 3. — *Interim control by-law*

1996, c. 25, s. 53.

112.2. The council may, by by-law, exercise its powers under sections 112 and 112.1.

It may also, by the same by-law, prescribe special rules in the matters of zoning, subdivision or building and of issuance of permits and certificates. For that purpose, the third paragraph of section 112 and sections 113, 115, 116 and 118 to 122, adapted as required, apply.

1996, c. 25, s. 53.

112.3. As soon as practicable after the coming into force of the by-law, the clerk or clerk-treasurer shall transmit a certified copy of the by-law, together with a notice of the date of its coming into force, to the regional county municipality and to every contiguous municipality.

1996, c. 25, s. 53; 2003, c. 19, s. 24; 2021, c. 31, s. 132.

112.4. Section 112.3 applies in respect of a by-law concerning the amendment or the repeal of an interim control by-law.

1996, c. 25, s. 53.

§ 4. — *Effects of the interim control*

1996, c. 25, s. 53.

112.5. No building permit, subdivision permit, certificate of authorization or certificate of occupancy may be issued pursuant to a by-law of a municipality in respect of an activity that is prohibited or that is authorized, under any of sections 112 to 112.2, upon issuance of a permit or a certificate, unless in the latter case the activity was so authorized.

1996, c. 25, s. 53.

112.6. A resolution passed under section 112 shall cease to have effect, if not repealed previously, from

(1) where the council adopts under section 112.2, during the period of 90 days after the passage of the resolution, a by-law connected with the same process for amending or revising the planning program, the earlier of

(a) the date of coming into force of that by-law or of a by-law replacing it; and

(b) the date occurring 120 days after the date of passage of the resolution;

(2) in the opposite case, the expiry of the period of 90 days after the passage of the resolution.

Any resolution that replaces any other resolution shall cease to have effect from the same day as the resolution replaced would have ceased to have effect.

1996, c. 25, s. 53; 1997, c. 93, s. 21.

112.7. Any by-law adopted under section 112.2 shall cease to have effect, if not repealed previously, from the latest of

(1) the date of coming into force of the last concordance by-law that the council must adopt under section 58, 59, 59.5 or 110.4 to take account of the amendment or revision of the RCM plan or of the planning program;

(2) the date on which all of the by-laws of the municipality, from among those referred to in section 59.1, not required to be amended by a concordance by-law to take account of the revision of the plan, are determined under the fourth paragraph of section 59.2 or 59.4; and

(3) the date on which all of the by-laws of the municipality, from among those referred to in section 110.4, not required to be amended by a concordance by-law to take account of the amendment or revision of the program, are, under the first or second paragraph of section 110.9, deemed to be in conformity with the amended or revised program.

For the purposes of subparagraph 3 of the first paragraph, no account shall be taken of a zoning or subdivision by-law which, under the third paragraph of section 110.6, has not been the subject of a resolution indicating that it need not be amended to bring it into conformity with the planning program.

1996, c. 25, s. 53; 1997, c. 93, s. 22; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

112.8. Any provision of a resolution or by-law passed or adopted under section 112 or 112.2 and prohibiting an activity in a given portion of territory shall be without effect if a resolution or a by-law passed or adopted by a responsible body under section 62 or 64 authorizes the activity, in the same portion of territory, upon issuance of a permit or a certificate.

Any provision of a resolution or by-law passed or adopted under section 112 or 112.2 and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if a resolution or a by-law passed or adopted by the a responsible body under section 62 or 64

(1) prohibits the activity, in the same portion of territory;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same.

For the purposes of the first two paragraphs, a provision adopted under section 62 or 64 by the council of a regional county municipality that is without effect as a result of the application of section 63.1 or 71.0.5 is not taken into account.

1996, c. 25, s. 53; 2010, c. 10, s. 62.

CHAPTER IV

MUNICIPAL PLANNING BY-LAWS

DIVISION I

ZONING BY-LAWS

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

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

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

(2) to divide each zone into sectors so that each of such sectors may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum and so that in each of such sectors the land use standards authorized in the zone may be prescribed in a supplementary by-law of the council, provided, however, that the standards respecting the uses permitted are uniform in all the sectors of the same zone;

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

(3.1) for every zone in which the only partially or totally residential buildings permitted are those comprising a specific number of dwellings, hereinafter referred to as “principal” dwellings, to provide that in such a building, one additional dwelling per principal dwelling may be built to be occupied by persons belonging to a class established under this subparagraph; to provide that only such persons, their spouse and their dependants, other than the owner or occupant of the principal dwelling, may occupy the additional dwelling; to establish classes of buildings from among the buildings to which this subparagraph applies and classes of persons from among the persons who are or were related by blood or allied, including through a *de facto* spouse, to the owner or occupier of the principal dwelling; to provide that the right to build an additional dwelling applies to one or more classes of buildings; to prescribe the conditions to which the building or occupation of an additional dwelling are subject, which conditions may vary from one class of building to another;

(3.2) to prescribe, for each zone, where the carrying on of an enterprise is permitted inside a residence, the maximum number of persons not resident therein who may work in the residence because of the carrying on of that enterprise;

(4) to specify, by zones, the open space that must be left between structures and the different uses, between structures or between the different uses, whether the structures or uses are grouped together or not, and whether they are situated in the same zone or in contiguous zones, and to prescribe, where applicable, the use and development of such open space;

(4.1) without restricting the generality of the other subparagraphs, to specify, for each zone or group of contiguous zones, the maximum number of places that may be used for identical or similar uses, including those in the same immovable, the minimum distance required between such places or the maximum floor or land area allowed for such uses; however, a rule so provided may only apply, as regards agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act, to hog farms;

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

(5.1) to regulate, by zone or sector of a zone, the architecture, symmetry and exterior aspect of structures, the location of a group of structures on a single site and the exterior materials of structures;

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

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

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

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

(10) to prescribe, for each zone, use or combination of uses, the space which, on the lots, must be reserved and arranged for parking, loading or unloading vehicles or for parking vehicles used by handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) using wheel-chairs, and the manner of arranging such space; to establish parking restrictions inside or outside buildings;

(10.1) to provide that the council may exempt every person who applies therefor from the obligation to provide and to maintain parking units, on the payment of a sum determined in accordance with rules of computation that may vary according to classes of units or uses, and provide that the proceeds of the payment be used only to finance capital expenditures intended to improve the supply of public parking or of active or shared transportation;

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

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

(12.1) to regulate or restrict the planting or felling of trees to ensure protection of the forest cover and promote sustainable development of private forest;

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

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

(14.1) to regulate or restrict by zone the installation, maintenance, number and height of telecommunications antennae and other similar devices;

(14.2) to regulate or restrict by zone the construction, installation, alteration, upkeep and continued use of awnings;

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

(15.1) to require that a fence be built around a landowner's property;

(16) to regulate or prohibit all or certain uses, activities, structures or works, taking into account the topography of the landsite, the proximity of wetlands or bodies of water, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of a place which may be taken into consideration for reasons of public safety or of protection of the environment;

(16.1) to regulate or prohibit all or certain uses, activities, structures or works, taking into account the proximity of a place where the present or planned presence or carrying out of an immovable or an activity results in land occupation being subject to special restrictions for reasons of public safety, public health or general welfare;

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

(18) to regulate, by zone or for the whole territory, non-conforming structures and uses protected by acquired rights,

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

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

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

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

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

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

(22) to determine, for each zone, the uses permitted in any part of a structure;

(23) to prescribe any other additional measure to distribute the various uses, activities, structures and works across its territory and make them subject to standards; such a measure may not however have the effect of restricting agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities in an agricultural zone established under that Act.

A zoning by-law may not contain a provision establishing a separation distance pursuant to subparagraph 4 of the second paragraph, where one of the structures or one of the uses to which it applies is in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, except for the purpose of ensuring the preservation of a water supply or reducing the inconvenience resulting from the odours caused by agricultural activities. In addition, the by-law may contain a provision establishing a separation distance applying to a structure, a use or a location in an agricultural zone, only if it specifies

(1) the space that, for any purpose other than those mentioned above, must be left between different structures or different uses on adjacent lots in contiguous zones, and the use and layout of that space;

(2) the space that, for any of the purposes mentioned above, must be left between areas on which manure is spread and non-agricultural structures or uses.

For the purposes of subparagraph 12.1 of the second paragraph, the zoning by-law may establish rules that vary according to the parts of the territory it determines.

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

For the purposes of subparagraph 16 or 16.1 of the second paragraph, a zoning by-law may, in particular, divide the territory of the municipality, establish classes of uses, activities, structures or works to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions and rules varying according to the parts of the territory concerned, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source.

For the purposes of subparagraph 18 of the second paragraph, the by-law may establish classes of non-conforming structures and uses protected by acquired rights and contain rules that vary according to the classes.

1979, c. 51, s. 113; 1982, c. 2, s. 75; 1985, c. 27, s. 4; 1987, c. 53, s. 3; 1987, c. 57, s. 672; 1987, c. 102, s. 21; 1993, c. 3, s. 54; 1996, c. 25, s. 54; 1996, c. 26, s. 67; 1997, c. 93, s. 23; 1998, c. 31, s. 4; 1999, c. 90, s. 1; 2002, c. 37, s. 21; 2002, c. 6, s. 82; 2002, c. 77, s. 4; 2004, c. 20, s. 7; 2004, c. 31, s. 71; 2005, c. 6, s. 132; 2006, c. 31, s. 1; 2017, c. 13, s. 6; 2017, c. 14, s. 42; 2021, c. 7, s. 9; 2023, c. 12, s. 56.

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

The first paragraph ceases to be applicable to the works or use in question on the date occurring two months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after the date of its adoption if the by-law is not in force on that date.

Where, however, within two months after the filing of the notice of motion, the amending by-law is the subject, under section 128, of a second draft by-law, the first paragraph ceases to be applicable to the works or use in question on the date occurring four months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after the date of its adoption if the by-law is not in force on that date.

1979, c. 51, s. 114; 1997, c. 93, s. 24.

DIVISION II

SUBDIVISION BY-LAWS

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

The subdivision by-law includes provisions on one or more of the following objects:

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

(1.0.1) to identify the public or private nature of thoroughfares;

(1.1) to establish the conditions under which a non-conforming lot which is protected by acquired rights may be enlarged or changed, such conditions varying according to the cases prescribed in the by-law;

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

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

(4) to regulate or prohibit all or certain cadastral operations, taking into account the topography of the landsite, the proximity of wetlands or bodies of water, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of the place which may be taken into consideration for reasons of public safety or of protection of the environment;

(4.1) to regulate or prohibit all or certain cadastral operations, taking into account the proximity of a place where the present or planned presence or carrying out, present or planned, of an immovable or activity results in land occupation being subject to major restrictions for reasons of public safety, public health or the general welfare;

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

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

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

(7.1) to require, as a precondition to the approval of a plan relating to a cadastral operation, an undertaking by the owner to transfer, free of charge, a parcel of land or a servitude shown on the plan and intended to provide public access to a lake or watercourse;

(8) *(subparagraph repealed);*

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

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

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

(12) to prescribe any other additional measure to govern division of the land as well as the dimensions of and development standards for public and private thoroughfares.

For the purposes of subparagraph 4 or 4.1 of the second paragraph, the subdivision by-law may, in particular, divide the territory of the municipality, establish classes of cadastral operations to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions and rules varying according to the parts of territory, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source.

The council shall determine the cases, other than those referred to in the second paragraph of section 117.2, in which an undertaking to transfer a parcel of land or a servitude may be required under subparagraph 7.1 of the second paragraph, as well as the terms and conditions of such a transfer. However, the area of the land or servitude to be transferred must not exceed 10% of the area of all the parcels of land affected by a cadastral operation, taking into account, in favour of the owner, any transfer or payment required under Division II.1. Where such an operation concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area of the part of the site that is intended for non-agricultural purposes must be considered.

For the purposes of subparagraph 7.1 of the second paragraph,

(1) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a public water access point; and

(2) no term may be stipulated with respect to a servitude acquired by a municipality.

1979, c. 51, s. 115; 1979, c. 72, s. 398; 1982, c. 2, s. 76; 1984, c. 27, s. 21; 1984, c. 38, s. 3; 1989, c. 46, s. 3; 1991, c. 29, s. 2; 1993, c. 3, s. 55; 1996, c. 25, s. 55; 1998, c. 31, s. 5; 2017, c. 13, s. 7; 2017, c. 14, s. 43; 2021, c. 7, s. 10; 2023, c. 12, s. 57.

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

(1) the landsite on which each proposed structure, including its dependencies, is to be built, forms one or more separate lots on the official cadastral plans, which are in conformity with the subdivision by-law of the municipality or, if not, which are protected by acquired rights;

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

(3) in the case where the waterworks and sewer services are not installed in the street on which a structure is proposed or the by-law ordering their installation is not in force, the drinking-water supply and waste water treatment planned for the structure to be erected on the land comply with the Environment Quality Act (chapter Q-2) and the regulations thereunder or with the municipal by-laws dealing with the same object;

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

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

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

The by-law may also exempt structures for agricultural purposes on lands under cultivation from any of the provisions of subparagraphs 1, 3, 4 and 5 of the first paragraph. However, no residence situated on land under cultivation may be exempted from the obligation contemplated under subparagraph 3 of the first paragraph.

The by-law may prescribe that the condition set out in subparagraph 1 of the first paragraph does not apply to a proposed structure the location of which is to be identical to that of an existing structure. It may also provide for the same exemption in respect of any other proposed structure where it is proved to the officer responsible for issuing the permit that such structure will not be erected on parcels of land belonging to different owners.

An exemption granted under the fourth paragraph does not apply where the estimated cost of the cadastral operation whereby one or several separate lots may be made on the land where the structure is to be erected does not exceed 10% of the estimated cost of the structure.

1979, c. 51, s. 116; 1982, c. 63, s. 95; 1983, c. 57, s. 36; 1989, c. 46, s. 4; 1993, c. 3, s. 56.

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

The first paragraph ceases to be applicable to the subdivision in question on the date occurring two months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after its date of adoption if the by-law is not in force on that date.

Where, however, within two months after the filing of the notice of motion, the amending by-law is the subject, under section 128, of a second draft by-law, the first paragraph ceases to be applicable to the subdivision in question on the date occurring four months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after its date of adoption if the by-law is not in force on that date.

1979, c. 51, s. 117; 1997, c. 93, s. 25.

DIVISION II.1

ZONING AND SUBDIVISION BY-LAWS RESPECTING PARKS, PLAYGROUNDS AND NATURAL AREAS

1993, c. 3, s. 57.

117.1. The subdivision by-law may, for the purpose of promoting the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas, prescribe, in respect of any part of the territory of the municipality, any prerequisite condition, from among the conditions mentioned in section 117.2, for the approval of a plan relating to a cadastral operation.

The subdivision by-law may, for the same purposes, prescribe any prerequisite condition, from among the conditions mentioned in section 117.2, for the issue of a building permit in respect of an immovable, where

(1) the immovable is the subject of a redevelopment plan, as defined by the by-law;

(2) the building permit applied for relates to the establishment of a new principal building on an immovable in respect of which no subdivision permit has been issued under registration as a separate lot by reason of the fact that the registration resulted from cadastral renewal; or

(3) the building permit relates to work that will make it possible to carry on new activities, as defined by the by-law, on the immovable or to intensify, within the meaning of the by-law, existing activities on the immovable.

1993, c. 3, s. 57; 2001, c. 25, s. 2; 2017, c. 13, s. 8; 2023, c. 12, s. 58.

117.2. The prerequisite condition prescribed under section 117.1 may be any of the following: the owner undertakes to transfer, free of charge, to the municipality a parcel of land or a servitude which, in the opinion of the council or executive committee, is suitable for the establishment or enlargement of a park or playground or for the preservation of a natural area, or the owner pays an amount to the municipality, or the owner makes both the undertaking and the payment. The by-law may specify in which cases each of such obligations applies, or provide that the council or the executive committee shall decide in each case which obligation is applicable.

However, none of the conditions set out in the first paragraph may be imposed in the case of

(1) a cancellation, correction or replacement of lot numbers which does not result in an increase of the number of lots; or

(2) a plan relating to a cadastral operation or a building permit, in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), where such an operation is carried out or such a permit is issued solely for agricultural purposes.

The by-law may specify any other case in which none of the conditions may be imposed.

The land or servitude which the owner undertakes to transfer to the municipality must form part of the site. However, the municipality and the owner may agree that the undertaking pertains to land or a servitude which forms part of the territory of the municipality but is not included in the site.

For the purposes of this division,

(1) the word “site” means, as the case may be, the site of the immovable referred to in the second paragraph of section 117.1 or the land included in the plan referred to in the first paragraph of that section;

(2) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a park, playground or natural area; and

(3) no term may be stipulated with respect to a servitude acquired by a municipality.

1993, c. 3, s. 57; 2001, c. 68, s. 1; 2023, c. 12, s. 59.

117.3. A by-law which includes a provision enacted under section 117.1 must establish rules for calculating the area of the land or servitude to be transferred or the amount to be paid.

The by-law may, for that purpose, define classes of lands or servitudes according to the uses for which the sites and immovables found thereon may be intended, or according to their area, or according to both such criteria, delimit parts of the territory to which the provision applies or form combinations based on a class of lands or servitudes and part of a territory. The calculation rules established under the first paragraph may vary according to those classes, parts or combinations.

The rules shall vary according to whether the condition prescribed is an undertaking or a payment only, or both an undertaking and a payment. The rules must also take into account, in favour of the owner, any transfer

or payment made previously in respect of all or part of the site, as well as any undertaking to transfer a parcel of land or a servitude made under subparagraph 7.1 of the second paragraph of section 115.

1993, c. 3, s. 57; 2017, c. 13, s. 9; 2021, c. 7, s. 11; 2023, c. 12, s. 60.

117.4. The area of the land or servitude to be transferred and the amount paid shall not exceed 10% of the area and value of the site, respectively.

However, where the owner is to make both an undertaking and a payment, the total of the value of the land or servitude to be transferred and of the amount paid shall not exceed 10% of the value of the site.

Despite the first and second paragraphs, the municipality may require the transfer of land or a servitude whose area is greater than 10% of the area of the site if the land in respect of which the subdivision or building permit is applied for is situated within a central sector of the municipality and if all or part of the immovable is green space.

If the municipality requires both the transfer of land or a servitude and the payment of a sum, the amount paid must not exceed 10% of the value of the site.

The council shall, by by-law, determine the boundaries of the central sectors of the municipality and define what constitutes green space for the purposes of the third paragraph.

For the purposes of the first paragraph, in the case of a plan relating to a cadastral operation in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area and the value of the part of the site that is intended for non-agricultural purposes must be considered.

1993, c. 3, s. 57; 2017, c. 13, s. 10; 2023, c. 12, s. 61.

117.5. Any agreement on the undertaking to transfer a parcel of land or a servitude not included in the site entered into under the fourth paragraph of section 117.2 shall prevail over any calculation rule established under section 117.3 and over any maximum amount fixed under section 117.4.

1993, c. 3, s. 57; 2023, c. 12, s. 62.

117.6. For the purposes of section 117.4, the value of the land or servitude to be transferred or of the site is considered on the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral operation, as the case may be, and is established according to the principles applicable to expropriation.

The value is established, at the owner’s expense, by a chartered appraiser commissioned by the municipality.

The first two paragraphs apply for the purposes of the establishment of the value of any land or servitude other than those referred to in the first paragraph if the value must be established for the purposes of the calculation rules provided for in section 117.3.

Notwithstanding the first three paragraphs, the by-law may permit the use of the property assessment roll of the municipality for the purpose of establishing the value of land. In such a case, if on the date referred to in the first paragraph the land, including the site, for which a value is to be established constitutes a unit of assessment entered on the roll or a part of such a unit of assessment whose value is entered on the roll separately, its value for the purposes of this division is the product of the value entered on the roll for the unit or part thereof corresponding to the land whose value must be established, as the case may be, multiplied by the factor of the roll established in accordance with section 264 of the Act respecting municipal taxation

(chapter F-2.1). If the land is not a unit of assessment or part of a unit of assessment, the first three paragraphs apply.

1993, c. 3, s. 57; 1999, c. 40, s. 18; 2023, c. 12, s. 63.

117.7. The municipality or the owner may contest, before the Administrative Tribunal of Québec, the value established by the appraiser in accordance with the first three paragraphs of section 117.6.

The contestation does not exempt the owner from paying the amount and, as the case may be, transferring the area of the land or of the servitude required by the municipality on the basis of the value established by the appraiser.

1993, c. 3, s. 57; 1997, c. 43, s. 33; 2023, c. 12, s. 64.

117.8. To submit the matter to the Administrative Tribunal, the municipality or the owner must cause a notice of contestation to be served on the other and file it with the Administrative Tribunal, together with proof of service. The notice shall be filed accompanied with the building or subdivision permit, as the case may be, and with a plan and a description, signed by a land surveyor, of the land, servitude or site whose value is contested; a certified copy of such a document may be filed in place of the original.

The notice of contestation shall mention the value established 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 operation authorized by the subdivision permit, as the case may be, and request that the Administrative Tribunal establish the value of the land, servitude or site concerned.

The documents mentioned in the first paragraph must, on pain of dismissal of the contestation, be filed within 30 days of the issue of the building or subdivision permit, as the case may be.

1993, c. 3, s. 57; 1997, c. 43, s. 34; 2023, c. 12, s. 65.

117.9. Upon the filing of the documents mentioned in the first paragraph of section 117.8, the owner and the municipality become parties to the contestation.

Within 60 days after service of the notice of contestation, each party shall submit a statement containing its estimate of the value of the land, servitude or site concerned and setting out the reasons which justify such estimate.

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

1993, c. 3, s. 57; 2023, c. 12, s. 66.

117.10. The burden of proof lies with the party contesting the value established by the appraiser.

1993, c. 3, s. 57.

117.11. The Administrative Tribunal may, in a decision giving reasons, either confirm or set aside the value established by the appraiser and establish the value of the land, servitude or site concerned on the date of receipt by the municipality of the application for a building permit or of the plan relating to the cadastral operation authorized by the subdivision permit, as the case may be; it is not bound to establish a value between those submitted by the parties. It shall also rule on the legal costs.

It shall, as soon as practicable, send a copy of its decision to the prothonotary.

1993, c. 3, s. 57; 1997, c. 43, s. 34; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 67.

117.12. *(Repealed).*

1993, c. 3, s. 57; 2023, c. 27, s. 182.

117.13. Where, following the decision of the Administrative Tribunal, it appears that the amount paid to the municipality by the owner is too high, the municipality shall refund the excess amount to the owner.

Where, following the Tribunal's decision, it appears that the total of the value of the land or servitude transferred or to be transferred and the amount paid is more than it should have been, the municipality shall refund the excess amount to the owner.

In addition to the capital of the amount to be refunded, the municipality shall also pay to the owner the interest which would have accrued on such capital, at the rate applicable to arrears on taxes in the municipality, from the date of payment to the date of the refund.

1993, c. 3, s. 57; 1997, c. 43, s. 34; 2023, c. 12, s. 68.

117.14. Where, following the Tribunal's decision, it appears that the amount paid to the municipality by the owner is insufficient, the owner shall pay the difference to the municipality.

Where, following the Tribunal's decision, it appears that the total of the value of the land or servitude transferred or to be transferred and the amount paid is less than it should have been, the owner shall pay to the municipality an additional amount equal to the difference between such totals.

In addition to the capital of the amount to be paid, the owner shall also pay to the municipality the interest which would have accrued on such capital, at the rate applicable to arrears on taxes in the municipality, from the date of payment prior to the Tribunal's decision to the date of the payment made pursuant to this section.

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

1993, c. 3, s. 57; 1994, c. 30, s. 85; 1997, c. 43, s. 34; 2023, c. 12, s. 68.

117.14.1. The provisions of the Act respecting expropriation (chapter E-25) that are not inconsistent with sections 117.8 to 117.14 apply, with the necessary modifications, to the contestation of the value established by the appraiser.

2023, c. 27, s. 183.

117.15. Land or a servitude transferred pursuant to a provision enacted under section 117.1 may be used only for the establishment or enlargement of a park or playground or for the preservation of a natural area for as long as it belongs to the municipality.

Every amount paid pursuant to such a provision and every amount received by the municipality in return for a transfer of land or a servitude under the first paragraph shall form part of a special fund.

The fund may be used only to acquire or develop land or servitudes to be used for parks, playgrounds or public water access points, to acquire land or servitudes to be used for natural areas, or to acquire plants and plant them on the immovables the municipality owns or on the site of a servitude it holds. It may also be used for the payment of the expenditures of a regional county municipality that are related to a regional park. For the purposes of this paragraph, the development of land or of the site of a servitude includes the construction on it of a building or of another infrastructure or other equipment the use of which is inherent in the use or maintenance of a park, playground, public water access point or natural area.

Despite the first and third paragraphs, a municipality may, to comply with its obligations under sections 272.10 and 272.12 of the Education Act (chapter I-13.3),

(1) transfer any land referred to in the first paragraph to a school service centre; and

(2) use the amounts paid into the special fund provided for in the second paragraph to acquire an immovable with a view to transferring it to a school service centre or to pay the amount owing to the school service centre that has acquired an immovable in its place.

1993, c. 3, s. 57; 2000, c. 56, s. 98; 2020, c. 1, s. 166; 2021, c. 7, s. 12; 2023, c. 12, s. 69.

117.16. Amounts paid pursuant to a provision enacted under section 117.1 do not constitute a tax, a compensation or a mode of tariffing.

1993, c. 3, s. 57.

117.16.1. A municipality may use the regulatory powers provided for in this division to obtain land or amounts to enable it to comply with its obligations under sections 272.10 and 272.12 of the Education Act (chapter I-13.3). When a municipality uses those powers for such a purpose, sections 117.1 to 117.16 apply, with the necessary modifications and subject to the following:

(1) despite section 117.4, the municipality may in all cases require the transfer of land whose area exceeds 10% of the area of the site, but must then pay the owner an amount equivalent to the value of the portion of land that exceeds that percentage, calculated in accordance with section 117.6;

(2) except in the case provided for in subparagraph 1, if, with respect to the same site, the municipality requires the transfer of land or the payment of an amount under this section and section 117.1, the total contribution required from the owner may not exceed the limits provided for in section 117.4; and

(3) transferred land and amounts paid into the special fund referred to in the second paragraph of section 117.15 must be used only for the purposes set out in the fourth paragraph of that section.

If it appears that land or amounts cannot be used for the purposes set out in the first paragraph, the municipality may use them in accordance with the first and third paragraphs of section 117.15.

2020, c. 1, s. 167.

DIVISION III

BUILDING BY-LAWS

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

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

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

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

(2.1) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law;

(3) to order the reconstruction or repair of any building destroyed or become dangerous, or diminished in its value by at least one-half, as the result of fire or any other cause, in accordance with the by-laws in force at the time of such reconstruction or repair.

The council may order in the building by-law that all or part of an existing code of building standards constitutes all or part of the by-law. It may also prescribe that amendments to that code or a relevant part of it made after the coming into force of the by-law is also part of it without having to pass a by-law to prescribe the applicability of every amendment made. Such an amendment comes into force in the territory of the municipality on the date fixed by a resolution of the council; the clerk-treasurer of the municipality shall give public notice of the passing of such a resolution in conformity with the law governing the municipality. The code or the applicable part of it is attached to the by-law and is part of it.

1979, c. 51, s. 118; 1982, c. 63, s. 96; 1993, c. 3, s. 58; 1996, c. 2, s. 51; 1997, c. 51, s. 1; 2021, c. 31, s. 132.

118.1. The building by-law may, as regards a private seniors' residence, prescribe special building standards and special rules applicable to the layout of the building and the elements and accessories that must be integrated therein to ensure the residents have the services appropriate to their needs.

For the purposes of the first paragraph, "private seniors' residence" has the meaning assigned to it by the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

2002, c. 37, s. 22; 2011, c. 27, s. 31.

DIVISION IV

PERMITS AND CERTIFICATES

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

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

(2) prohibit any project to change the use or destination of an immovable and any operation contemplated in subparagraphs 12, 12.1, 13, 14, 15, 16 and 16.1 of the second paragraph of section 113, except with a certificate of authorization;

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

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

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

(6) establish a tariff of fees for the issue of permits and certificates or any class of them established in accordance with the type of structure or use intended;

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

1979, c. 51, s. 119; 1993, c. 3, s. 59; 1996, c. 25, s. 56; 1997, c. 93, s. 26; 2005, c. 6, s. 133.

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

(1) the application is in conformity with the zoning and building by-laws and, where such is the case, with the by-law adopted under section 116 and with the by-law adopted under section 145.21;

(1.1) the applicant has provided the information required by the officer to complete the form referred to in section 120.1;

(2) the application is accompanied with all the plans and documents required by by-law and, where such is the case, the plans have been approved in accordance with section 145.19; and

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

In addition, where the land in respect of which the building permit application is made is entered on the list of contaminated lands drawn up by the municipality pursuant to section 31.68 of the Environment Quality Act (chapter Q-2) and is the subject of a rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV of Chapter IV of Title I of that Act or a declaration of compliance under section 2.4 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), the permit shall be issued only if the application is accompanied with a report signed by a professional within the meaning of section 31.42 of that Act establishing that the project for which the permit application is made is consistent with the provisions of the rehabilitation plan or the declaration of compliance.

1979, c. 51, s. 120; 1989, c. 46, s. 5; 1994, c. 32, s. 11; 1995, c. 8, s. 51; 1997, c. 93, s. 27; 2002, c. 11, s. 13; 2006, c. 3, s. 35; I.N. 2020-02-01; 2022, c. 8, s. 2.

120.0.1. In addition to the conditions provided for in section 120, the officer designated under paragraph 7 of section 119 must also, prior to the issuance of a building permit, receive from the applicant a written statement establishing whether or not the permit applied for concerns an immovable to be used as a private seniors' residence as defined in the second paragraph of section 118.1.

On 1 April each year, the officer shall transmit to the public health department whose territory includes that of the municipality the statements received in the preceding 12 months according to which the permit applied for concerns an immovable to be used as a private seniors' residence.

2002, c. 37, s. 23; 2005, c. 32, s. 308; 2011, c. 27, s. 38; 2021, c. 7, s. 13.

120.1. In the case of work for which a building permit is required pursuant to paragraph 1 of section 119, the officer designated under paragraph 7 of that section shall, in accordance with the regulation under section 120.2, transmit to the recipient the form containing the information, prescribed by the regulation, that relates to the carrying out of the work.

1997, c. 93, s. 28.

120.2. The Government may, by regulation,

(1) prescribe the form and content of the form referred to in section 120.1;

(2) prescribe the computer-drawn equivalent of such a form;

(3) designate the recipient of the form;

(4) prescribe the period within which the form, or its computer-drawn equivalent, must be transmitted to the recipient;

(5) prescribe the cases in which the form need not be filled out and transmitted.

1997, c. 93, s. 28.

120.3. Paragraph 1.1 of section 120 and sections 120.1 and 120.2, adapted as required, apply notwithstanding any inconsistent provision of any charter or special Act applicable to a municipality.

1997, c. 93, s. 28.

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

(1) the application is in conformity with the subdivision by-law and, where applicable, with the by-law adopted under section 145.21;

(1.1) the application is accompanied by the plan referred to in section 33.1 of the Environment Quality Act (chapter Q-2) in the cases requiring it, and by the approval of the plan by the Minister of Sustainable Development, Environment and Parks;

(2) the application is accompanied with all the plans and documents required by by-law and, where such is the case, the plans have been approved in accordance with section 145.19; and

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

In addition, where the land in respect of which the subdivision permit application is made is entered on the list of contaminated lands drawn up by the municipality pursuant to section 31.68 of the Environment Quality Act and is the subject of a rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV of Chapter IV of Title I of that Act or a declaration of compliance under section 2.4 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), the permit shall be issued only if the application is accompanied with a report signed by a professional within the meaning of section 31.42 of that Act establishing that the proposed operation for which the permit application is made is consistent with the provisions of the rehabilitation plan or the declaration of compliance.

1979, c. 51, s. 121; 1989, c. 46, s. 6; 1994, c. 32, s. 12; 2002, c. 11, s. 14; 2006, c. 3, s. 35; 2017, c. 4, s. 238; I.N. 2020-02-01; 2022, c. 8, s. 3.

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

(1) the immovable recently erected or altered or the destination or use of which has been changed is in conformity with the requirements of the zoning and building by-laws and, where applicable, with the by-law adopted under section 145.21 or with the plans and documents duly approved; and

(2) the fee for obtaining the certificate has been paid.

Any holder of a building permit may, on proof that the location of the foundations of the immovable being built is in conformity with the requirements of the zoning and building by-laws or with the duly approved plans and documents, and for payment of the prescribed fees, obtain from the office a partial certificate of occupancy establishing the conformity and the location of the foundations.

1979, c. 51, s. 122; 1982, c. 63, s. 97; 1994, c. 32, s. 13.

DIVISION V

ADOPTION AND COMING INTO FORCE OF BY-LAWS

1993, c. 3, s. 60.

§ 1. — *Public consultation on draft by-laws*

1993, c. 3, s. 61; 1996, c. 25, s. 57.

123. Sections 124 to 127 apply with respect to planning by-laws, except a by-law referred to in Division IV, and by-laws amending or replacing such by-laws.

However,

(1) sections 124 to 127 do not apply with respect to by-laws that are applicable to unorganized territories and that are not subject to approval by way of referendum; and

(2) sections 125 to 127 do not apply with respect to by-laws whose sole purpose is to enable the carrying out of a project that relates to housing intended for persons requiring protection.

For the purposes of this division, a by-law that is subject to approval by way of referendum is a by-law that

(1) is designed to amend the zoning by-law by adding, amending, replacing or striking out a provision that concerns a matter referred to in any of subparagraphs 1 to 5, 6 and 17 to 23 of the second paragraph of section 113 or in the third paragraph of that section; and

(2) is not a concordance by-law making an amendment referred to in subparagraph 1, under section 58, 59, 59.5, 102 or 110.4, for the sole purpose of taking into account an amendment to or the revision of the RCM plan or the coming into force of the original planning program or of the amendment to or revision of the planning program.

For the purposes of this division, the following are also subject to approval by way of referendum:

(1) the conditional use by-law and any by-law that amends it; and

(2) the incentive zoning by-law, if it provides a replacement standard that concerns a matter referred to in any of the provisions mentioned in subparagraph 1 of the third paragraph, and any by-law adding, amending, replacing or striking out such a standard.

1979, c. 51, s. 123; 1982, c. 2, s. 77; 1985, c. 27, s. 5; 1987, c. 57, s. 673; 1989, c. 46, s. 7; 1993, c. 3, s. 62; 1994, c. 32, s. 14; 1996, c. 25, s. 57; 1997, c. 93, s. 29; 2002, c. 37, s. 24; 2002, c. 68, s. 52; 2010, c. 10, s. 63; 2017, c. 13, s. 11; 2021, c. 10, s. 93; 2023, c. 12, s. 70.

123.1. Despite the third and fourth paragraphs of section 123, a provision whose purpose is to enable the carrying out of a project relating to any of the following objects does not make a by-law subject to approval by way of referendum:

(1) collective equipment within the meaning of the fourth paragraph;

(2) housing intended for persons in need of help, protection, care or shelter, in particular under a social housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8); or

(3) a cemetery.

In addition, a provision does not make a by-law subject to approval by way of referendum if, in a zone where residential use is permitted,

(1) it enables the building or occupation of accessory dwellings; or

(2) it amends, in order to increase land occupation density, a standard referred to in subparagraph 5 or 6 of the second paragraph of section 113 or a standard relating to the number of dwellings that may be built in a building, provided any of the following conditions is met:

(a) the variation does not exceed one-third of the standard's initial value;

(b) the variation does not exceed half of the standard's initial value, where the standard applies only to

i. a zone in which there is a point of access for shared transportation that is operated on rails or on another thoroughfare that is intended exclusively for shared transportation; or

ii. a zone contiguous to the zone referred to in subparagraph i; or

(c) in the case of a standard relating to the height of buildings or to the number of dwellings that may be built in a building, the variation does not exceed whatever is necessary to allow a building to have an additional storey or to include an additional dwelling, as the case may be, if meeting a condition set out in subparagraph *a* or *b* does not make it possible to achieve that end.

Subparagraph 2 of the second paragraph does not apply to a provision amending a standard that was amended under that subparagraph in the four preceding years.

For the purposes of the first paragraph, "collective equipment" means

(1) any equipment that belongs to a municipality or a responsible body; and

(2) equipment that belongs to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and that is related to the health, education, culture or sports and recreation sectors.

2017, c. 13, s. 12; 2018, c. 8, s. 1; 2023, c. 12, s. 71.

124. Every by-law to which this section applies shall be adopted in draft form by the council of the municipality.

As soon as practicable after the adoption of the draft by-law, the clerk or clerk-treasurer of the municipality shall transmit a certified copy of the draft by-law and of the resolution by which it was adopted to the regional county municipality.

1979, c. 51, s. 124; 1996, c. 25, s. 57; 2021, c. 31, s. 132.

125. The municipality shall hold a public meeting in connection with the draft by-law, presided by the mayor or by a member of the council designated by the mayor.

The date, time and place of the meeting shall be fixed by the council, which may delegate all or part of this power to the clerk or clerk-treasurer of the municipality.

1979, c. 51, s. 125; 1996, c. 25, s. 57; 1996, c. 77, s. 3; 2021, c. 31, s. 132.

126. At least seven days before the public meeting is held, the clerk or clerk-treasurer of the municipality shall post, in the office of the municipality, a notice setting out the date, time, place and object of the meeting, and publish it in a newspaper circulated in its territory.

The notice must state that a copy of the draft by-law is available for consultation at the office of the municipality. It must also state whether or not the draft by-law contains a provision making it a by-law subject to approval by way of referendum.

Except in the case of a draft concordance by-law to be adopted under section 58 or 59,

(1) where the draft by-law concerns a zone, a sector of a zone or a part of the territory determined under the sixth paragraph of section 113 or the third paragraph of section 115, the notice must, using street names whenever possible, describe the perimeter of the zone, sector or part, illustrate it by means of a sketch, or state the approximate location of the zone, sector or part and the fact that a description or illustration is available for consultation at the office of the municipality;

(2) where the draft by-law concerns the whole territory of the municipality, the notice must state, where applicable, that the draft by-law contains provisions applying specifically to a zone, a sector of a zone or a part of the territory determined under the sixth paragraph of section 113 or the third paragraph of section 115 and mention the fact that a description or illustration of the zone, sector or part is available for consultation at the office of the municipality.

In the case of contiguous zones or sectors of zones, the description or illustration of their perimeter or approximate location may be that of their combined areas.

1979, c. 51, s. 126; 1984, c. 10, s. 14; 1984, c. 36, s. 44; 1988, c. 41, s. 89; 1994, c. 16, s. 51; 1994, c. 32, s. 15; 1996, c. 25, s. 57; 1997, c. 93, s. 30; 2021, c. 31, s. 132.

127. During the public meeting, the person presiding must explain the draft by-law and hear every person or body wishing to express an opinion.

Where the draft by-law contains a provision making it a by-law subject to approval by way of referendum, the person responsible for explaining the draft by-law shall identify that provision and explain the nature of and means of exercising the right of certain persons to make an application, pursuant to the provisions of subdivision 2, for any by-law containing that provision to be submitted for the approval of certain qualified voters.

1979, c. 51, s. 127; 1996, c. 2, s. 52; 1996, c. 25, s. 57.

§ 2. — *Applications to take part in a referendum following a second draft by-law*

1996, c. 25, s. 57.

128. Once the public meeting on a draft by-law containing a provision making it a by-law subject to approval by way of referendum has been held, the council of the municipality shall adopt, with or without change, a second draft by-law. No such provision may be included in the second draft by-law unless it relates to a matter in respect of which such a provision was included in the first draft by-law.

However, the council is not bound to adopt a second draft by-law if the by-law it adopts under section 134 no longer contains any provision making it a by-law subject to approval by way of referendum.

As soon as practicable after the adoption of the second draft by-law, the clerk or clerk-treasurer of the municipality shall transmit a certified copy of the draft by-law and of the resolution by which it was adopted to the regional county municipality or, if the second draft by-law is identical to the first, a notice to that effect.

1979, c. 51, s. 128; 1996, c. 25, s. 57; 2021, c. 31, s. 132.

129. A summary of the second draft by-law may be produced under the responsibility of the municipality.

Notwithstanding the second paragraph of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a copy of the summary may be obtained from the municipality, free of charge, by any person who so requests.

1979, c. 51, s. 129; 1996, c. 25, s. 57.

130. If the second draft by-law contains a provision making the by-law a by-law subject to approval by way of referendum, an application may be made under this section and under sections 131 and 133 to require that any by-law containing the provision that is adopted under section 136 be submitted for the approval of certain qualified voters.

An application relating to a provision adopted under subparagraph 17 of the second paragraph of section 113 may originate from any zone within the territory of the municipality, and shall require that the by-law be submitted for the approval of all the qualified voters. The same applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 where it applies to the whole territory of the municipality.

An application relating to a provision that applies to a group of contiguous zones referred to in subparagraph 4.1 of the second paragraph of section 113 may originate from any zone comprised within the group, and shall require that the by-law be submitted for the approval of the qualified voters in any zone comprised within the group. An application relating to a provision that applies to part of the territory, as determined under the sixth paragraph of section 113, may originate from any zone wholly or partially comprised within the part concerned, and shall require that the by-law be submitted for the approval of the qualified voters in any zone wholly or partially comprised within the part concerned.

An application relating to a provision that amends the classification of structures or uses in such a way that the authorized structures and uses in a zone are changed may originate from that zone and from any zone contiguous to it, and shall require that the by-law be submitted for the approval of the qualified voters in the zone in which the authorized structures or uses are changed and from which the application originates, and of the qualified voters in any contiguous zone from which an application originates, provided that an application originates from the zone to which it is contiguous.

An application relating to a provision adopted pursuant to a power that permits of zone-by-zone regulation, where it applies to a zone that is not divided into sectors if the power also permits of sector-by-sector regulation, may originate from a zone to which it applies and from any zone contiguous to that zone, and shall require that the by-law be submitted for the approval of the qualified voters in the zone to which the by-law applies, and of the qualified voters in any contiguous zone from which an application originates. That rule applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 only where the provision does not apply to the whole territory of the municipality.

An application relating to a provision adopted pursuant to a power that permits of sector-by-sector regulation may originate from a sector to which it applies, a sector of the same zone that is contiguous to a sector to which it applies, and any zone contiguous to a sector to which it applies, and shall require that the by-law be submitted for the approval of the qualified voters in the sector to which the by-law applies and of the qualified voters in any contiguous sector or zone from which an application originates.

For the purposes of the fifth and sixth paragraphs and of sections 133 to 137, a provision that applies to more than one zone or more than one sector of a zone, as the case may be, is deemed to constitute a separate provision applying separately to each zone or sector.

For the purposes of the first seven paragraphs and of sections 133 to 137, a provision that changes the limits of a zone or a sector of a zone so as to amend the rules adopted pursuant to a power referred to in the fifth or sixth paragraph that are applicable to that zone or sector is considered to be a provision referred to in the fifth or sixth paragraph, as the case may be.

1979, c. 51, s. 130; 1996, c. 25, s. 57; 1996, c. 77, s. 4; 1997, c. 93, s. 31; 1999, c. 90, s. 2; 2006, c. 31, s. 2; 2023, c. 12, s. 72.

130.1. *(Replaced).*

1993, c. 3, s. 64; 1994, c. 32, s. 16; 1996, c. 25, s. 57.

130.2. *(Replaced).*

1993, c. 3, s. 64; 1996, c. 25, s. 57.

130.3. *(Replaced).*

1993, c. 3, s. 64; 1996, c. 25, s. 57.

130.4. *(Replaced).*

1993, c. 3, s. 64; 1996, c. 25, s. 57.

130.5. *(Repealed).*

1993, c. 3, s. 64; 1994, c. 16, s. 51; 1994, c. 32, s. 17.

130.6. *(Replaced).*

1993, c. 3, s. 64; 1996, c. 25, s. 57.

130.7. *(Replaced).*

1993, c. 3, s. 64; 1996, c. 25, s. 57.

130.8. *(Replaced).*

1993, c. 3, s. 65; 1996, c. 25, s. 57.

131. Every interested person in a zone or a sector of a zone may sign an application originating from that zone or sector.

For the purposes of this subdivision, an interested person in a given zone or sector of a zone is a person who would be a qualified voter and whose name would be entered on the referendum list of the zone or sector if the reference date, within the meaning of the Act respecting elections and referendums in municipalities (chapter E-2.2), was the date of adoption of the second draft by-law and if the sector concerned, within the meaning of that Act, was that zone or sector.

1979, c. 51, s. 131; 1987, c. 57, s. 674; 1993, c. 3, s. 65; 1996, c. 25, s. 57.

131.1. *(Replaced).*

1993, c. 3, s. 65; 1996, c. 25, s. 57.

132. Following the adoption of the second draft by-law, the clerk or clerk-treasurer shall, in accordance with the Act governing the municipality for such purposes, issue a public notice

(1) setting out the number, title and date of adoption of the second draft by-law;

(2) giving a brief description of the object of the provisions in respect of which an application may be made, or mentioning the fact that a copy of the summary of the second draft by-law may be obtained, free of charge, by any person who so requests;

(3) *(a)* stating which interested persons are entitled to sign an application in respect of each provision and the tenor of an application or, if the object of the provisions is not stated in the notice, explaining, in a general manner, entitlement to sign an application and the tenor of an application and stating how information may be obtained to determine which interested persons are entitled to sign an application in respect of each provision and the tenor of an application;

(b) setting out the conditions of validity of an application;

(4) determining the interested persons in a zone and the manner in which a legal person may exercise the right to sign an application, or stating how such information may be obtained;

(5) describing, using street names whenever possible, the perimeter of each zone from which an application may originate, otherwise than by reason of the fact that it is contiguous to another zone, illustrating it by means of a sketch, or indicating the approximate location of the zone and stating the fact that a description or illustration is available for consultation at the office of the municipality;

(6) mentioning the fact that the provisions in respect of which no valid application is received may be included in a by-law that is not required to be submitted for the approval of the qualified voters;

(7) stating the place, dates and times at which the second draft by-law is available for consultation.

If the notice contains a description of the object of a provision other than those referred to in the second and third paragraphs of section 130, the indication of the interested persons entitled to sign an application in respect of that provision, prescribed in subparagraph *a* of subparagraph 3 of the first paragraph of this section, shall name every zone to which the provision applies, contain a general statement concerning any zone contiguous to the zone so named and, in the case of a provision referred to in the seventh paragraph of section

130, state that the provision is deemed to constitute a separate provision applying separately to each zone named. For the purposes of this paragraph, a zone in which the authorized structures or uses would no longer be the same because of the amended classification under the provision is deemed to be a zone to which the provision applies.

If, under subparagraph 5 of the first paragraph, the perimeter or approximate location of all the zones in the territory of the municipality are to be illustrated or described, the notice need contain no description, illustration or indication, except if it contains the description of the object of the provisions in respect of which an application may be made.

In the case of contiguous zones, the description or illustration of their perimeter or indication of their approximate location may be that of their combined areas.

For the purposes of the first four paragraphs, a sector of a zone is considered to be a zone if, pursuant to the sixth paragraph of section 130, an application may originate from a sector of a zone.

1979, c. 51, s. 132; 1987, c. 57, s. 674; 1996, c. 25, s. 57; 1996, c. 77, s. 5; 2021, c. 31, s. 132.

133. An application, in order to be valid, must

(1) state clearly the provision to which it refers and the zone or sector of a zone from which it originates;

(2) be signed by at least 12 interested persons in a zone or sector in which there are more than 21 interested persons, or, in other cases, by a majority of the interested persons;

(3) be received by the municipality not later than the eighth day following the day on which the notice provided for in section 132 is published.

The provisions of the Act respecting elections and referendums in municipalities (chapter E-2.2) dealing with the manner in which a legal person may exercise its rights, the manner in which qualified voters entitled to have their names entered on the referendum list are to be counted, and applications for the holding of a referendum poll apply, adapted as required, to the signing of an application.

1979, c. 51, s. 133; 1980, c. 16, s. 88; 1987, c. 57, s. 674; 1989, c. 46, s. 8; 1996, c. 25, s. 57.

§ 2.1. — *Adoption and approval of certain by-laws*

1996, c. 25, s. 57.

134. Once the public hearing provided for in section 125 has been held, the council of the municipality shall adopt, with or without change, the by-law adopted in draft form under section 124.

The by-law may not contain any provision making it a by-law subject to approval by way of referendum.

The first two paragraphs do not apply if the council has been required to adopt a second draft by-law under section 128. However, even if the council adopts a second draft by-law containing provisions making it a by-law subject to approval by way of referendum that relate to matters in respect of which such provisions were included in the draft by-law provided for in section 124, the council may adopt a by-law containing only provisions not making the by-law a by-law subject to approval by way of referendum that relate to matters in respect of which provisions were included in the latter draft by-law.

1979, c. 51, s. 134; 1987, c. 57, s. 674; 1996, c. 25, s. 57.

135. Where no valid application has been received in respect of a second draft by-law, the council of the municipality shall adopt that draft by-law without change.

In all other cases, the council shall adopt, besides a separate by-law under section 136, if any, a by-law containing the provisions of the second draft by-law in respect of which no valid application has been received. The council may only make changes required by reason of the withdrawal, from the by-law, of the provisions in respect of which valid applications have been received.

1979, c. 51, s. 135; 1987, c. 57, s. 674; 1996, c. 25, s. 57.

136. In cases where a valid application has been received in respect of a provision of the second draft by-law, that provision may only be contained in a by-law that is separate from that referred to in the second paragraph of section 135 and, subject to section 137, separate from any other by-law containing another provision in respect of which a valid application has been made.

The council of the municipality shall adopt such separate by-laws without any change, as compared to the equivalent part of the second draft by-law, other than a change required by reason of the withdrawal, from the by-law, of the provisions contained in the by-law provided for in the second paragraph of section 135 and of any other provisions in respect of which a valid application has been made.

1979, c. 51, s. 136; 1987, c. 57, s. 674; 1996, c. 25, s. 57; 1996, c. 77, s. 6.

136.0.1. Any replacement by-law referred to in section 110.10.1 must be approved by all qualified voters in accordance, having regard to any adaptation under the second paragraph, with the Act respecting elections and referendums in municipalities (chapter E-2.2).

The 45-day and 120-day periods provided, respectively, by sections 535 and 568 of that Act shall begin to run on the day after either the day referred to in subparagraph 1 or 2 or the later of those days, according to whether, from among the sections of this Act mentioned in those subparagraphs, only one section mentioned in only one subparagraph applies in respect of the by-law or more than one section mentioned in both subparagraphs applies thereto:

(1) the day on which the regional county municipality approves the by-law under section 137.3 or the day the municipality receives a copy of the assessment of the Commission, provided for in section 137.5, according to which the by-law conforms to the objectives of the RCM plan and to the provisions of the complementary document;

(2) the day on which the by-law is deemed, under section 137.13, to be in conformity with the planning program.

If the qualified voters withhold approval of a replacement by-law, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in section 110.10.1.

1997, c. 93, s. 32; 2002, c. 68, s. 52; 2010, c. 10, s. 64, s. 110; 2023, c. 12, s. 73.

136.1. Every by-law adopted under section 136 must be approved by the qualified voters, in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2), as provided for in the following paragraphs.

A by-law adopted following an application referred to in the second paragraph of section 130 shall be submitted for the approval of all the qualified voters.

Depending on the case, a by-law adopted following an application referred to in the third paragraph of section 130 shall be submitted for the approval of the qualified voters in any zone comprised within the group referred to in that paragraph or in any zone wholly or partially comprised within the part of the territory referred to in that paragraph.

A by-law adopted following an application referred to in the fourth paragraph of section 130 shall be submitted for the approval of the qualified voters in the zone in which the authorized structures or uses are changed and from which a valid application in respect of the provision referred to in that paragraph

originated, and of the qualified voters in any contiguous zone from which an application originates, provided that such an application originates from the zone to which it is contiguous.

A by-law adopted following an application referred to in the fifth paragraph of section 130 shall be submitted for the approval of the qualified voters in the zone in which the by-law applies, and of the qualified voters in any contiguous zone from which a valid application originates in respect of the provision referred to in that paragraph.

A by-law adopted following an application referred to in the sixth paragraph of section 130 shall be submitted for the approval of the qualified voters in the sector in which it applies, and of the qualified voters in any contiguous sector or zone from which a valid application originates in respect of the provision referred to in that paragraph.

Where approval is to be sought under the third, fourth, fifth or sixth paragraph, if the applicable paragraph applies to several zones, the sector concerned, within the meaning of the Act respecting elections and referendums in municipalities, is the aggregate of those zones. For the purposes of this paragraph, a sector of a zone is considered to be a zone in the case of approval sought under the sixth paragraph.

1996, c. 25, s. 57; 1996, c. 77, s. 7; 2006, c. 31, s. 3.

137. A by-law may contain more than one provision in respect of which a valid application has been made to the extent that, were each such provision to be contained in a separate by-law, all the by-laws containing one such provision would have to be approved by the same group of qualified voters.

1979, c. 51, s. 137; 1987, c. 57, s. 674; 1996, c. 25, s. 57.

§ 3. — *Examination of conformity of certain by-laws with the objectives of the RCM plan and with the provisions of the complementary document*

1993, c. 3, s. 66; 2002, c. 68, s. 52; 2010, c. 10, s. 65.

137.1. Sections 137.2 to 137.8 apply where an RCM plan is in force in the territory of the municipality.

1993, c. 3, s. 66; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

137.2. As soon as practicable after the adoption of a planning by-law or of a by-law that amends or replaces such a by-law, the clerk or the clerk-treasurer shall transmit a certified copy of the by-law and of the resolution adopting it to the regional county municipality whose territory includes that of the municipality.

However, if the by-law requires the approval of the qualified voters, the documents mentioned in the first paragraph shall be transmitted, as soon as practicable, either after the approval or, at the option of the council, after the adoption of the by-law; the second case applies mandatorily where, under the second paragraph of section 136.0.1, the beginning of the periods provided for in sections 535 and 568 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is delayed. In the latter case, the clerk or the clerk-treasurer shall, when transmitting the documents, notify the regional county municipality that the by-law requires the approval of the qualified voters.

The clerk or clerk-treasurer shall also, as soon as practicable after the date on which the by-law is deemed to have been so approved, transmit a notice specifying that date to the regional county municipality.

1993, c. 3, s. 66; 1994, c. 32, s. 18; 1996, c. 25, s. 58; 1997, c. 93, s. 33; 2002, c. 37, s. 25; 2009, c. 26, s. 2; 2021, c. 10, s. 94; 2021, c. 31, s. 132; 2023, c. 12, s. 74.

137.3. Within 120 days after the documents described in the first paragraph of section 137.2 are transmitted, the council of the regional county municipality shall approve the by-law if it is in conformity with the objectives of the RCM plan and with the provisions of the complementary document or, if not, it shall withhold approval.

However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and identify the provisions of the by-law that are not in conformity. The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality. However, where the by-law must also be approved by qualified voters and such approval has not been given when the council gives its approval, the documents which must be issued or transmitted under the first paragraph must be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in the third paragraph of section 137.2. However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.

As soon as practicable after the adoption of the resolution by which the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion, the secretary shall transmit a certified copy of the resolution to the municipality.

In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in that section.

1993, c. 3, s. 66; 1996, c. 25, s. 59; 1997, c. 93, s. 34; 2010, c. 10, s. 112; 2023, c. 12, s. 75.

137.4. Where the council of the regional county municipality withholds approval of the by-law or fails to give its opinion within the time prescribed in section 137.3, the council of the municipality may apply to the Commission for an assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

The clerk or the clerk-treasurer of the municipality shall notify to the Commission a certified copy of the resolution requesting the assessment and of the by-law concerned. He shall notify a certified copy of the resolution to the regional county municipality.

The copy notified to the Commission must be received by the Commission within 15 days after a copy of the resolution in which approval of the by-law is withheld is transmitted or, as the case may be, the expiry of the period prescribed in section 137.3.

The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 137.3.

1993, c. 3, s. 66; 1996, c. 25, s. 60; 2010, c. 10, s. 113; I.N. 2016-01-01 (NCCP); 2021, c. 31, s. 132; 2023, c. 12, s. 76.

137.4.0.1. The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 137.3. The first paragraph of section 137.2 applies to that sending, with the necessary modifications.

2023, c. 12, s. 77.

137.4.1. If the council of the regional county municipality withholds approval of the by-law, the council of the municipality may, instead of applying for the assessment provided for in section 137.4, adopt

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

(2) a by-law containing only the elements of the by-law concerned that did not cause approval to be withheld together with a by-law containing only the elements of the by-law concerned that caused approval to be withheld.

Sections 124 to 133 do not apply in respect of a by-law adopted under the first paragraph. Section 137.3 does not apply in respect of a by-law containing only the elements that caused approval to be withheld; the council of the municipality may, in the same resolution, apply to the Commission for an assessment under section 137.4, as if approval for such by-law had been withheld by the council of the regional county municipality; the time limit prescribed in the third paragraph of the said section shall be computed in relation to the date of adoption of the by-law.

Any by-law adopted under the first paragraph that contains a provision having resulted in, in respect of the by-law for which approval was withheld by the council of the regional county municipality, the utilization of the process of approval by way of referendum 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 (chapter E-2.2). However, the by-law is deemed to have been so approved on the date of its adoption if, on such date, the by-law for which approval was withheld by the council of the regional county municipality is deemed, under the said Act, to have been approved by the qualified voters.

The first three paragraphs do not apply in respect of a by-law that replaces a by-law in force.

1996, c. 25, s. 61; 1997, c. 93, s. 35.

137.5. The Commission shall give its assessment within 60 days of receiving a copy of the resolution requesting the assessment.

Any assessment stating that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and the regional county municipality.

If the assessment indicates that the by-law is in conformity with the objectives of the RCM plan and the provisions of the complementary document, the secretary of the regional county municipality shall, as soon as practicable after receipt of the copy of the assessment, issue a certificate of conformity in respect of the by-law and transmit a certified copy thereof to the municipality. However, where the by-law must also be approved by qualified voters and such approval has not been given when the secretary receives a copy of the assessment of the Commission, the documents which must be issued or transmitted under this paragraph shall be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in the third paragraph of section 137.2. However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.

In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after receipt of the assessment stating that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, despite the expiry of the period prescribed in that section.

1993, c. 3, s. 66; 1996, c. 25, s. 62; 1997, c. 93, s. 36; 2010, c. 10, s. 66, s. 113; 2023, c. 12, s. 78.

137.6. Where, under section 58 or 59, the municipality is bound to adopt a concordance by-law to take into account the amendment or revision of the RCM plan, if the assessment of the Commission indicates that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document or if the Commission has received no application for assessment regarding the by-law within the time prescribed in section 137.4, the council of the regional county municipality shall request that the municipality replace the by-law, within the period it prescribes, by another by-law which is in conformity with these objectives and provisions.

As soon as practicable after the adoption of the resolution requesting that the by-law be replaced, the secretary shall transmit a certified copy of the resolution to the municipality.

The period prescribed for replacement shall not expire before the end of the 45-day period following transmission pursuant to the second paragraph.

1993, c. 3, s. 66; 2010, c. 10, s. 112, s. 113.

137.7. Sections 124 to 133 do not apply in respect of a new by-law differing from the by-law it replaces, at the request of the council of the regional county municipality made under section 137.6, for the sole purpose of ensuring that it is in conformity with the objectives of the RCM plan and the provisions of the complementary document.

1993, c. 3, s. 66; 1996, c. 25, s. 63; 2010, c. 10, s. 113.

137.8. Where the council of the municipality fails to adopt, within the time prescribed in section 58 or 59 or under section 137.6, as the case may be, a concordance by-law to take into account the amendment or revision of the plan, the council of the regional county municipality may adopt it in its place.

Sections 124 to 137.6 do not apply in respect of the by-law adopted by the council of the regional county municipality under the first paragraph. The by-law is considered to be a by-law adopted by the council of the municipality and approved by the council of the regional county municipality. As soon as practicable after the adoption of the by-law, the secretary shall issue a certificate of conformity in respect of it.

As soon as practicable after the adoption of the by-law and the issue of the certificate, the secretary shall transmit a certified copy of the by-law, of the resolution by which it is adopted and of the certificate to the municipality. The copy of the by-law transmitted to the municipality shall stand in lieu of the original for the issue by the municipality of certified copies of the by-law.

The expenses incurred by the regional county municipality to act in the place of the municipality shall be reimbursed to it by the municipality.

The first four paragraphs also apply where the council of a municipality fails to adopt, within the period prescribed in section 102 or within the period prescribed pursuant to section 40, as the case may be, a by-law whose object is the amendment of a by-law referred to in the second paragraph of section 102 to bring the latter into conformity with the objectives of the RCM plan and with the provisions of the complementary document.

1993, c. 3, s. 66; 1996, c. 25, s. 64; 2003, c. 19, s. 25; 2010, c. 10, s. 112, s. 113.

§ 4. — *Examination of conformity of certain by-laws with the planning program*

1993, c. 3, s. 66.

137.9. Sections 137.10 to 137.14 apply in respect of any by-law which must be in conformity with the planning program under section 59.5, 110.4, 110.5 or 110.10.1. They also apply in respect of any by-law adopted in accordance with the second paragraph of section 102 or with the first paragraph of section 106.

However, those sections do not apply in respect of a by-law adopted by the council of the regional county municipality in accordance with section 137.8. Such a by-law is deemed to be in conformity with the program from the time of its adoption.

1993, c. 3, s. 66; 1997, c. 93, s. 37; 2023, c. 12, s. 79.

137.10. As soon as practicable after the adoption of a by-law to which this section applies, the clerk or the clerk-treasurer of the municipality shall, in accordance with the Act governing the municipality in that respect, give public notice of the adoption of the by-law, explaining the rules prescribed in the first two paragraphs of section 137.11 and in the first paragraph of section 137.12.

1993, c. 3, s. 66; 2021, c. 31, s. 132.

137.11. Any qualified voter of the territory of the municipality may apply, in writing, to the Commission for an assessment of the conformity of the by-law with the planning program.

The application must be transmitted to the Commission within 30 days after publication of the notice provided for in section 137.10.

The secretary of the Commission shall transmit to the municipality a copy of every application transmitted within the prescribed period.

1993, c. 3, s. 66; 1996, c. 25, s. 65; 2005, c. 28, s. 5; 2010, c. 10, s. 67.

137.12. Where the Commission receives applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 137.11 in respect of the by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of such a by-law with the planning program.

Where the conformity of the by-law with the program is required by section 110.5 or 110.10.1, the program taken into consideration by the Commission is the program amended or revised by the by-law referred to in the said section, even if the by-law is not in force.

Any assessment stating that the by-law is not in conformity with the planning program may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the municipality and to every applicant.

The clerk or the clerk-treasurer of the municipality shall post in the office of the municipality the copy of the assessment received.

1993, c. 3, s. 66; 1997, c. 93, s. 38; 2021, c. 31, s. 132.

137.13. Where the Commission does not receive applications from at least five qualified voters in the territory of the municipality, filed in accordance with section 137.11 in respect of the by-law, the by-law is deemed to be in conformity with the planning program from the expiry of the period prescribed in that section.

The by-law is also deemed to be in conformity with the planning program from the date on which the Commission gives, in accordance with section 137.12, an assessment confirming such conformity.

1993, c. 3, s. 66.

137.14. The council of the municipality must adopt a new by-law to replace a by-law which is not deemed under section 137.13 to be in conformity with the program, so as to ensure such conformity.

Sections 124 to 133 do not apply in respect of a new by-law differing from the by-law it replaces for the sole purpose of ensuring that it is in conformity with the program.

The new by-law must be adopted before the expiry of the period which ends on the later of the date of expiry of the period prescribed for the adoption of the by-law it replaces and a period of 90 days after the day on which the Commission gives its assessment of whether or not the by-law is in conformity with the program. In the case of a replacement by-law referred to in section 110.10.1, the new by-law may be adopted despite the expiry of the period prescribed in that section.

1993, c. 3, s. 66; 1996, c. 25, s. 66; 2010, c. 10, s. 68; 2023, c. 12, s. 80.

§ 5. — *Coming into force of certain by-laws*

1993, c. 3, s. 66.

137.15. Every by-law to which sections 137.2 to 137.7 apply or which is adopted by the council of the regional county municipality in accordance with section 137.8 comes into force on the date on which the certificate of conformity is issued. It is deemed to be in conformity with the objectives of the RCM plan and with the provisions of the complementary document.

However, where sections 137.10 to 137.14 apply also to the by-law, the by-law comes into force on the later of the date on which the certificate of conformity is issued and the date from which, according to section 137.13, it is deemed to be in conformity with the planning program.

A by-law may, however, provide that it comes into force on any date after the date determined in accordance with the first or second paragraph.

As soon as practicable after the coming into force of the by-law, the clerk or the clerk-treasurer of the municipality shall publish a notice thereof in a newspaper circulated in the territory of the municipality and post it in the office of the municipality.

1993, c. 3, s. 66; 2010, c. 10, s. 113; 2021, c. 31, s. 132; 2023, c. 12, s. 81.

137.16. Every by-law referred to in section 123 of a municipality in whose territory no metropolitan plan or RCM plan is in force shall come into force, subject to section 105, in accordance with the Act governing the municipality in that respect.

No by-law to which sections 137.10 to 137.14 apply may come into force earlier than the date from which, according to section 137.13, it is deemed to be in conformity with the planning program.

A replacement by-law referred to in section 110.10.1 must not come into force before the by-law revising the planning program.

1993, c. 3, s. 66; 1996, c. 25, s. 67; 1997, c. 93, s. 39; 2002, c. 68, s. 52; 2010, c. 10, s. 69; 2023, c. 12, s. 82.

137.17. As soon as practicable after the coming into force of the by-law, the clerk or the clerk-treasurer of the municipality shall transmit a certified copy thereof with a notice of the date on which it comes into force to the regional county municipality.

The first paragraph does not apply in respect of a by-law adopted by the council of the regional county municipality under section 137.8.

1993, c. 3, s. 66; 1996, c. 25, s. 68; 2003, c. 19, s. 26; 2021, c. 31, s. 132.

138. *(Replaced).*

1979, c. 51, s. 138; 1987, c. 57, s. 674.

139. *(Replaced).*

1979, c. 51, s. 139; 1980, c. 16, s. 89; 1987, c. 57, s. 674.

140. *(Replaced).*

1979, c. 51, s. 140; 1980, c. 16, s. 90; 1987, c. 57, s. 674.

141. *(Replaced).*

1979, c. 51, s. 141; 1987, c. 57, s. 674.

142. *(Replaced).*

1979, c. 51, s. 142; 1987, c. 57, s. 674.

143. *(Replaced).*

1979, c. 51, s. 143; 1987, c. 57, s. 674.

144. *(Replaced).*

1979, c. 51, s. 144; 1987, c. 57, s. 674.

145. *(Replaced).*

1979, c. 51, s. 145; 1987, c. 57, s. 674.

DIVISION VI

MINOR EXEMPTIONS FROM PLANNING BY-LAWS

1985, c. 27, s. 6.

145.1. The council of a municipality provided with an advisory planning committee may pass a by-law concerning minor exemptions from the provisions of the zoning or subdivision by-laws other than those relating to land use and land occupation density.

1985, c. 27, s. 6; 1996, c. 2, s. 53.

145.2. Every minor exemption from the zoning and subdivision by-laws shall respect the aims of the planning program.

In a place where land occupation is subject to special restrictions for reasons of public safety or public health, protection of the environment or general well-being, a minor exemption may not be granted in respect of by-law provisions adopted under subparagraph 16 or 16.1 of the second paragraph of section 113 or subparagraph 4 or 4.1 of the second paragraph of section 115.

1985, c. 27, s. 6; 1998, c. 31, s. 6; 2021, c. 7, s. 14.

145.3. The by-law concerning minor exemptions shall provide

(1) the procedure to be followed to obtain a minor exemption from the council and the costs exigible for the examination of the application;

(2) the identification from among the zones provided for in the zoning by-law, of those where a minor exemption may be granted;

(3) the enumeration of the provisions of the zoning or subdivision by-laws that may be the subject of a minor exemption.

1985, c. 27, s. 6.

145.4. The council of a municipality in whose territory a by-law concerning minor exemptions is in force may grant such an exemption.

The exemption may be granted only if the application of the by-law causes a serious prejudice to the person who applied for the exemption. Moreover, it shall not be granted where it hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership or increases the risks with regard to public safety or public health or adversely affects the quality of the environment or general well-being.

Despite the second paragraph, the council may grant an exemption even if it increases the inconvenience caused by the practice of agriculture.

1985, c. 27, s. 6; 1996, c. 2, s. 54; 2021, c. 7, s. 15.

145.5. The resolution may also have effect in respect of work in progress or already carried out where the work was authorized by a building permit and was carried out in good faith.

1985, c. 27, s. 6.

145.6. The clerk or the clerk-treasurer of the municipality shall, not later than fifteen days before the holding of the sitting at which the council is to give a decision on the application for a minor exemption, cause a notice to be published in accordance with the Act governing the municipality, at the expense of the person who applies for the exemption.

The notice shall indicate the date, time and place of the sitting of the council and the nature and the consequences of the exemption applied for. The notice shall contain the designation of the immovable affected using the name of the thoroughfare and the civic number or, failing that, the cadastral number, and shall indicate that any interested person may be heard by the council in relation to the application.

1985, c. 27, s. 6; 2021, c. 31, s. 132.

145.7. The council shall render its decision after having received the advice of the advisory planning committee.

The resolution under which the council renders its decision may set conditions within the jurisdiction of the municipality, to reduce the impact of the exemption. The resolution may provide for any condition among those set out in section 165.4.13 when the exemption granted concerns non-compliance, during the construction or expansion of a livestock facility or building not referred to in the second paragraph of section 165.4.2, with separation distances provided for in a regulatory provision adopted under subparagraph 4 of the second paragraph of section 113 or, if there is no such provision, under the Guidelines respecting odours caused by manure from agricultural activities (chapter P-41.1, r. 5) 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).

A copy of the resolution under which the council renders its decision shall be transmitted to the person who applied for the exemption.

However, when the resolution grants a minor exemption in a place referred to in the second paragraph of section 145.2, the municipality must send a copy of the resolution to the regional county municipality whose territory includes that of the municipality. The council of the regional county municipality may, within 90 days after receiving the copy of the resolution, if it considers that the decision authorizing the exemption

increases the risks in matters of public safety or public health or adversely affects the quality of the environment or general well-being,

(1) impose any condition referred to in the second paragraph to reduce the risk or potential harm or modify, for those purposes, any condition prescribed by the council of the municipality; or

(2) disallow the decision authorizing the exemption where it is impossible to reduce the risk or potential harm.

A copy of every resolution passed by the regional county municipality under the fourth paragraph shall be sent to the municipality without delay.

A minor exemption in a place referred to in the second paragraph of section 145.2 takes effect

(1) on the date on which the regional county municipality notifies the municipality that it does not intend to avail itself of the powers provided for in the fourth paragraph;

(2) on the date of coming into force of the resolution of the regional county municipality that imposes or modifies conditions applicable to the exemption; or

(3) on the expiry of the time prescribed in the fourth paragraph, if the regional county municipality has not availed itself, within that time, of the powers provided for in that paragraph.

The municipality must send the resolution of the regional county municipality to the person who applied for the exemption or, in the absence of such a resolution, inform the person of the taking of effect of its decision granting the exemption.

The fourth, fifth, sixth and seventh paragraphs do not apply to 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 or Ville de Trois-Rivières.

1985, c. 27, s. 6; 2003, c. 19, s. 27; 2004, c. 20, s. 8; 2021, c. 7, s. 16.

145.8. Notwithstanding sections 120, 121 and 122, upon presentation of a certified copy of the resolution under which the council grants the exemption, the officer referred to in those sections shall issue the permit or certificate if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition that must, under the resolution, be satisfied no later than the time the permit or certificate application is made.

Where the condition is that the application be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the exemption.

1985, c. 27, s. 6; 2003, c. 19, s. 28.

DIVISION VII

COMPREHENSIVE DEVELOPMENT PROGRAMS

1987, c. 53, s. 4.

145.9. The council of a municipality provided with an advisory planning committee may adopt a by-law authorizing it to require the production of a comprehensive development program for a zone upon any application for the amendment of the planning by-laws.

1987, c. 53, s. 4; 1996, c. 2, s. 55.

145.10. A by-law provided for in section 145.9 must

(1) indicate the zone in respect of which any amendment to the planning by-laws is subject to the production of a comprehensive development program;

(2) specify, for the zone, the land uses and occupation densities applicable to a comprehensive development program;

(3) establish the procedure relating to an application for the amendment of the planning by-laws where the presentation of a comprehensive development program is required;

(4) prescribe the mandatory components of a comprehensive development program and the required accompanying documents;

(5) establish criteria for the assessment of a comprehensive development program.

1987, c. 53, s. 4.

145.11. *(Repealed).*

1987, c. 53, s. 4; 1989, c. 46, s. 9.

145.12. The council of a municipality having adopted a by-law contemplated in section 145.9 shall, by resolution, approve or reject a comprehensive development program presented to it in accordance with this division, after consultation with the planning advisory committee.

A copy of the resolution must be transmitted to the person who presented the program.

1987, c. 53, s. 4; 1989, c. 46, s. 10.

145.13. The council of a municipality may require as a condition of approval of a comprehensive development program that the owners of the immovables situated in the zone contemplated in the program

(1) assume the cost of certain components of the program, particularly of infrastructure and public services;

(2) implement the program within the time it prescribes;

(3) furnish such financial guarantees as it determines.

1987, c. 53, s. 4.

145.14. The council may, in accordance with the applicable provisions of Division V, adopt a by-law amending the planning by-laws of the municipality to integrate an approved comprehensive development program.

The council may, when it replaces a planning by-law, include the comprehensive development program in the by-law adopted as a replacement by-law instead of effecting the inclusion by way of amendment.

1987, c. 53, s. 4; 1993, c. 3, s. 67; 1997, c. 93, s. 40; 2002, c. 77, s. 5.

DIVISION VIII

SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS

1989, c. 46, s. 11.

145.15. The council of a municipality where a planning advisory committee has been established may, by by-law, subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy to the approval of plans relating to the site and architecture of the constructions or the development of the land and related work.

1989, c. 46, s. 11.

145.16. The by-law must

(1) specify every zone and every class of construction, land or work to which it applies;

(2) determine objectives regarding site planning and the architecture of constructions or the development of the land, and set out criteria permitting to assess whether the objectives have been achieved;

(3) prescribe the minimum content of the plans and, in particular, require that they include one or several of the following components:

(a) the location of existing and proposed constructions;

(b) a description of the land and the proposed development work;

(c) the architecture of the constructions to be built, converted, enlarged or added to;

(d) the relations between such constructions and adjacent constructions;

(4) prescribe the documents that must be submitted with the plans;

(5) prescribe the procedure applicable to an application for a building or subdivision permit or a certificate of authorization or occupancy where the issue of such a permit or certificate is subordinated to the approval of plans.

1989, c. 46, s. 11.

145.17. The by-law may establish different rules according to zones, types of construction, class of land or kind of work or according to any combination of zones and classes.

1989, c. 46, s. 11.

145.18. The council may order that the plans be submitted for consultation in accordance with sections 125 to 127 which apply, adapted as required.

1989, c. 46, s. 11; 1993, c. 3, s. 68; 1996, c. 25, s. 69.

145.19. After consulting the planning advisory committee and holding any consultation ordered under section 145.18, the council of the municipality shall approve the plans if they are in conformity with the by-law or, if not, it shall refuse its approval.

The resolution refusing to approve the plans shall state the reasons for the refusal.

1989, c. 46, s. 11.

145.20. The council may, in addition, require as a condition of approval of the plans that the owner assume the cost of certain components of the plans, such as the cost of infrastructure or public services, that he implement his project within a fixed period or that he furnish financial guaranties.

1989, c. 46, s. 11.

145.20.1. Where a notice of motion has been given for the adoption or amendment of a by-law provided for in section 145.15, no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law which is the subject of the notice of motion be adopted, to the approval of plans relating to the site and architecture of the structures or the development of the land and related work.

The first paragraph ceases to be applicable unless the by-law which is the subject of the notice of motion is adopted within two months after the filing of the notice or put into force within four months after its adoption.

1994, c. 32, s. 19.

DIVISION IX

CERTAIN CONTRIBUTIONS TO MUNICIPAL WORKS AND SERVICES

1994, c. 32, s. 19; 2016, c. 17, s. 1.

145.21. The council of a municipality may, by by-law, subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy to

(1) the making of an agreement between the applicant and the municipality on the carrying out of work relating to municipal infrastructures or equipment and on the payment or sharing of the costs related to such work;

(2) the payment by the applicant of a contribution to finance all or part of an expense related to any addition to or enlargement or alteration of municipal infrastructures or equipment required to ensure the increased provision of municipal services necessary as a result of the intervention authorized under the permit or certificate;

(3) the payment by the applicant of a contribution to finance all or part of an expense related to a shared transportation service that benefits the immovable to which the permit or certificate application relates, or the occupants or users of that immovable.

The municipal equipment referred to in subparagraph 2 of the first paragraph does not include rolling stock with an expected useful life of less than seven years or computer systems.

The requirement to pay a contribution under subparagraph 2 or 3 of the first paragraph is not applicable to a public body within the meaning of the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or to a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1).

1994, c. 32, s. 19; 2016, c. 17, s. 2; 2023, c. 33, s. 1.

145.22. A by-law under section 145.21 must indicate

(1) the zones in respect of which it applies:

(2) the classes of structure, land or work in respect of which the issue of a building or subdivision permit or a certificate of authorization or occupancy is subordinated to an agreement or to the payment of a contribution;

(3) the classes of infrastructure or equipment to which the agreement applies and specify, where applicable, that the agreement may pertain to infrastructures and equipment destined, regardless of location, to serve not only immovables to which the permit or certificate applies but also other immovables in the territory of the municipality;

(4) where applicable, the terms and conditions governing the establishment of the share of the costs related to the work to be borne by the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law;

(5) where applicable, the terms and conditions governing the establishment of the share of the costs related to the work to be borne by any person benefitted by the work, other than the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law, prescribe the terms and conditions of payment and collection of aliquot shares, and fix the rate of interest payable on any unpaid amount;

(6) where applicable, any infrastructure or equipment for which an addition, enlargement or alteration is planned, or any class of such infrastructure or equipment or, as the case may be, the shared transportation service, that may be financed in whole or in part by the payment of a contribution, and specify, where applicable, that the contribution may be used to finance infrastructures or equipment, regardless of location, if they are required for serving not only immovables to which the permit or certificate applies, including their occupants and users, but also other immovables in the territory of the municipality or outside the territory, including their occupants and users;

(7) the amount of the contribution or the rules for setting it, including, if applicable, any criterion according to which the amount may vary;

The by-law may also subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy applied for by a person benefitted by the work, within the meaning of subparagraph 5 of the first paragraph, to prior payment, by the latter, of any part of his aliquot share or to the deposit of any guarantee determined by the by-law.

If the payment of a contribution is required under subparagraph 2 or 3 of the first paragraph of section 145.21, the by-law must provide for the establishment of a fund exclusively intended to receive the contribution and to be used for the purposes for which the contribution is required, or for the reimbursement of an amount derived from another fund that was paid to finance the same infrastructure or equipment to which the contribution applies. The by-law may also provide that if there is a surplus, that surplus may be used for the repair or improvement of the infrastructure or equipment. If the municipality has a surplus that cannot be used for such purposes, the residual balance of the fund must be apportioned by the municipality among the owners of the immovables for which the issue of the permit or certificate was subordinated to the payment of the contribution, in proportion to the amounts paid for each immovable. That apportionment must be completed not later than 31 December of the fiscal year following that in which the surplus is recorded.

For the purposes of subparagraphs 6 and 7 of the first paragraph, the municipality must establish an estimate of the cost of any addition, enlargement or alteration to be financed in whole or in part by means of a contribution, which estimate may pertain to a class of infrastructure or equipment. The amount of the contribution, set in accordance with the rules referred to in subparagraph 7 of the first paragraph, must take account of that estimate, which must be published at the same time as the notice described in section 126. This paragraph also applies, with the necessary modifications, to the estimate of the expenses related to a shared transportation service.

1994, c. 32, s. 19; 2016, c. 17, s. 3; 2023, c. 33, s. 2.

145.23. The agreement must include

(1) the designation of the parties;

(2) the description of the work and the designation of the party responsible for the carrying out of all or part of the work;

(3) where applicable, the date on which the work must be completed by the holder of the permit or certificate;

(4) a determination of the costs related to the work to be borne by the holder of the permit or certificate;

(5) the penalty recoverable from the holder of the permit or certificate in the event of a delay in the carrying out of the work for which the holder is responsible;

(6) where applicable, the terms and conditions of payment by the holder of the permit or certificate of the costs related to the work and the interest payable on any unpaid amount;

(7) where applicable, the terms and conditions of remittance by the municipality to the holder of the permit or certificate of the aliquot share of the costs related to the work payable by a person benefitted by the work; the terms and conditions of remittance of the aliquot share must specify the deadline for payment by the municipality to the holder of the permit or certificate of any unpaid aliquot share;

(8) the financial guarantees required of the holder of the permit or certificate.

1994, c. 32, s. 19; 2016, c. 17, s. 4.

145.24. The agreement providing for the payment of an aliquot share by persons benefitted by the work, within the meaning of subparagraph 5 of the first paragraph of section 145.22, must identify, in a schedule to the agreement, the immovables that make the persons benefitted by the work subject to the payment of the aliquot share or indicate any criterion by which such immovables may be identified.

The municipality may, by resolution, amend the schedule to update it or add thereto any immovable that makes a person benefitted by the work subject to the payment of the aliquot share.

1994, c. 32, s. 19.

145.25. Any part of the aliquot share that is not due to the municipality shall, after deduction of the collection costs, be remitted to the person who is party to the agreement with the municipality or, as the case may be, to any other rightful claimant.

1994, c. 32, s. 19.

145.26. Sections 1 to 3 of the Municipal Works Act (chapter T-14) do not apply to work carried out in accordance with an agreement. However, the rules prescribed by that Act in relation to the method of financing of the work by the municipality apply.

1994, c. 32, s. 19.

145.27. Section 29.3 of the Cities and Towns Act (chapter C-19) and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to an agreement.

1994, c. 32, s. 19.

145.28. Sections 573 and 573.1 of the Cities and Towns Act (chapter C-19) and articles 935 and 936 of the Municipal Code of Québec (chapter C-27.1) do not apply to work carried out under the responsibility of the holder of a permit or certificate, pursuant to an agreement.

1994, c. 32, s. 19.

145.29. An amount paid pursuant to a provision enacted under subparagraph 4, 5 or 7 of the first paragraph of section 145.22 does not constitute a tax, a compensation or the imposition of a tariff.

1994, c. 32, s. 19; 2016, c. 17, s. 5.

145.29.1. A municipality may, by by-law, grant a tax credit in respect of a special tax imposed on an immovable covered by a permit or certificate whose issue was subject to the payment of a contribution if the purpose of that tax is the financing of the same object as the one for which the contribution is required.

2023, c. 33, s. 3.

145.30. Where a notice of motion has been given for the adoption or amendment of a by-law provided for in section 145.21, no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law which is the subject of the notice of motion be adopted, to the making of an agreement or the payment of a contribution provided for in section 145.21.

The first paragraph ceases to be applicable unless the by-law which is the subject of the notice of motion is adopted within two months after the filing of the notice or put into force within four months after its adoption.

1994, c. 32, s. 19; 2016, c. 17, s. 6.

DIVISION IX.1

AFFORDABLE, SOCIAL OR FAMILY HOUSING

2017, c. 13, s. 13.

145.30.1. Every municipality may, by by-law and in accordance with the policy directions defined for that purpose in the planning program, make the issue of a building permit for the construction of residential units subject to the making of an agreement between the applicant and the municipality to increase the supply of affordable, social or family housing.

The agreement may, in accordance with the rules set out in the by-law, stipulate the construction of affordable, social or family housing units, the payment of a sum of money or the transfer of an immovable in favour of the municipality.

All sums and immovables obtained in this manner must be used by the municipality for the implementation of an affordable, social or family housing program.

2017, c. 13, s. 13.

145.30.2. The by-law must establish the rules for determining the number and type of affordable, social or family housing units that may be required, the method for calculating the sum of money to be paid or the characteristics of the immovable to be transferred.

It may also prescribe minimum standards for the particulars of the agreement listed in the first paragraph of section 145.30.3.

2017, c. 13, s. 13.

145.30.3. The agreement may cover the dimensions of the affordable, social or family 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 also establish rules to ensure the affordability of the housing units for the time it determines.

2017, c. 13, s. 13.

DIVISION X

CONDITIONAL USES

2002, c. 37, s. 26.

145.31. The council of a municipality that has an advisory planning committee may adopt a conditional use by-law.

The by-law may not, however, apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.

2002, c. 37, s. 26.

145.32. The conditional use by-law must

(1) indicate any zone provided for in the zoning by-law where a conditional use may be authorized;

(2) specify, for each zone indicated under subparagraph 1, the conditional use that may be authorized;

(3) determine the procedure for an application for authorization of a conditional use, in particular the documents to be submitted with the application;

(4) determine the criteria to be used to assess an application for authorization of a conditional use.

The by-law may define classes of conditional uses and prescribe different rules according to the classes, the zones or combinations of a class and a zone.

2002, c. 37, s. 26.

145.33. Not later than 15 days before the holding of the sitting at which the council is to decide the application for authorization of a conditional use, the clerk or the clerk-treasurer of the municipality shall, by means of a public notice given in accordance with the Act governing the municipality and a poster or sign placed in full view on the site to which the application relates, indicate the date, time and place of the sitting, the nature of the application and that any person interested may be heard at the sitting in relation to the application.

The notice shall situate the immovable to which the application relates using street names and the street number of the immovable or, if the immovable has no street number, the cadastral number.

This section does not apply to an application whose sole object is the carrying out of a project that relates to housing intended for persons requiring protection.

2002, c. 37, s. 26; 2021, c. 31, s. 132; 2023, c. 12, s. 83.

145.34. The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a conditional use submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the establishment or exercise of the use.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the passing of the resolution, the clerk or the clerk-treasurer shall transmit a certified copy of the resolution to the applicant.

2002, c. 37, s. 26; 2021, c. 31, s. 132.

145.35. Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution by which the council grants the application for authorization of a conditional use, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the conditional use authorization.

2002, c. 37, s. 26.

DIVISION X.1

INCENTIVE ZONING

2023, c. 12, s. 84.

145.35.1. The council of a municipality that has an advisory planning committee may, in accordance with the policy directions defined for that purpose in the planning program, adopt an incentive zoning by-law.

2023, c. 12, s. 84.

145.35.2. The by-law may contain any standard that complies with section 113, excluding a standard relating to uses, and that is intended to apply in replacement of a standard contained in the zoning by-law. A replacement standard applies to a project subject to the making of an agreement between the municipality and the applicant for the building permit or certificate of authorization related to the project.

The by-law must

(1) describe any prestation, included among the following categories, that may be required of the applicant under an agreement:

(a) integrating affordable, social or family housing units in the project,

(b) complying with any condition relating to the carrying out of the project that enables environmental performance objectives to be achieved,

(c) carrying out or establishing, on the site to which the application relates or near that site, any development or equipment of public interest, and

(d) preserving or restoring an immovable that has heritage value;

(2) set the criteria based on which any such prestation may be required or provide that the council of the municipality is to decide in each case which prestation is required; and

(3) determine the financial guarantees that may be required of the applicant.

2023, c. 12, s. 84.

145.35.3. The agreement between the municipality and the applicant may set out any condition relating to the performance of the applicant's prestation.

2023, c. 12, s. 84.

145.35.4. The resolution that authorizes the making of an agreement referred to in section 145.35.3 must state the replacement standards that apply to the applicant's project and contain a detailed description of the prestation to which the applicant is bound.

The council must, before authorizing the making of such an agreement, submit a draft agreement to the advisory planning committee.

The council may also submit the draft agreement to a public consultation held in accordance with sections 125 to 127, with the necessary modifications.

2023, c. 12, s. 84.

DIVISION XI

SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE

2002, c. 37, s. 26.

145.36. The council of a municipality that has an advisory planning committee may adopt a by-law concerning specific construction, alteration or occupancy proposals for an immovable.

The object of the by-law is to enable the council to authorize, upon application and subject to certain conditions, a specific construction, alteration or occupancy proposal in respect of an immovable if the proposal is at variance with a by-law under this chapter.

To be authorized, a specific proposal must be consistent with the aims of the municipality's planning program.

2002, c. 37, s. 26.

145.37. The by-law must

(1) delimit the part of the territory of the municipality where a specific proposal may be authorized, which part may not include a zone where land occupation is subject to special restrictions for reasons of public safety;

(2) determine the procedure for an application for authorization of a specific proposal, in particular the documents to be submitted with the application;

(3) determine the criteria to be used to assess an application for authorization of a specific proposal.

The by-law may define classes of specific proposals and prescribe different rules according to the classes, the parts of the territory or combinations of a class and such a part.

2002, c. 37, s. 26.

145.38. The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a specific proposal submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the carrying out of the proposal.

Sections 124 to 137, 137.2 to 137.5 and 137.15 apply, with the necessary modifications, in respect of the resolution by which the council grants the application; however, where there is no metropolitan plan or RCM plan in force in the territory of the municipality, section 137.16 applies instead of sections 137.2 to 137.5 and 137.15. For that purpose, the resolution is subject to approval by way of referendum where the specific proposal is at variance with a provision referred to in subparagraph 1 of the third paragraph of section 123, subject to the first paragraph of section 123.1.

However, sections 125 to 127 and 145.39 do not apply with respect to a resolution whose sole purpose is to authorize the carrying out of a project that relates to housing intended for persons requiring protection.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the coming into force of the resolution, the clerk or the clerk-treasurer shall transmit a certified copy of the resolution to the applicant.

2002, c. 37, s. 26; 2002, c. 68, s. 52; 2010, c. 10, s. 70; 2021, c. 31, s. 132; 2023, c. 12, s. 85.

145.39. As soon as practicable after the passing under section 124 of a draft resolution granting the application for authorization of a specific proposal, the clerk or the clerk-treasurer of the municipality shall, by means of a poster or sign placed in full view on the site to which the application relates, indicate the nature of the application and the place where any person interested may obtain information relating to the specific proposal.

That obligation ceases when the council passes the resolution granting the application for authorization or declines to do so. However, where the resolution passed must be approved by qualified voters, the obligation ceases when the referendum process ends.

2002, c. 37, s. 26; 2021, c. 31, s. 132.

145.40. Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution in force by which the council grants the application for authorization of a specific proposal, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the specific proposal authorization.

2002, c. 37, s. 26.

DIVISION XII

OCCUPANCY AND MAINTENANCE OF BUILDINGS

2004, c. 20, s. 9.

145.41. Every municipality is required to maintain in force a by-law relating to the occupancy and maintenance of buildings, which must contain standards to

(1) prevent the decline of buildings; and

(2) protect buildings from weather damage and preserve the integrity of their structure.

The by-law may

(1) establish any standard and prescribe any measure relating to the occupancy and maintenance of buildings;

(2) determine any building, other than a heritage immovable within the meaning of paragraph 1 of section 148.0.1, that is not subject to the by-law; and

(3) define classes of buildings and prescribe different rules according to such classes, to parts of territory, or to combinations of such a class and such a part.

If a building is decrepit or dilapidated, a municipality may require that restoration, repair or maintenance work be carried out. The municipality must send the owner of the building a written notice indicating the work to be done to bring the building into conformity with the standards and measures prescribed by regulation and the time limit for carrying out the work. The municipality may grant additional time.

If the owner fails to carry out the work, the Superior Court may, on application by the municipality, authorize the latter to carry it out and recover the cost from the owner. The application is heard and decided by preference.

The cost of such work constitutes a prior claim on the immovable on which the work is carried out in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code. The cost is secured by a legal hypothec on the immovable.

2004, c. 20, s. 9; I.N. 2016-01-01 (NCCP); 2021, c. 10, s. 95.

145.41.1. If the owner of a building does not comply with the notice sent under the third paragraph of section 145.41, the council may require a notice of deterioration containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the municipality and the address of its office, and the title, number and date of the resolution by which the council requires the notice to be registered;

(3) the title and number of the by-law made under the first paragraph of section 145.41; and

(4) a description of the work to be carried out.

No notice of deterioration may be registered in respect of an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

2017, c. 13, s. 14; 2021, c. 10, s. 96.

145.41.2. If the municipality ascertains that the work prescribed in the notice of deterioration has been carried out, the council shall, within 60 days after that fact is ascertained, require that a notice of regularization be registered in the land register; the notice of regularization must contain, in addition to the information in the notice of deterioration, the registration number of the notice of deterioration and an entry that the work described in that notice has been carried out.

2017, c. 13, s. 14.

145.41.3. Within 20 days after the registration of any notice of deterioration or notice of regularization, the municipality shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

2017, c. 13, s. 14.

145.41.4. The municipality shall keep a list of the immovables for which a notice of deterioration has been registered in the land register. It shall publish this list on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

The list must contain, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the municipality shall withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

2017, c. 13, s. 14.

145.41.5. A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 9 of the Act respecting expropriation (chapter E-25), been vacant for the period set by the council by by-law, which period may not be less than one year;

(2) the immovable's decrepit or dilapidated state entails a risk for the health or safety of persons; or

(3) the immovable is a heritage immovable within the meaning of paragraph 1 of section 148.0.1.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).

2017, c. 13, s. 14; 2018, c. 8, s. 2; 2021, c. 10, s. 97; 2023, c. 27, s. 184.

145.41.6. The by-law relating to the occupancy and maintenance of buildings may provide that an offence under any of its provisions is punishable by a fine of which it prescribes the minimum and maximum amounts, provided the maximum does not exceed $250,000.

The by-law may prescribe separate minimum and maximum amounts for a second or subsequent offence or for cases where the offender is not a natural person.

The fine prescribed for a second or subsequent offence may be imposed, regardless of a change in owner, if a notice of deterioration was registered in the land register in accordance with this division before the new owner acquired the building.

2021, c. 10, s. 98.

145.41.7. In determining the penalty for an offence referred to in section 145.41.6, the judge shall take into account the following aggravating factors, among others:

(1) whether the offender acted intentionally or was negligent or reckless;

(2) the seriousness of the harm or the risk of harm to human health or safety;

(3) the intensity of the nuisances suffered by the neighbourhood;

(4) the foreseeable character of the offence or the failure to follow the recommendations or warnings to prevent it, including where work described in a notice referred to in the third paragraph of section 145.41 or in a deterioration notice was not carried out;

(5) whether the building concerned is a heritage immovable within the meaning of paragraph 1 of section 148.0.1;

(6) whether the offender's actions or omissions resulted in so much deterioration to the building that the only useful remedy is to demolish it; and

(7) the offender's attempts to cover up the offence or failure to try to mitigate its consequences.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

2021, c. 10, s. 98.

DIVISION XIII

RESTRICTIONS ON THE ISSUE OF PERMITS OR CERTIFICATES BY REASON OF CERTAIN CONSTRAINTS

2009, c. 26, s. 3.

145.42. The council of a municipality that has an advisory planning committee may, by by-law, in any part of the territory divided for the purposes of subparagraph 16 or 16.1 of the second paragraph of section 113 or subparagraph 4 or 4.1 of the second paragraph of section 115, subordinate the issue of a construction or subdivision permit or a certificate of authorization to the production by the applicant of an expert assessment for the purpose of providing the council with information on the relevance of issuing the permit or certificate and on any conditions on which it should be issued given those constraints.

The by-law identifies the constraints and, on the basis in particular of those constraints and the different types of permit and certificate, determines the types of expert assessment required and what each must contain.

Where such a by-law is in force, the council shall render its decision after receiving the opinion of the advisory planning committee. If, in light of the expert assessment produced by the applicant and the committee's opinion, the council decides to authorize the issue of the permit or certificate, it may, given the applicable constraints, subordinate the issue to any condition, which may in particular apply to the carrying out of work.

2009, c. 26, s. 3; 2023, c. 12, s. 86.

145.43. Despite sections 120, 121 and 122, on presentation of a certified copy of the resolution under which the council authorizes the issue of the permit or certificate, the officer referred to in any of those sections shall issue the permit or certificate if the conditions set out in that section are satisfied, as well as any other condition that must be satisfied under the resolution no later than the time of issue.

An authenticated copy of the resolution that prescribes conditions for the issue of a permit or a certificate must be joined to the permit or certificate issued.

2009, c. 26, s. 3.

CHAPTER V

CONSTITUTION OF PLANNING ADVISORY COMMITTEES

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

(1) establish a planning advisory committee composed of at least one member of the council and of such number of members as it shall determine, who are chosen from among the persons resident in the territory of the municipality;

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

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

(4) provide that the term of office of the members must not exceed two years and that it may be renewed.

1979, c. 51, s. 146; 1996, c. 2, s. 56.

147. The members and officers of the committee are appointed by resolution of the council of the municipality.

The council may also appoint to the committee any persons whose services it may require for the performance of its functions.

1979, c. 51, s. 147.

148. The council may vote and place at the disposal of the committee the amounts of money the committee needs to fulfil its functions.

1979, c. 51, s. 148.

CHAPTER V.0.0.1

CONSTITUTION OF LAND DEVELOPMENT ADVISORY COMMITTEES

2021, c. 7, s. 17.

148.0.0.1. The council of a regional county municipality may, by by-law,

(1) establish a land development advisory committee composed of the number of members it determines, including at least two who are members of a municipal council from different municipalities, the other members being chosen, following a public invitation for applications, from among the residents of the territory of the regional county municipality, provided those members are the majority on the committee;

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

(3) provide that the term of office of the members must not exceed two years and that it may be renewed.

2021, c. 7, s. 17.

148.0.0.2. The council may, by by-law, assign the following powers to the committee:

(1) giving opinions and making recommendations with regard to planning and to regional by-laws;

(2) for the benefit of municipalities that do not have an advisory planning committee and whose territories are comprised in that of the regional county municipality, giving the opinions and making the recommendations under the purview of such a committee; and

(3) in an unorganized territory, giving the opinions and making the recommendations under the purview of an advisory planning committee.

2021, c. 7, s. 17.

148.0.0.3. The members of the committee are appointed by resolution of the council of the regional county municipality.

The council may also appoint to the committee any persons whose services it may require for the performance of its functions.

2021, c. 7, s. 17.

148.0.0.4. The council may vote and place at the disposal of the committee the amounts of money the committee needs to fulfil its functions.

2021, c. 7, s. 17.

148.0.0.5. If the committee has the power to exercise the functions of an advisory planning committee, each municipality whose territory is comprised in that of the regional county municipality has the same powers and is subject to the same obligations as if it had an advisory planning committee.

2021, c. 7, s. 17.

148.0.0.6. Before the committee gives an opinion or makes a recommendation referred to in section 148.0.0.2, a representative of the municipality concerned must have an opportunity to submit observations.

2021, c. 7, s. 17.

148.0.0.7. The council of a regional county municipality that wishes to dissolve the committee or to withdraw its power to exercise the functions of an advisory planning committee for the benefit of municipalities whose territories are comprised in that of the regional county municipality must, at least 60 days before the adoption of a by-law to that effect, pass a resolution stating its intention and send the resolution, as soon as practicable, to all such municipalities.

Any by-law whose adoption is subject by law to the requirement for the municipality to have an advisory planning committee becomes inoperative on the coming into force of a by-law referred to in the first paragraph, as long as the municipality does not have such a committee.

2021, c. 7, s. 17.

CHAPTER V.0.1

DEMOLITION OF IMMOVABLES

2005, c. 6, s. 134.

148.0.1. In this Chapter,

(1) “heritage immovable” means an immovable recognized in accordance with the Cultural Heritage Act (chapter P-9.002) situated on a heritage site recognized in accordance with that Act or registered in an inventory referred to in the first paragraph of section 120 of that Act; and

(2) “dwelling” means a dwelling within the meaning of the Act respecting the Administrative Housing Tribunal (chapter T-15.01).

2005, c. 6, s. 134; 2019, c. 28, s. 158; 2021, c. 10, s. 99.

148.0.2. Every municipality is required to maintain in force a by-law relating to the demolition of immovables, which by-law must

(1) prohibit the demolition of an immovable, except if the owner has obtained authorization to demolish it from a committee referred to in section 148.0.3;

(2) prescribe the procedure for applying for an authorization;

(3) establish the criteria to be used to assess an application for authorization, including the condition of the immovable that is the subject of the application, its heritage value, the deterioration of the quality of life in the neighbourhood, the cost of its restoration, the intended use of the vacated land and, when the immovable includes one or more dwellings, the prejudice caused to lessees and the effects on housing needs in the area; and

(4) establish specific criteria for assessing an application for authorization relating to a heritage immovable, including the immovable's history, contribution to local history, degree of authenticity and integrity, representativeness of a particular architectural movement, and contribution to an ensemble to be preserved.

2005, c. 6, s. 134; 2006, c. 60, s. 1; 2021, c. 10, s. 100.

148.0.2.1. The by-law provided for in section 148.0.2 may

(1) prescribe that, before an application for authorization is considered, the owner must submit an expert assessment to the committee, in particular a heritage study, or a preliminary program for the utilization of the vacated land;

(2) prescribe that a document referred to in paragraph 1 be submitted after the committee has rendered an affirmative decision on the application for authorization to demolish, rather than before the application is considered, in which case authorization to demolish is conditional on confirmation by the committee of its decision after it has analyzed the document;

(3) prescribe that the owner must provide the municipality, prior to the issuance of an authorization certificate, with a financial guarantee to ensure that all conditions set by the committee are complied with;

(4) provide, in the case of an application for authorization not relating to a heritage immovable, that the public notice provided for in section 148.0.5 is not required;

(5) exempt any decision of the committee, excluding an authorization to demolish a heritage immovable, from the review provided for in section 148.0.19, or prescribe the qualifications required to apply for the review of a decision of the committee other than such an authorization;

(6) determine any immovable, other than a heritage immovable, that is not subject to the by-law; and

(7) define classes of immovables and prescribe different rules according to such classes, to parts of territory or to combinations of a class and such a part.

2021, c. 10, s. 100.

148.0.3. The council must establish a committee to authorize applications for demolition and to exercise any other powers conferred on it by this chapter.

This committee shall be composed of three council members designated by the council for one year. Their term is renewable.

By the by-law adopted under section 148.0.2, the council may assign itself the functions conferred on the committee by this chapter, in which case sections 148.0.1 to 148.0.2.1, 148.0.5 to 148.0.18 and 148.0.20.1 to 148.0.24 apply to the council, with the necessary modifications.

2005, c. 6, s. 134; 2021, c. 10, s. 101.

148.0.4. *(Repealed).*

2005, c. 6, s. 134; 2006, c. 60, s. 2; 2017, c. 13, s. 15; 2021, c. 10, s. 102.

148.0.5. On being seized of an application for authorization to demolish, the committee must have a notice of the application, easily visible to passers-by, posted on the immovable referred to in the application. Furthermore, it must immediately have a public notice of the application published, except in the cases provided for in the by-law adopted under section 148.0.2.

Every notice referred to in this section must reproduce the first paragraph of section 148.0.7.

If the application relates to a heritage immovable, a copy of the public notice must immediately be sent to the Minister of Culture and Communications.

2005, c. 6, s. 134; 2021, c. 10, s. 103.

148.0.6. The applicant must send a notice of the application to each of the lessees of the immovable, where applicable.

2005, c. 6, s. 134.

148.0.7. A person wishing to oppose the demolition must do so by writing to the clerk or clerk-treasurer of the municipality, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.

Before rendering its decision, the committee must consider the objections received. Its sittings are public.

The committee must hold a public hearing when the application for authorization relates to a heritage immovable and in any other case where it considers it advisable to do so.

2005, c. 6, s. 134; 2021, c. 10, s. 104; 2021, c. 31, s. 132.

148.0.8. When the immovable that is the subject of the application includes one or more dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the committee has not rendered its decision, intervene in writing with the clerk or the clerk-treasurer to ask for time to undertake or pursue negotiations to acquire the immovable.

Such an intervention may also be made by a person wishing to acquire a heritage immovable that is the subject of an application for authorization to demolish so as to preserve its heritage character.

2005, c. 6, s. 134; 2021, c. 10, s. 105; 2021, c. 31, s. 132.

148.0.9. The committee shall postpone its decision if it believes that the circumstances justify it, and shall grant the intervener a period of not more than two months from the end of the hearing to terminate the negotiations. The committee may not postpone its decision for that reason more than once.

2005, c. 6, s. 134.

148.0.10. If the committee is seized of an application relating to a heritage immovable and the municipality has a local heritage council within the meaning of section 117 of the Cultural Heritage Act (chapter P-9.002), the committee must consult that council before rendering its decision.

The committee may consult the local heritage council or the planning advisory committee in any other case where it considers it advisable to do so.

2005, c. 6, s. 134; 2021, c. 10, s. 106.

148.0.11. *(Repealed).*

2005, c. 6, s. 134; 2017, c. 13, s. 16.

148.0.12. If the committee grants the authorization, it may impose conditions for the demolition of the immovable or the utilization of the vacated land. It may, in particular, determine the conditions on which a lessee may be relocated, when the immovable includes one or more dwellings.

2005, c. 6, s. 134.

148.0.13. The lessor to whom authorization to demolish has been granted may evict a lessee to demolish a dwelling.

However, no lessee may be compelled to leave a dwelling before the term of the lease or before the expiry of three months from the issuance of the authorization certificate, whichever is later.

2005, c. 6, s. 134.

148.0.14. The lessor must pay an indemnity equal to three months' rent and moving expenses to a lessee evicted from a dwelling. If the damages resulting from the prejudice caused to the lessee exceed that sum, the lessee may apply to the Administrative Housing Tribunal to set the amount of the damages.

The indemnity is payable when the lessee leaves the dwelling, and the moving expenses, on presentation of the vouchers.

2005, c. 6, s. 134; 2019, c. 28, s. 158.

148.0.15. If the committee grants the authorization, it may set the time within which the demolition work must be undertaken and completed.

It may, for reasonable cause, change the time set, provided that the application for the change is made before the time has expired.

2005, c. 6, s. 134.

148.0.16. If the demolition work is not undertaken before the expiry of the time set by the committee, the authorization is without effect.

If a lessee continues to occupy a dwelling on the expiry date, the lease is extended of right and the lessor may, within one month, apply to the Administrative Housing Tribunal to set the rent.

2005, c. 6, s. 134; 2019, c. 28, s. 158.

148.0.17. If the work is not completed within the time set, the council may have it carried out and recover the costs of the work from the owner. The costs constitute a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code; the costs are secured by a legal hypothec on the land.

2005, c. 6, s. 134.

148.0.18. The committee's decision concerning the demolition must be substantiated and immediately sent to every party concerned by registered mail.

The decision must be accompanied with a notice explaining the rules that are applicable from among those set out in sections 148.0.19 to 148.0.21.

2005, c. 6, s. 134; I.N. 2016-01-01 (NCCP); 2021, c. 10, s. 107.

148.0.19. Subject to the provisions of a by-law referred to in section 148.0.2, any person may, within 30 days of a decision of the committee, apply to the council for a review of the decision.

The council may, on its own initiative, within 30 days of a decision of the committee authorizing the demolition of a heritage immovable, pass a resolution stating its intention to review the decision.

Any member of the council, including a member of the committee, may sit on the council to review a decision of the committee.

2005, c. 6, s. 134; 2021, c. 10, s. 108.

148.0.20. The council may confirm a decision of the committee or make the decision that the committee should have made.

2005, c. 6, s. 134.

148.0.20.1. If the committee authorizes the demolition of a heritage immovable and that decision is not the subject of a review under section 148.0.19, a notice of the decision must be notified without delay to the regional county municipality whose territory includes that of the municipality. If the council authorizes such a demolition following the review of a decision of the committee, a notice of the review decision must also be notified without delay to the regional county municipality.

A notice under the first paragraph must be accompanied with copies of all the documents produced by the owner.

The council of the regional county municipality may, within 90 days after receiving the notice, disallow the decision of the committee or council. It may, if the regional county municipality has a local heritage council within the meaning of section 117 of the Cultural Heritage Act (chapter P-9.002), consult that council before exercising its power of disallowance.

A resolution passed by the regional county municipality under the third paragraph must include reasons and a copy must immediately be sent to the municipality and to every party concerned, by registered mail.

2021, c. 10, s. 109.

148.0.20.2. Section 148.0.20.1 does not apply to 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.

2021, c. 10, s. 109.

148.0.21. No certificate authorizing demolition may be issued by the person designated under paragraph 7 of section 119 before the expiry of 30 days as provided in section 148.0.19 or, if there has been a review under that section, before the council has rendered a decision authorizing the demolition.

Where section 148.0.20.1 applies, no certificate authorizing demolition may be issued before the earlier of the following:

(1) the date on which the regional county municipality notifies the municipality that it does not intend to avail itself of the power of disallowance provided for in the third paragraph of that section; or

(2) the expiry of the 90 days provided for in that paragraph.

2005, c. 6, s. 134; 2021, c. 10, s. 110.

148.0.22. A person who demolishes an immovable or has it demolished without the committee's authorization or in contravention of the conditions of the authorization is liable to a fine of not less than $10,000 and not more than $250,000. However, the maximum fine is $1,140,000 in the case of the demolition, by a legal person, of an immovable recognized in accordance with the Cultural Heritage Act (chapter P-9.002) or situated on a heritage site recognized in accordance with that Act.

In addition, the by-law referred to in section 148.0.2 may require that person to restore the immovable so demolished to its former condition. If the offender fails to restore the immovable in accordance with the by-law, the council may have the work carried out and recover the costs from the offender, in which case section 148.0.17 applies, with the necessary modifications.

2005, c. 6, s. 134; 2017, c. 13, s. 17; 2021, c. 10, s. 111.

148.0.23. Throughout the demolition work, a copy of the authorization certificate must be in the possession of a person in authority on the premises. A municipal officer designated by the council may enter the premises where the work is being carried out at any reasonable time to ascertain whether the demolition is in conformity with the committee's decision. On request, the officer must provide identification and produce a certificate issued by the municipality attesting the authority vested in the officer.

A person who

(1) refuses to allow a municipal officer on the premises where the demolition work is being carried out; or

(2) is the person in authority responsible for the demolition work and who, on the premises where the demolition work is to take place, refuses to show a municipal officer a copy of the authorization certificate

is liable to a fine not exceeding $500.

2005, c. 6, s. 134.

148.0.24. A member of the council who ceases to be a member of the committee before the end of that member's term of office, is unable to act, or has a direct or indirect personal interest in a matter of which the committee is seized, is replaced by another member of the council designated by the council for the unexpired portion of the term, for the duration of the inability or for the duration of the hearing of the matter in which the member has an interest, as the case may be.

2005, c. 6, s. 134.

148.0.25. Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, on the conditions and in the sectors of the territory of the municipality it determines, order that a subsidy be granted for the demolition of buildings beyond repair, unsuited to their purpose or incompatible with their environment, or for landscaping or repairing immovables following a demolition project.

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

2005, c. 6, s. 134.

148.0.26. The municipality may establish classes of immovables and classes of work, and combine them, for the purposes mentioned in section 148.0.25. It may establish different conditions for different classes and combinations of classes and order that a subsidy be granted only for one or some of them.

The municipality may have recourse to the first paragraph in a different manner for different sectors of its territory that it determines.

2005, c. 6, s. 134.

CHAPTER V.1

AGRICULTURAL ADVISORY COMMITTEES

1987, c. 102, s. 22; 1996, c. 26, s. 68.

DIVISION I

PROVISIONS COMMON TO METROPOLITAN COMMUNITIES AND REGIONAL COUNTY MUNICIPALITIES

2010, c. 10, s. 71.

148.1. A responsible body whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) shall establish an agricultural advisory committee.

Any other responsible body may pass a by-law to establish such a committee.

1987, c. 102, s. 22; 1996, c. 26, s. 68; 2010, c. 10, s. 72.

148.2. A responsible body that has established an agricultural advisory committee shall determine, by by-law, the number of members who will sit on the committee.

1987, c. 102, s. 22; 1996, c. 26, s. 68; 2010, c. 10, s. 73.

148.3. The responsible body shall appoint the members of the committee from among the following persons:

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

(1.1) the members of the council of any municipality whose territory is comprised in that of the responsible body, who are not eligible under subparagraph 1;

(2) the farm producers, within the meaning of the Farm Producers Act (chapter P-28), who are not eligible under subparagraph 1 or 1.1, whose residence or registered agricultural operation is situated in the territory of the responsible body, and who are entered on a list drawn up by the certified association within the meaning of that Act;

(3) persons who are not eligible under subparagraph 1, 1.1 or 2 and who reside in the territory of the responsible body.

At least one committee member must be selected from among the persons eligible under subparagraph 1 or 1.1 of the first paragraph and at least half must be selected from among the persons eligible under subparagraph 2 of that paragraph. A responsible body whose territory includes that of a core city must appoint a representative of the core city from among the persons eligible under subparagraph 1 or 1.1 of the first paragraph, unless the core city has previously waived that requirement.

Subject to the second paragraph, the responsible body may determine, by by-law, the number of members who must be selected under each subparagraph of the first paragraph.

The list referred to in subparagraph 2 of the first paragraph must contain a number of names equal to the lesser of twice the minimum number of members of the committee required to be chosen from among the persons mentioned in that subparagraph and the total number of farm producers, within the meaning of the Farm Producers Act, who reside in the territory of the responsible body.

1987, c. 102, s. 22; 1996, c. 26, s. 68; 2002, c. 68, s. 4; 2010, c. 10, s. 111; 2021, c. 7, s. 18.

148.4. The responsible body shall, by by-law, fix the term of office of the members of the committee. It may, in the same manner, provide for the cases in which a member of the committee may be replaced before the expiry of his term.

A member shall cease to be a member upon the expiry of his term or upon being replaced, resigning, or ceasing to be eligible under the first paragraph of section 148.3. A member appointed under a particular subparagraph of that paragraph, pursuant to the second paragraph of that section or pursuant to a by-law adopted under the third paragraph of that section, shall cease to be a member upon ceasing to be eligible under that subparagraph.

A member may resign by transmitting a signed resignation to the responsible body. The resignation takes effect on its date of receipt.

1996, c. 26, s. 68; 2010, c. 10, s. 74.

148.5. The responsible body shall designate the chairman of the committee from among its members. The first paragraph of section 148.4, adapted as required, applies to the chairman.

The chairman shall cease to hold office upon the expiry of his term or upon being replaced, ceasing to be a member of the committee or resigning from the office of chairman.

The chairman may resign by transmitting a signed resignation to the responsible body. The resignation takes effect on its date of receipt.

1996, c. 26, s. 68; 2010, c. 10, s. 111.

148.6. The function of the committee is to examine, at the request of the council of the responsible body or on its own initiative, any matter relating to agricultural land planning, the practice of agricultural activities and the environmental aspects pertaining to such planning and practice.

A further function of the committee is to make the recommendations it considers appropriate regarding the matters it has examined to the council of the responsible body.

1996, c. 26, s. 68; 2010, c. 10, s. 111.

148.7. The committee may establish rules for its internal management.

Subject to sections 148.8 to 148.11, the meetings of the committee shall be called and held according to any such rules.

1996, c. 26, s. 68.

148.8. The chairman of the committee shall preside at meetings of the committee.

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

1996, c. 26, s. 68.

148.9. The quorum at meetings of the committee is a majority of the members of the committee.

1996, c. 26, s. 68.

148.10. Each member of the committee has one vote.

1996, c. 26, s. 68.

148.11. The rules of internal management and the recommendations of the committee shall be adopted by a majority of the votes cast.

The committee shall give an account of its work and its recommendations in a report signed by its chairman or by a majority of its members.

The report shall be tabled at a sitting of the council of the responsible body.

1996, c. 26, s. 68; 2010, c. 10, s. 111.

148.12. The responsible body may allocate funds and assign personnel to assist the committee in fulfilling its functions.

1996, c. 26, s. 68; 2010, c. 10, s. 111.

148.13. For the purposes of the legislative provisions governing the responsible body with respect to the reimbursement of the expenses of the members of the council, the office of chairman or committee member is deemed to be an office for which the members of the council may be entitled to the reimbursement of their expenses.

The responsible body may, following the same procedure as for the reimbursement of the expenses of the members of the council, establish rules relating to the reimbursement of the expenses of the chairman and of the other committee members who are not council members.

1996, c. 26, s. 68; 2010, c. 10, s. 111.

DIVISION II

PROVISION SPECIFIC TO THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

2010, c. 10, s. 75.

148.13.1. *(Repealed).*

2010, c. 10, s. 75; 2021, c. 7, s. 19.

CHAPTER VI

GOVERNMENT INTERVENTIONS

149. Sections 150 to 157 apply to interventions through which the Government, any of its ministers or any mandatary of the State

(1) begins to use an immovable, in the case either where the immovable is unused or, if the opposite is true, where the Government, any of its ministers or any mandatary of the State changes the use to which it puts the immovable;

(2) carries out work on the soil;

(3) builds, installs, demolishes, removes, enlarges or moves a building, equipment or infrastructure;

(4) creates, abolishes or amends the boundaries of an area or natural setting designated under the Natural Heritage Conservation Act (chapter C-61.01), a wildlife preserve, a wildlife sanctuary, a wildlife management area or a park;

(5) delimits part of the lands in the domain of the State to foster the utilization of wildlife resources, or abolishes or changes such delimitation;

(6) authorizes, in accordance with the Act respecting the lands in the domain of the State (chapter T-8.1), the construction of a road other than a road in the forest or a mining road;

(7) authorizes, in accordance with the Sustainable Forest Development Act (chapter A-18.1), the construction of a main multi-purpose road provided for in a forest development plan; or

(8) renders 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 ha.

However, sections 150 to 157 do not apply to

(1) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph, unless such an intervention concerns a component of an electrical network, in a territory referred to in either of subparagraphs 4 and 5 of the first paragraph;

(2) an intervention by Hydro-Québec mentioned in any of subparagraphs 1 to 3 of the first paragraph, other than a building which, under the Hydro-Québec Act (chapter H-5), requires prior authorization by the Government or, under the Act respecting the Régie de l'énergie (chapter R-6.01), requires authorization by the Régie de l'énergie;

(3) an intervention mentioned 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 mentioned in either of subparagraphs 2 and 3 of the first paragraph aimed at restoring the premises after unlawful occupation;

(5) repair or maintenance work;

(6) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph for which the Government, any of its ministers or a mandatary of the State has obtained a municipal authorization without being required to obtain one.

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 or a change of the use of an immovable.

1979, c. 51, s. 149; 1993, c. 3, s. 70; 1998, c. 29, s. 32; 1999, c. 40, s. 18; 2000, c. 22, s. 58; 2002, c. 74, s. 78; 2010, c. 3, s. 256; 2021, c. 1, s. 50; 2023, c. 12, s. 89.

150. The Government or a minister of the Government or a mandatary of the State may make an intervention to which this section applies, in a territory where a metropolitan plan, an RCM plan or an interim control by-law adopted by the council of a responsible body is in force, only if the intervention is deemed, under section 157, to be in conformity with the metropolitan plan, the RCM plan or the by-law. For the purposes of this chapter, conformity with the RCM plan is established in light of the objectives of the RCM plan, and conformity with the by-law is established in light of the provisions of the by-law.

If in the territory concerned, two or more documents referred to in the first paragraph are in force simultaneously and the intervention is in conformity with one of them but not with all of them, the document considered for the purposes of the first paragraph shall be the one containing the provisions applicable to the territory concerned that were brought into force most recently. However, if none of the provisions of the by-law applies to the planned intervention in the territory concerned, the by-law shall not be considered for the purposes of the first paragraph. Nor shall a provision of the by-law that is without effect due to the application of section 71.0.5 be considered.

1979, c. 51, s. 150; 1993, c. 3, s. 70; 1996, c. 25, s. 70; 1999, c. 40, s. 18; 2002, c. 68, s. 52; 2010, c. 10, s. 76; 2010, c. 3, s. 257.

151. Where an intervention mentioned in section 150 is planned, the Minister shall notify an opinion to the responsible body describing the intervention.

The opinion remains valid for three years after the date on which the intervention is deemed under section 157 to be in conformity with the metropolitan plan, the RCM plan or the interim control by-law, and throughout the period during which the intervention continues after those three years, regardless of amendments made to the metropolitan plan, RCM plan or by-law coming into force before the end of the intervention. If the intervention does not begin within those three years and remains a project at the expiry of the three years, the Minister must notify a new opinion in respect of that intervention. The second paragraph of section 150, adapted as required, applies for the purposes of this paragraph.

However, in the case of a construction which, under the Hydro-Québec Act (chapter H-5), requires prior authorization by the Government or, under the Act respecting the Régie de l'énergie (chapter R-6.01), requires authorization by the Régie de l'énergie, the three-year period prescribed in the second paragraph begins to run from the date on which the construction, deemed to be in conformity under section 157, is authorized.

1979, c. 51, s. 151; 1983, c. 19, s. 4; 1993, c. 3, s. 70; 2000, c. 22, s. 59; 2002, c. 68, s. 52; 2003, c. 19, s. 29; 2010, c. 10, s. 77, s. 115; 2010, c. 18, s. 1; I.N. 2016-01-01 (NCCP).

152. The council of the responsible body shall, within 120 days after being notified an opinion pursuant to section 151, give its opinion on the conformity of the planned intervention with the metropolitan plan, the RCM plan or the interim control by-law.

The secretary shall, within the time prescribed in the first paragraph, notify to the Minister a certified copy of the resolution stating the council's opinion.

The Minister shall notify, in writing, the responsible body of the date on which he received the copy.

1979, c. 51, s. 152; 1983, c. 19, s. 5; 1993, c. 3, s. 70; 2002, c. 68, s. 52; 2003, c. 19, s. 30; 2010, c. 10, s. 78, s. 115; I.N. 2016-01-01 (NCCP).

153. If the opinion indicates that the planned intervention is not in conformity with the metropolitan plan, the RCM plan or the interim control by-law, the Minister may, within 120 days after receipt of the copy of the resolution stating the council's opinion, request an assessment of conformity from the Commission or require that the council of the responsible body amend the metropolitan plan, the RCM plan or the by-law to ensure such conformity.

If the Minister elects to request an assessment from the Commission, he shall notify his requests to the Commission within the period prescribed in the first paragraph and transmit a copy thereof to the responsible body.

If the Minister elects to request an amendment to the metropolitan plan, the RCM plan or the by-law, the Minister shall notify to the responsible body, within the period prescribed in the first paragraph, a request with reasons, indicating the amendments that must be made to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The Minister must also examine the consistency of each of the amendments with government policy directions and, where applicable, justify any amendment the Minister considers is not consistent. The Minister shall send a copy of the request to every municipality whose territory is situated within the territory of the responsible body.

1979, c. 51, s. 153; 1993, c. 3, s. 70; 2002, c. 68, s. 52; 2003, c. 19, s. 31; 2010, c. 10, s. 79; I.N. 2016-01-01 (NCCP); 2023, c. 12, s. 90.

154. The Commission must give an assessment of the conformity of the planned intervention with the metropolitan plan, the RCM plan or the interim control by-law within 60 days after receipt of a request under the second paragraph of section 153.

Any assessment stating that the intervention is not in conformity with the metropolitan plan, the RCM plan or the by-law may contain the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the assessment to the Minister and to the responsible body.

Where the assessment indicates that the planned intervention is not in conformity with the metropolitan plan, the RCM plan or the by-law, the Minister may, within 30 days after receipt of the copy of the assessment, request that the council of the responsible body amend the metropolitan plan, RCM plan or by-law to ensure its conformity. The third paragraph of section 153, adapted as required, applies in such a case as regards the time prescribed for notifying the request.

1979, c. 51, s. 154; 1982, c. 2, s. 78; 1993, c. 3, s. 70; 2002, c. 68, s. 52; 2010, c. 10, s. 80; I.N. 2016-01-01 (NCCP).

154.1. *(Replaced).*

1983, c. 19, s. 6; 1993, c. 3, s. 70.

155. Within 90 days after notification of the request in accordance with the third paragraph of section 153, the council of the responsible body must adopt a by-law to amend the metropolitan plan, the RCM plan or the interim control by-law to take account of the request.

Sections 48 to 53.4 do not apply to a by-law which amends the metropolitan plan or the RCM plan only so as to take account of the request. For the purposes of sections 53.7 to 53.9 or 65 and 66, the Minister shall give an opinion as to the conformity of the planned intervention with the metropolitan plan, the RCM plan or the interim control by-law, as amended by the by-law, even if the by-law is not in force.

1979, c. 51, s. 155; 1993, c. 3, s. 70; 1996, c. 25, s. 71; 2002, c. 68, s. 52; 2010, c. 10, s. 81; I.N. 2016-01-01 (NCCP).

156. If the council of the responsible body fails to adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to take account of the Minister's request, the Government may act in the place of the council in accordance with the provisions of this section.

Once the council has failed to act, the Minister shall produce a document describing the planned intervention and the amendments to be made to the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the intervention with the metropolitan plan, the RCM plan or the by-law. The Minister shall send a copy of the document to the responsible body and to every municipality whose territory is situated within the territory of the responsible body.

The Minister shall, through a representative, hold one or more public consultation meetings on the document referred to in the second paragraph. The representative shall fix the date, time and place of each meeting.

Not later than 15 days before the day preceding a meeting, the Minister or his representative shall publish, in a newspaper circulated in the territory of the responsible body, a notice of the date, time, place and object of the meeting. The notice shall also include a summary of the document referred to in the second paragraph and mention that a copy of the document may be examined in the office of every municipality whose territory is comprised in the territory of the responsible body.

At such a meeting, the Minister's representative shall explain the document referred to in the second paragraph and hear the persons and bodies wishing to be heard.

After the meeting or, as the case may be, the last of the meetings, the Government may, by order, adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The by-law adopted by the Government is deemed to have been adopted by the council of the responsible body. As soon as practicable

after the adoption of the government order, the Minister shall send a copy of the order and of the by-law to the responsible body. The by-law comes into force on the date mentioned in the government order.

1979, c. 51, s. 156; 1993, c. 3, s. 70; 2002, c. 68, s. 52; 2010, c. 10, s. 82.

157. The planned intervention is deemed to be in conformity with the metropolitan plan, the RCM plan or the interim control by-law,

(1) where the council of the responsible body or the Commission gives an opinion or an assessment confirming the conformity;

(2) where the council of the responsible body does not give an opinion on the conformity within the time prescribed in the first paragraph of section 152;

(3) upon the coming into force of a by-law amending the metropolitan plan, RCM plan or interim control by-law adopted either by the council of the responsible body to take into account a request from the Minister notified under the third paragraph of section 153 or by the Government in accordance with the sixth paragraph of section 156.

1979, c. 51, s. 157; 1993, c. 3, s. 70; 2002, c. 68, s. 52; 2010, c. 10, s. 83; I.N. 2016-01-01 (NCCP).

CHAPTER VII

SPECIAL PLANNING ZONES

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

1979, c. 51, s. 158.

159. A special planning zone shall be created for the purpose of solving a development or environmental problem whose urgency or seriousness, in the opinion of the Government, warrants its intervention.

1979, c. 51, s. 159; 1996, c. 25, s. 72.

160. The order shall include the following components:

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

(2) a statement of the objectives pursued;

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

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

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

1979, c. 51, s. 160.

161. A special planning zone order may be passed only if a draft order has been previously published in the *Gazette officielle du Québec* and notified to each responsible body or municipality concerned.

1979, c. 51, s. 161; 1993, c. 3, s. 71; 2003, c. 19, s. 32; 2010, c. 10, s. 84; I.N. 2016-01-01 (NCCP).

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

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

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

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

1979, c. 51, s. 162.

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

The second, third, fourth and fifth paragraphs of section 156, adapted as required, apply to such consultation.

1979, c. 51, s. 163; 1993, c. 3, s. 72.

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

A copy of the order shall be notified to each responsible body or municipality concerned.

1979, c. 51, s. 164; 2003, c. 19, s. 33; 2010, c. 10, s. 85; I.N. 2016-01-01 (NCCP).

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

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

1979, c. 51, s. 165; 2010, c. 10, s. 111.

CHAPTER VIII

PROTECTION OF WETLANDS AND BODIES OF WATER

1987, c. 53, s. 5; 2017, c. 14, s. 44.

165.1. *(Repealed).*

1987, c. 53, s. 5; 1993, c. 3, s. 73.

165.2. If the Minister of Sustainable Development, Environment and Parks is of the opinion that a zoning, subdivision or building by-law of a municipality, considering the distinctive features of the locality, fails to provide adequate protection for wetlands and bodies of water, he may request the municipality to amend it if he thinks it expedient.

Such a request is made by way of an opinion, briefly stating reasons, setting forth the nature and purpose of the amendments to be made to the by-law and transmitted to the municipality.

The Minister shall transmit a copy of the opinion to every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality.

1987, c. 53, s. 5; 1993, c. 3, s. 74; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2003, c. 19, s. 34; 2006, c. 3, s. 35; 2010, c. 10, s. 86, s. 115; 2017, c. 14, s. 45; 2021, c. 7, s. 20.

165.3. Sections 137.3 to 137.5 and 137.15 do not apply to the by-law passed by the municipality to comply with the opinion of the Minister.

Copy of the amending by-law shall be transmitted to the Minister upon passage.

The by-law comes into force in accordance with the Act governing the municipality in that matter.

1987, c. 53, s. 5; 1993, c. 3, s. 75; 2010, c. 10, s. 115.

165.4. If, on the expiry of 90 days from receipt of the opinion of the Minister, the council of the municipality has not amended its by-law in accordance with the opinion, the Minister may exercise his regulation making powers to bring it into conformity with his opinion, in place and instead of the municipality.

The making by the Minister of the regulation contemplated in the first paragraph is not subject to any preliminary formalities.

The regulation comes into force on the day of its publication in the *Gazette officielle du Québec* and has the same effect as a by-law passed by the council of the municipality.

Notice of the coming into force of the regulation shall be transmitted to the municipality and to every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality.

1987, c. 53, s. 5; 2003, c. 19, s. 35; 2010, c. 10, s. 87, s. 115.

CHAPTER IX

SPECIAL PROVISIONS REGARDING HOG FARMS

2004, c. 20, s. 10.

DIVISION I

GENERAL PROVISIONS

2004, c. 20, s. 10.

165.4.1. An applicant for a permit or certificate for building, converting or expanding a building intended for hog farming must present the following documents signed by a member of the Ordre des agronomes du Québec together with the application:

(1) a document stating whether or not an agro-environmental fertilization plan has been established for the hog farm for which an application is made;

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

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

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

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

(c) the annual phosphoric anhydride production resulting from the activities inherent in hog raising.

For the purposes of this chapter, "annual production of phosphoric anhydride" means the product obtained by multiplying the annual volume in cubic metres of manure resulting from the activities inherent in hog raising by the average phosphoric anhydride concentration in kilograms per cubic metre of that manure.

2004, c. 20, s. 10.

165.4.2. Within 30 days after receipt of the application for the building permit or certificate, the competent municipal officer shall inform the applicant of the admissibility or inadmissibility of the application under the applicable municipal regulations, and issue the permit or certificate if the application is admissible.

However, sections 165.4.3 to 165.4.17 apply prior to the issue of the permit or certificate

(1) if the application concerns a new hog farm in the territory of the municipality;

(2) if the application involves an increase of more than 3,200 kilograms in the annual production of phosphoric anhydride by 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 second paragraph, a hog farm is deemed to be a new hog farm if it cannot be operated in the immovable where the existing hog farm is operated or in an immovable contiguous to it or that would be contiguous if it were not separated by a watercourse, a thoroughfare or a public utility network.

2004, c. 20, s. 10.

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

2004, c. 20, s. 10.

DIVISION II

PUBLIC CONSULTATION

2004, c. 20, s. 10.

165.4.4. Depending on whether the project for which the application is made does or does not require an authorization under the Environment Quality Act (chapter Q-2), the Minister of Sustainable Development, Environment and Parks shall send the municipality either an authenticated copy of the authorization or written confirmation that no authorization is required.

The authorization or confirmation must be sent within 15 days after it is issued.

2004, c. 20, s. 10; 2006, c. 3, s. 35; I.N. 2020-02-01.

165.4.5. Within 30 days after either the date of receipt of the copy of the certificate or the written confirmation or the date on which the competent municipal officer informed the applicant of the admissibility of the application, whichever is later, a public meeting must be held on the permit or certificate application in order to hear the citizens of the municipality and any other interested municipality, to receive their written comments and answer their questions; the municipality also receives written comments until the fifteenth day after the meeting is held.

The meeting is held by a committee chaired by the mayor of the municipality and consisting of 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 mayor is replaced as chair by the acting mayor. A council member who is also the applicant may not form part of the committee.

2004, c. 20, s. 10; 2005, c. 28, s. 6.

165.4.6. The council shall fix the date, time and place of the meeting; it may delegate all or part of that power to the clerk or the clerk-treasurer of the municipality.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

165.4.7. Not later than the fifteenth day before the meeting, the clerk or the clerk-treasurer of the municipality shall post a notice of the date, time, place and purpose of the meeting at the office of the municipality and publish the notice in a newspaper in both the territory of the municipality and the territory of any other interested municipality, and send the notice, by registered mail, to the applicant and

(1) to any other interested municipality;

(2) to the regional county municipality concerned;

(3) to the Minister of Agriculture, Fisheries and Food, the Minister of Sustainable Development, Environment and Parks and the public health director appointed for the region in accordance with section 372 of the Act respecting health services and social services (chapter S-4.2). The ministers and the public health director must delegate representatives to the meeting.

The notice must indicate the location for which the application is made, using the names of thoroughfares insofar as possible, and illustrate that location by means of a sketch.

The notice must mention that all the documents filed by the applicant may be consulted at the office of the municipality; it must also mention that the committee will accept written comments filed at a meeting of the committee and that such comments will be accepted by the municipality until the fifteenth day after the meeting.

2004, c. 20, s. 10; 2006, c. 3, s. 35; I.N. 2016-01-01 (NCCP); 2021, c. 31, s. 132.

165.4.8. During the meeting, the applicant or the applicant's representative shall present the project.

The committee shall hear the citizens of the municipality and of any other interested municipality; the applicant or the applicant's representative, as well as the committee and the representatives of the ministers and the public health director referred to in subparagraph 3 of the first paragraph of section 165.4.7, shall answer any questions.

Written comments may be filed at a meeting of the committee; the committee must mention that such comments will be accepted by the municipality until the fifteenth day after the meeting.

2004, c. 20, s. 10.

165.4.9. Not later than the thirtieth day following the expiry of the period during which the municipality receives written comments, the council shall adopt a report on the consultation.

The resolution by which the report is adopted must include reasons and list the conditions on which the council, under section 165.4.13, intends to issue the permit or certificate.

2004, c. 20, s. 10.

165.4.10. Not later than the fifteenth day after the report is adopted, the clerk or the clerk-treasurer of the municipality shall send the applicant a copy of the report and an authenticated copy of the resolution adopting it, as well as a notice stating that the applicant may request conciliation in accordance with section 165.4.14. The clerk or the clerk-treasurer shall also post at the office of the municipality and publish in a newspaper in both the territory of the municipality and the territory of any other interested municipality, a notice indicating that a person may consult the report and the resolution adopting it at the office of the municipality, or obtain copies of them on payment of a fee.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

DIVISION III

CONSULTATION HELD BY THE REGIONAL COUNTY MUNICIPALITY

2004, c. 20, s. 10.

165.4.11. The public consultation must be held by the regional county municipality whose territory includes that of the municipality if the council of the municipality adopts 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 mail, not later than 15 days after either the date on which the regional county municipality received a copy of the certificate or the written confirmation referred to in section 165.4.4 from the Minister of Sustainable Development, Environment and Parks or the date on which the competent municipal officer informed the applicant of the admissibility of the application, whichever is later.

In that case, within 30 days after receipt of the resolution referred to in the first paragraph, the meeting is held by a committee chaired by the warden and consisting of the mayor of the municipality and at least one other member of the council of the regional county municipality designated by the warden. It must be held in the territory of the municipality.

If the warden or the mayor is also the applicant, the warden or the mayor is replaced by the deputy warden or the acting mayor, respectively.

2004, c. 20, s. 10; 2005, c. 28, s. 7; I.N. 2016-01-01 (NCCP).

165.4.12. The council of the regional county municipality shall fix the date, time and place of the meeting; it may delegate all or part of that power to the secretary.

The regional county municipality shall hold the public meeting in accordance with sections 165.4.7 to 165.4.9, with the necessary modifications.

Not later than the tenth day after the consultation report is adopted under the first paragraph of section 165.4.9, the regional county municipality shall send an authenticated copy of it to the municipality. The municipality shall adopt the resolution referred to in the second paragraph of that section at its first regular meeting following receipt of the copy of the report.

2004, c. 20, s. 10; 2010, c. 10, s. 112.

DIVISION IV

CONDITIONS

2004, c. 20, s. 10.

165.4.13. In 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 issue the permit or certificate on one or more of the following conditions, or on all of them:

(1) that liquid manure storage facilities be covered at all times in order to substantially reduce the odour characteristic of such storage;

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

(3) that separation distances between a facility or building for which the permit or certificate application is made and non-agricultural uses be respected when, although different from those applicable under provisions adopted under subparagraph 4 of the second paragraph of section 113, or, if there is no such provision, under the Guidelines respecting odours caused by manure from agricultural activities (chapter P-41.1, r. 5), they are specified by the council;

(4) that an odour barrier of the nature determined by the council and designed to substantially reduce the dispersal of the odour be installed within the time specified by the council; and

(5) that the facilities and buildings have equipment designed to reduce the consumption of water.

Failure to comply with a condition set out in the first paragraph constitutes an offence that may be prosecuted by the municipality that issued the permit or certificate. Section 369 of the Cities and Towns Act (chapter C-19) or article 455 of the Municipal Code of Québec (chapter C-27.1) applies to the amount of the fine.

The holder of a permit or certificate subject to the condition set out in subparagraph 2 of the first paragraph must so notify, by registered mail, any person who, under an agreement, may spread liquid manure from the hog farm for which the permit or certificate has been 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.

2004, c. 20, s. 10; 2005, c. 28, s. 8; I.N. 2016-01-01 (NCCP).

DIVISION V

CONCILIATION AND ISSUE OF THE PERMIT OR CERTIFICATE

2004, c. 20, s. 10.

165.4.14. Not later than the fifteenth day after the day the notice is sent under section 165.4.10, the applicant may send the Minister of Municipal Affairs, Regions and Land Occupancy a request for conciliation, by registered mail. The applicant must forward a copy of the request to the municipality within the same time and in the same manner.

If the municipality has not received the copy within the time specified, the competent officer shall issue the permit or certificate on presentation of a certified copy of the resolution referred to in the second paragraph of section 165.4.9, if the applicable conditions among those set out in section 120 are satisfied.

2004, c. 20, s. 10; 2005, c. 28, s. 196; 2009, c. 26, s. 109; I.N. 2016-01-01 (NCCP).

165.4.15. If a request for conciliation is received within the time specified, the Minister shall appoint a conciliator, not later than the fifteenth day after receipt of the request, from among the persons named on a list prepared beforehand jointly 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 the expenses are paid by the Government.

The Minister may not exercise the power under the first paragraph if the municipality did not receive a copy of the request within the time specified.

2004, c. 20, s. 10; 2005, c. 28, s. 9.

165.4.16. Not later than the thirtieth day after being appointed, the conciliator shall report to the municipality and to the applicant. The report shall indicate whether the parties have agreed on the conditions, set out in section 165.4.13, on which the permit or certificate is to be issued. If no agreement has been reached, the conciliator must take into account, in his or her recommendations, 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.

Not later than the fifteenth day after the report is submitted, the clerk or the clerk-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the report or obtain a copy of it on payment of a fee.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

165.4.17. Not later than the thirtieth day after the conciliator's report is submitted, the council of the municipality shall determine the conditions, among those set out in section 165.4.13, on which the permit or certificate is to be issued. However, if the report states that the parties have agreed on the conditions, the council shall confirm them.

The competent officer shall issue the permit or certificate on presentation of a certified copy of the resolution referred to in the first paragraph, if the applicable conditions among those set out in section 120 are satisfied.

The clerk or the clerk-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the resolution at the office of the municipality, or obtain a copy of it on payment of a fee.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

DIVISION VI

AGREEMENTS

2004, c. 20, s. 10.

165.4.18. The municipality and the permit or certificate holder may make an agreement on any condition prescribed by the municipality in accordance with section 165.4.13 in order to modify the terms for implementing the condition.

The clerk or the clerk-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the agreement and the resolution adopting it at the office of the municipality, or obtain a copy of them on payment of a fee.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

165.4.19. A permit or certificate holder may, by agreement with the municipality, undertake to carry out any measure that is defined in the agreement to ensure the follow-up of the hog raising activities at the site for which a permit has been issued, or that is to be added to the conditions prescribed by the municipality in accordance with section 165.4.13 or is to apply instead of any of those conditions.

The clerk or the clerk-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the agreement at the office of the municipality, or obtain a copy of it on payment of a fee.

2004, c. 20, s. 10; 2021, c. 31, s. 132.

TITLE II

ADMINISTRATION

CHAPTER I

REGIONAL COUNTY MUNICIPALITIES

DIVISION I

Repealed, 1993, c. 65, s. 76.

1993, c. 65, s. 76.

166. *(Repealed).*

1979, c. 51, s. 166; 1987, c. 102, s. 23; 1993, c. 65, s. 76.

167. *(Repealed).*

1979, c. 51, s. 167; 1993, c. 65, s. 76.

168. *(Repealed).*

1979, c. 51, s. 168; 1980, c. 34, s. 6; 1984, c. 27, s. 22; 1993, c. 65, s. 76.

169. *(Repealed).*

1979, c. 51, s. 169; 1987, c. 102, s. 24; 1993, c. 65, s. 76.

170. *(Repealed).*

1979, c. 51, s. 170; 1988, c. 19, s. 221; 1993, c. 65, s. 76.

171. *(Repealed).*

1979, c. 51, s. 171; 1988, c. 19, s. 222; 1990, c. 85, s. 123; 1993, c. 65, s. 76.

172. *(Repealed).*

1979, c. 51, s. 172; 1993, c. 65, s. 76.

173. *(Repealed).*

1979, c. 51, s. 173; 1993, c. 65, s. 76.

174. *(Repealed).*

1979, c. 51, s. 174; 1993, c. 65, s. 76.

175. *(Repealed).*

1979, c. 51, s. 175; 1993, c. 65, s. 76.

176. *(Repealed).*

1979, c. 51, s. 176; 1982, c. 2, s. 79; 1993, c. 65, s. 76.

DIVISION II

Repealed, 1993, c. 65, s. 76.

1993, c. 65, s. 76.

177. *(Repealed).*

1979, c. 51, s. 177; 1993, c. 65, s. 76.

178. *(Repealed).*

1979, c. 51, s. 178; 1993, c. 65, s. 76.

179. *(Repealed).*

1979, c. 51, s. 179; 1982, c. 63, s. 98; 1987, c. 57, s. 675; 1993, c. 65, s. 76.

180. *(Replaced).*

1979, c. 51, s. 180; 1987, c. 57, s. 675.

181. *(Repealed).*

1979, c. 51, s. 181; 1993, c. 65, s. 76.

182. *(Repealed).*

1979, c. 51, s. 182; 1987, c. 57, s. 676; 1993, c. 65, s. 76.

183. *(Repealed).*

1979, c. 51, s. 183; 1984, c. 27, s. 23; 1993, c. 65, s. 76.

184. *(Repealed).*

1979, c. 51, s. 184; 1993, c. 65, s. 76.

185. *(Repealed).*

1979, c. 51, s. 185; 1993, c. 65, s. 76.

186. *(Repealed).*

1979, c. 51, s. 186; 1988, c. 19, s. 223; 1993, c. 65, s. 76.

186.1. *(Repealed).*

1985, c. 27, s. 7; 1988, c. 19, s. 224; 1990, c. 47, s. 19; 1993, c. 65, s. 76.

186.2. *(Repealed).*

1988, c. 19, s. 225; 1990, c. 47, s. 20; 1993, c. 65, s. 76.

DIVISION III

DELIBERATIONS OF THE COUNCIL

1993, c. 65, s. 77.

187. *(Repealed).*

1979, c. 51, s. 187; 1982, c. 2, s. 80; 1982, c. 63, s. 99; 1989, c. 46, s. 12; 1993, c. 65, s. 78.

188. Subject to any inconsistent legislative provision, the representatives of all the municipalities whose territories form part of that of a regional county municipality are qualified to participate in the deliberations and votes of the council.

For the purposes of the exercise of a function provided for in Title XXV of the Municipal Code of Québec (chapter C-27.1), only the representatives of the municipalities governed by that Code are qualified to participate in the deliberations and votes of the council of the regional county municipality.

A municipality may withdraw from deliberations on the exercise of a function not contemplated in the second paragraph.

No municipality may withdraw from deliberations where they concern

(1) the exercise of powers provided for in this Act;

(2) the adoption of the budget of the regional county municipality;

(3) any matter relating to the general administration of the regional county municipality;

(4) *(subparagraph repealed)*;

(5) the exercise of its jurisdiction over watercourses, under Division I of Chapter III of Title III of the Municipal Powers Act (chapter C-47.1);

(5.1) any matter relating to the fund provided for in section 110.1 of the Municipal Powers Act;

(6) a contribution to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase, under section 125 of the Municipal Powers Act;

(7) a function of a regional county municipality provided for in any of sections 126.1 to 126.4 of the Municipal Powers Act.

1979, c. 51, s. 188; 1980, c. 34, s. 7; 1982, c. 2, s. 81; 1987, c. 102, s. 25; 1996, c. 2, s. 57; 2001, c. 25, s. 3; 2002, c. 37, s. 27; 2005, c. 6, s. 135; 2005, c. 50, s. 1; 2008, c. 18, s. 1; 2015, c. 8, s. 214.

188.1. The clerk or clerk-treasurer of a municipality that exercises its right of withdrawal under the third paragraph of section 188 must send to the regional county municipality, by registered mail, a certified true copy of the resolution by which the municipality exercises that right.

From the sending of the resolution, the representatives of the municipality shall cease to participate in the deliberations of the council of the regional county municipality that relate to the exercise of the function to which the withdrawal pertains.

1996, c. 2, s. 58; 2021, c. 31, s. 132.

188.2. A municipality that has exercised its right of withdrawal under the third paragraph of section 188 may terminate the withdrawal.

In such a case, the clerk or clerk-treasurer of the municipality must send to the regional county municipality, by registered mail, a certified true copy of the resolution by which the municipality terminates the withdrawal.

From the sending of the resolution, the representatives of the municipality shall once again participate in the deliberations of the council of the regional county municipality that relate to the exercise of the function to which the withdrawal pertained.

1996, c. 2, s. 58; 2021, c. 31, s. 132.

188.3. A regional county municipality may, by by-law, set out the administrative and financial terms and conditions relating to the exercise of the right of withdrawal under the third paragraph of section 188 or to a reversal of that withdrawal, in particular to determine the amounts that must be paid by the municipality that exercises or ceases to exercise that right.

1996, c. 2, s. 58.

189. *(Repealed).*

1979, c. 51, s. 189; 1980, c. 34, s. 8; 1987, c. 102, s. 26.

189.1. *(Repealed).*

1982, c. 2, s. 82; 1987, c. 102, s. 26.

190. *(Repealed).*

1979, c. 51, s. 190; 1982, c. 2, s. 83; 1987, c. 102, s. 26.

191. *(Repealed).*

1979, c. 51, s. 191; 1987, c. 102, s. 26.

DIVISION IV

OPERATION OF REGIONAL COUNTY MUNICIPALITIES

192. *(Repealed).*

1979, c. 51, s. 192; 1993, c. 65, s. 79.

193. *(Repealed).*

1979, c. 51, s. 193; 1987, c. 102, s. 27; 1993, c. 65, s. 79.

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

1979, c. 51, s. 194.

195. *(Repealed).*

1979, c. 51, s. 195; 1993, c. 65, s. 80.

196. *(Repealed).*

1979, c. 51, s. 196; 1993, c. 65, s. 80.

197. If the vote by the council members results in a tie, a warden elected in accordance with section 210.26 or 210.26.1 of the Act respecting municipal territorial organization (chapter O-9) has a casting vote in addition to any other vote to which the warden is entitled as the representative of a municipality, unless the warden is the mayor of a municipality whose representatives are not qualified to vote on the matter in question.

A warden elected in accordance with section 210.29.2 of that Act may exercise the casting vote on the matter in question if the other council members were not able under section 201 to reach an affirmative or a negative decision on the matter. If the warden does not exercise this right, the council is deemed to have made a negative decision on the matter.

1979, c. 51, s. 197; 1987, c. 102, s. 28; 2001, c. 25, s. 4; 2010, c. 18, s. 2.

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

However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the following rules apply to the appointment of the deputy warden:

(1) the warden shall appoint from among the members of the council a deputy warden who, while the warden is unable to act or while the office of warden is vacant, shall cease to be the representative of a local municipality and shall fulfil the functions of warden, with all the privileges, rights and obligations attached thereto;

(2) that appointment is made by the transmission to the secretary of a writing signed by the warden;

(3) the council of the local municipality whose representative is appointed as deputy warden may, on the appointment, designate from among its members a person to replace the representative of the municipality when the representative fulfils the functions of warden.

1979, c. 51, s. 198; 2001, c. 25, s. 5; 2010, c. 10, s. 112.

199. After the election of the first warden, the council of the regional county municipality shall hold a regular meeting at least once every two months.

1979, c. 51, s. 199; 1993, c. 65, s. 81.

200. One-third of the members representing at least one-half of the votes are a quorum of the council of the regional county municipality.

For the purposes of the exercise of the functions referred to in the second paragraph of section 188 or in any other provision limiting the number of members qualified to vote, one-third of the members qualified to vote on a question representing at least one-half of the votes to which such members are entitled is a quorum of the council of the regional county municipality.

1979, c. 51, s. 200; 1987, c. 102, s. 29; 1996, c. 2, s. 59.

201. For an affirmative decision to be made by the council, a majority of the votes cast must be cast in the affirmative, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.

However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the decision is negative only if the majority of the votes cast are cast in the negative and the total of the populations awarded to the representatives who cast the negative votes equals more than one-half of the total of the populations awarded to the representatives who voted.

For the purposes of the first and second paragraphs, the sole representative of a municipality is awarded the entire population of the municipality; each representative of the same municipality is awarded an equal share of the population of that municipality.

This section applies subject to section 197.

1979, c. 51, s. 201; 1987, c. 102, s. 30; 1993, c. 65, s. 82; 1997, c. 93, s. 41; 1998, c. 31, s. 7; 2001, c. 25, s. 6.

202. Subject to the second, third, fourth and fifth paragraphs, the representative of a municipality has, in the council of the regional county municipality, the number of votes determined in the order constituting the regional county municipality.

Where the representative of a municipality whose population is at least half of the population of the regional county municipality has, in accordance with the first paragraph, a number of votes equivalent to at least half of the number of votes that all the representatives have, the representative shall have, for the application of section 201 in respect of a proposal, the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes cast by the other representatives in respect of the proposal.

Where the representative of a municipality has, in accordance with the first paragraph, a number of votes equivalent to a least half of the number of votes that all the representatives have, the representative shall have, for the application of section 210.26 of the Act respecting municipal territorial organization (chapter O-9), the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes that the other representatives have.

Where the number of votes obtained under the second or third paragraph, as the case may be, has a decimal fraction, the decimal fraction is disregarded and, if the first decimal would have been greater than 5, the number is increased by 1.

For the purposes of the second and third paragraphs, the expression "representative of a municipality" also means all the representatives of a municipality if the municipality has more than one representative. In that case, the number of votes obtained under either of those paragraphs shall be apportioned among the representatives in the same proportion as that established under the first paragraph.

A representative may also have a right of veto if the order so provides.

1979, c. 51, s. 202; 1993, c. 65, s. 83; 2001, c. 25, s. 7; 2002, c. 37, s. 28; 2002, c. 68, s. 5.

203. Where the order grants a right of veto to a member of the council of the regional county municipality, the exercise of that right on a question put to the vote suspends deliberations and voting on that question for 90 days.

However, the veto may be lifted by the council at a later sitting.

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

1979, c. 51, s. 203; 1993, c. 65, s. 84; 1997, c. 93, s. 42.

204. *(Repealed).*

1979, c. 51, s. 204; 1980, c. 34, s. 9; 1984, c. 27, s. 24; 1995, c. 34, s. 62; 1996, c. 2, s. 60; 1996, c. 27, s. 109.

204.1. *(Repealed).*

1984, c. 27, s. 24; 1988, c. 19, s. 226; 1996, c. 2, s. 61; 1996, c. 27, s. 109.

204.2. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

204.3. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

204.4. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

204.5. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 2, s. 62; 1996, c. 27, s. 109.

204.6. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

204.7. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

204.8. *(Repealed).*

1984, c. 27, s. 24; 1996, c. 27, s. 109.

DIVISION V

EXPENSES OF THE REGIONAL COUNTY MUNICIPALITIES

205. Every municipality whose territory is comprised in that of a regional county municipality shall, subject to any inconsistent legislative provision, contribute towards the payment of the expenses of the regional county municipality.

The expenses of the regional county municipality shall be apportioned between the municipalities that must contribute towards their payment according to the criteria determined by a by-law of the regional county municipality, which may vary according to the nature of the expenses. Failing such a by-law, the expenses shall be apportioned between the municipalities on the basis of their respective standardized property values within the meaning of section 261.1 of the Act respecting municipal taxation (chapter F-2.1).

A municipality whose representatives are not qualified to participate in the deliberations of the council of a regional county municipality under the third paragraph of section 188 shall not contribute towards the payment of the expenses related to the exercice of the functions that are the subject of the deliberations.

1979, c. 51, s. 205; 1979, c. 72, s. 399; 1980, c. 34, s. 10; 1982, c. 2, s. 84; 1983, c. 57, s. 37; 1984, c. 27, s. 25; 1984, c. 38, s. 4; 1987, c. 102, s. 31; 1991, c. 32, s. 161; 1996, c. 2, s. 63; 1999, c. 40, s. 18; 2003, c. 19, s. 36.

205.1. Every regional county municipality may, by a by-law of its council, prescribe the terms and conditions for determining the aliquot shares of its expenses and payment thereof by the municipalities.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force, in whole or in part, of the budget of the regional county municipality,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the expenses of the regional county municipality are to be considered;

(2) the time limit for determining each aliquot share and for informing each municipality of it;

(3) the obligation of the municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment;

(6) the adjustments that may result from the deferred coming into force of all or part of the budget of the regional county municipality or from the successive use of provisional and final data in determining the basis of apportionment of the expenses of the regional county municipality.

Instead of fixing the rate of interest payable on an instalment which is outstanding, the by-law may provide that such rate shall be fixed by a resolution of the council of the regional county municipality when its budget is adopted.

1983, c. 57, s. 38; 1986, c. 33, s. 2; 1991, c. 29, s. 3; 1991, c. 32, s. 162; 1996, c. 2, s. 64.

CHAPTER II

ASSESSMENTS BY THE COMMISSION

1984, c. 27, s. 26; 2003, c. 19, s. 37.

206. *(Repealed).*

1979, c. 51, s. 206; 1984, c. 27, s. 28.

207. *(Repealed).*

1979, c. 51, s. 207; 1984, c. 27, s. 28.

208. *(Repealed).*

1979, c. 51, s. 208; 1984, c. 27, s. 28.

209. *(Repealed).*

1979, c. 51, s. 209; 1984, c. 27, s. 28.

210. *(Repealed).*

1979, c. 51, s. 210; 1984, c. 27, s. 28.

211. *(Repealed).*

1979, c. 51, s. 211; 1984, c. 27, s. 28.

212. *(Repealed).*

1979, c. 51, s. 212; 1984, c. 27, s. 28.

213. *(Repealed).*

1979, c. 51, s. 213; 1984, c. 27, s. 28.

214. *(Repealed).*

1979, c. 51, s. 214; 1984, c. 27, s. 28.

215. *(Repealed).*

1979, c. 51, s. 215; 1984, c. 27, s. 28.

216. *(Repealed).*

1979, c. 51, s. 216; 1984, c. 27, s. 28.

217. *(Repealed).*

1979, c. 51, s. 217; 1984, c. 27, s. 28.

218. Assessments of the Commission signed by the chairman or secretary are authentic, as are documents or copies issued by the Commission or forming part of its records, if they are certified true by the chairman, the secretary or the person in charge of access to documents of the Commission.

1979, c. 51, s. 218; 1987, c. 68, s. 14; 2010, c. 10, s. 88.

219. *(Repealed).*

1979, c. 51, s. 219; 1984, c. 27, s. 28.

220. *(Repealed).*

1979, c. 51, s. 220; 1984, c. 27, s. 28.

221. *(Repealed).*

1979, c. 51, s. 221; 1982, c. 63, s. 100; 1987, c. 102, s. 32; 1993, c. 3, s. 76; 1994, c. 32, s. 20; 2002, c. 37, s. 29; 2002, c. 68, s. 52; 2003, c. 19, s. 40.

222. *(Repealed).*

1979, c. 51, s. 222; 1990, c. 50, s. 8.

223. *(Repealed).*

1979, c. 51, s. 223; 1990, c. 50, s. 9; 2003, c. 19, s. 41.

224. A responsible body, a municipality or, in the case of a request for an assessment pertaining to a government intervention, the Minister shall furnish the Commission free of charge with any public document, by-law, study or public report it requests for the performance of its functions.

1979, c. 51, s. 224; 1993, c. 3, s. 77; 2010, c. 10, s. 89.

225. An assessment of conformity given by the Commission must indicate the grounds on which the Commission bases itself.

1979, c. 51, s. 225; 2003, c. 19, s. 42.

226. *(Repealed).*

1979, c. 51, s. 226; 1987, c. 68, s. 15; 2003, c. 19, s. 43.

TITLE II.1

REGULATIONS OF THE MINISTER

2003, c. 19, s. 44; 2021, c. 7, s. 21.

226.1. The Minister may, by regulation, prescribe

(1) the form in which the content of a document that may or must be notified or sent to the Minister under this Act is to be prepared; and

(2) the terms and conditions governing any notification or sending of a document under this Act.

In exercising the powers provided for in the first paragraph, the Minister may prescribe different rules for any municipality or responsible body and for any type of document.

2003, c. 19, s. 44; 2004, c. 20, s. 11; I.N. 2016-01-01 (NCCP); 2021, c. 7, s. 21.

226.2. For the purposes of subparagraphs 2 and 3 of the first paragraph of section 145.21, the Minister may, by regulation,

(1) exempt any person from the payment of a contribution;

(2) determine any class of structure, land or work in respect of which the issue of a permit or certificate must not be subordinated to the payment of a contribution; and

Not in force

(3) determine the classes of municipal infrastructures or equipment that may be financed by the payment of a contribution referred to in subparagraph 2 of the first paragraph of section 145.21.

In exercising the powers provided for in the first paragraph, the Minister may prescribe different rules for any municipality. The Minister shall, prior to the publication of the draft regulation, specifically consult any municipality that would be subject to such a rule.

2023, c. 33, s. 4.

TITLE III

SANCTIONS AND RECOURSES

227. The Superior Court may, on application by of the Attorney General, the responsible body, the municipality or any other interested person, order the cessation of

(1) a use of land or a structure incompatible with

(a) a zoning, subdivision or building by-law;

(b) a by-law under any of sections 79.1 to 79.3, 116, 145.21 and 145.35.1;

(c) an interim control by-law or resolution;

(d) a plan approved in accordance with section 145.19;

(e) an agreement under section 145.21, 145.35.3, 165.4.18 or 165.4.19; or

(f) a resolution referred to in section 145.35.4, in the second paragraph of section 145.7, 145.34, 145.38, 165.4.9 or 165.4.17, or in the third paragraph of section 145.42;

(2) an intervention made contrary to section 150;

(3) a use of land or a structure inconsistent with the provisions of a land rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV of Chapter IV of Title I of the Environment Quality Act (chapter Q-2).

It may also order, at the expense of the owner, the carrying out of the works required to bring the use of the land or the structure into conformity with the resolution, the agreement, the by-law or the plan referred to in subparagraph 1 of the first paragraph, or to cause an intervention to which section 150 applies to be in conformity with the applicable metropolitan plan, RCM plan or interim control by-law or, if there is no other useful remedy, the demolition of the structure or the restoration of the land to its former condition.

It may also order, at the expense of the owner, the carrying out of the works required to bring the use of the land or the structure into conformity with the provisions of the land rehabilitation plan referred to in subparagraph 3 of the first paragraph, or if there is no other useful remedy, the demolition of the structure or the restoration of the land.

1979, c. 51, s. 227; 1993, c. 3, s. 78; 1994, c. 32, s. 21; 1996, c. 25, s. 73; 2002, c. 37, s. 30; 2002, c. 68, s. 6, s. 52; 2002, c. 11, s. 15; 2003, c. 19, s. 45; 2004, c. 20, s. 12; 2006, c. 3, s. 35; 2009, c. 26, s. 4; 2010, c. 10, s. 90; I.N. 2016-01-01 (NCCP); I.N. 2020-02-01; 2021, c. 7, s. 22; 2023, c. 12, s. 91.

227.1. The Superior Court may in addition, on application by the Minister of Sustainable Development, Environment and Parks, make any order under section 227 where the use of land or a construction is inconsistent with a zoning by-law, subdivision by-law or building by-law relating to the protection of wetlands and bodies of water, or where the use of land or a structure is inconsistent with the provisions of a land rehabilitation plan approved under Division IV of Chapter IV of Title I of the Environment Quality Act (chapter Q-2).

1987, c. 53, s. 6; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2002, c. 11, s. 16; 2006, c. 3, s. 35; I.N. 2016-01-01 (NCCP); 2017, c. 14, s. 46; I.N. 2020-02-01.

228. Any subdivision, cadastral operation or parcelling out of a lot by alienation that is carried out contrary to a subdivision by-law, a by-law under section 145.21 or an interim control by-law or resolution, a plan approved in accordance with section 145.19, an agreement made under section 145.21, a resolution referred to in the second paragraph of section 145.7 or 145.38 or a land rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under Division IV of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) may be annulled. The Attorney General or any interested person, including the municipality or the responsible body in whose territory the lot is situated, may apply to the Superior Court for a declaration of nullity.

The first paragraph does not apply to a subdivision, cadastral operation or parcelling out whose effects are confirmed by the registration of the immovables made as part of the cadastral renewal or review effected in the territory concerned by the implementation of a renewal plan prepared under Chapter II of the Act to promote the reform of the cadastre in Québec (chapter R-3.1) or a plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (chapter T-11).

1979, c. 51, s. 228; 1993, c. 3, s. 79; 1994, c. 32, s. 22; 1996, c. 25, s. 74; 2002, c. 37, s. 31; 2002, c. 11, s. 17; 2003, c. 19, s. 46; 2006, c. 3, s. 35; 2010, c. 10, s. 91; I.N. 2020-02-01.

229. The Superior Court may, on application by the Attorney General, the responsible body, the municipality or any interested person, order the cessation of any use of land or of any construction undertaken contrary to section 162.

It may also, in such a case, order, at the expense of the owner, the carrying out of the works required to bring the use of the land or the structure into conformity with section 162 or, if there is no other useful remedy, the demolition of the structure or the restoration of the land to its former condition.

1979, c. 51, s. 229; 1993, c. 3, s. 80; 1996, c. 25, s. 75; 2010, c. 10, s. 111; I.N. 2016-01-01 (NCCP).

230. A cadastral operation or the parcelling out of a lot by alienation contrary to section 162 is liable to annulment.

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

The first two paragraphs do not apply to a cadastral operation or a parcelling out whose effects are confirmed by the registration of the immovables made as part of the cadastral renewal or review effected in the territory concerned by the implementation of a renewal plan prepared under Chapter II of the Act to promote the reform of the cadastre in Québec (chapter R-3.1) or a plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (chapter T-11).

1979, c. 51, s. 230; 1993, c. 3, s. 81; 1996, c. 25, s. 76; 2010, c. 10, s. 92.

231. Where a structure is in such a condition as to constitute a danger to persons or where it has lost one-half of its value through decay, fire or explosion, the Superior Court may, on application by the responsible body, the municipality, or any interested person, order the carrying out of the works required to ensure the safety of persons or, if there is no other useful remedy, the demolition of the structure. The court may order the owner or the person having custody of the structure to keep the structure under adequate surveillance until the imposed corrective measure has been carried out. It may authorize the responsible body or the municipality to ensure surveillance at the owner's expense if the owner or person having custody of the structure fails to comply with the court judgment.

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

1979, c. 51, s. 231; 2005, c. 28, s. 10; 2010, c. 10, s. 111; I.N. 2016-01-01 (NCCP).

232. An application made under sections 227 to 231 is heard and decided by preference.

Where the application is for the carrying out of works or demolition, the court may, if the owner or the person having custody of the immovable fails to proceed therewith within the allotted time, authorize the responsible body or the municipality to proceed therewith at the expense of the owner of the immovable.

1979, c. 51, s. 232; 1999, c. 90, s. 3; 2010, c. 10, s. 111; I.N. 2016-01-01 (NCCP).

233. The cost of demolition, repairs, alterations or construction or of restoring land to its former condition incurred by a responsible body or a municipality in the exercise of the powers contemplated in section 232 is a prior claim on the immovable, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code; the cost is secured by a legal hypothec on the immovable.

1979, c. 51, s. 233; 1994, c. 30, s. 86; 2010, c. 10, s. 111.

233.1. The minimum fine for felling trees in contravention of a regulatory provision adopted under section 79.3 or either of subparagraphs 12 or 12.1 of the second paragraph of section 113 is $2,500 plus,

(1) for felling trees on less than one hectare of land, an amount varying from $500 to $1,000 per tree illegally felled, up to a total of $15,000; or

(2) for felling trees on one or more hectares of land, a fine varying from $15,000 to $100,000 per hectare deforested, in addition to an amount determined in accordance with subparagraph 1 for each fraction of a hectare.

The amounts specified in the first paragraph are doubled for a second or subsequent offence.

2004, c. 20, s. 13; 2021, c. 7, s. 23; 2023, c. 33, s. 5.

233.1.1. Penal proceedings for an offence under a provision of a by-law made under section 79.3, subparagraph 12.1 of the second paragraph of section 113 or section 148.0.2 are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than two years have elapsed since the date of the commission of the offence.

2021, c. 7, s. 24.

TITLE IV

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

GENERAL PROVISIONS

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

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

1979, c. 51, s. 234; I.N. 2016-01-01 (NCCP).

234.1. Where this Act requires that a copy of a revised metropolitan plan or RCM plan or of a by-law be sent to a recipient after its coming into force, and the recipient has already received an identical copy after the adoption of the metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, a notice indicating that the text in force is identical to the adopted text and specifying the dates of coming into force and adoption.

Where this Act requires that a copy of a metropolitan plan, RCM plan or by-law adopted to replace another which did not come into force by reason of non-conformity be sent to a recipient after its adoption, and the recipient has already received a copy of the replaced metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, only the pages of the new metropolitan plan, RCM plan or by-law which contain changes, with a notice indicating the changes, mentioning that except for those changes, the new text is identical to the previous one and specifying the date of adoption of each.

1993, c. 3, s. 82; 1997, c. 93, s. 43; 2002, c. 68, s. 52; 2010, c. 10, s. 93; 2023, c. 12, s. 92.

234.2. Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality that is the responsible body with respect to an RCM plan applicable to a territory contiguous to the territory of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec, the Minister must request that the metropolitan community give its opinion on the document submitted to the Minister.

Before giving an opinion under any of those sections to the Communauté métropolitaine de Québec or to a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community, the Minister must request an assessment from the Commission de la capitale nationale du Québec with respect to the document submitted.

The opinion or assessment requested under either of the first two paragraphs must be received by the Minister, respectively, within 45 or 60 days after the request is made, depending on whether the ministerial

opinion is applied for under any of sections 51, 53.7 and 65 or either of sections 56.4 and 56.14. Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 38 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), the council of the metropolitan community may delegate to the executive committee the power to prepare the opinion requested by the Minister.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on a reason set out in the opinion or assessment received by the Minister. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion or assessment received by the Minister.

The first four paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 on a replacement by-law referred to in the second paragraph of section 53.8;

(2) under section 53.7 if the proposed amendment to the RCM plan results from the application of section 53.12 or 53.13;

(3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the second paragraph of that section; or

(4) under section 65 on a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.

2010, c. 10, s. 94; 2023, c. 12, s. 93.

235. For the purposes of this Act, the qualified voters are the voters determined in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2).

Where this Act gives a certain number of qualified voters the right to request an assessment by the Commission, the reference date to determine who is a qualified voter is the date of passage of the resolution or by-law being the subject of the request for assessment or, in the case contemplated in subparagraph 3 of the first paragraph of section 103 or in section 59.7 or 110.7, the date of publication of the notice provided for in the third paragraph of section 102 or in the second paragraph of section 59.6 or 110.6.

1979, c. 51, s. 235; 1987, c. 57, s. 677; 1993, c. 3, s. 83.

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

1979, c. 51, s. 236; 2010, c. 10, s. 95.

237. The council of the responsible body and the council of a municipality may, by by-law, establish the procedure of application for and issuance of the permits and certificates it is within their respective jurisdictions to issue under this Act. They may also set the related issuance fees.

1979, c. 51, s. 237; 1996, c. 25, s. 77; 2010, c. 10, s. 111.

237.1. The council of a regional county municipality may, by by-law, delegate to the executive committee of the regional county municipality all or part of its powers under this Act, except the power to adopt by-laws or draft by-laws or to adopt a document accompanying any of them.

The first paragraph prevails over article 124 of the Municipal Code of Québec (chapter C-27.1).

1993, c. 3, s. 84.

237.2. The council of a regional county municipality may, by by-law, determine the cases in which a by-law of a municipality whose territory is comprised in that of the regional county municipality must be submitted to an examination of conformity as regards the objectives of the RCM plan and the provisions of the complementary document.

Where a by-law adopted under the first paragraph is in force, the provisions of this Act which concern the rules relating to the conformity of a by-law with the objectives of the RCM plan and the provisions of the complementary document do not apply to a by-law of a municipality whose territory is comprised in that of the regional county municipality if the by-law adopted under the first paragraph does not refer to it. However, the provisions apply to any concordance by-law within the meaning of section 58 or 59, to any by-law whose object falls within any of the provisions of the complementary document, to the by-law revising the planning program and to a replacement by-law referred to in section 110.10.1.

As soon as practicable after the coming into force of the by-law adopted under the first paragraph, the secretary shall transmit a certified copy of the by-law to each municipality whose territory is comprised in that of the regional county municipality.

1993, c. 3, s. 84; 1997, c. 93, s. 44; 2002, c. 68, s. 52; 2003, c. 19, s. 47; 2010, c. 10, s. 96, s. 114; 2023, c. 12, s. 94.

237.3. The council of a municipality having a population of 100,000 or more, except the council of the cities of Longueuil and Montréal, may, notwithstanding any provision, delegate to the executive committee

(1) the granting of minor exemptions in accordance with section 145.4;

(2) the approval of comprehensive development programs in accordance with sections 145.12 and 145.13;

(3) the exercise of the powers provided for in sections 145.18 to 145.20 relating to site planning and architectural integration programs;

(4) the making of the municipal works agreements provided for in section 145.21;

(5) the authorization of conditional uses in accordance with section 145.34;

(5.1) the making of incentive zoning agreements in accordance with sections 145.35.3 and 145.35.4;

(6) the authorization of specific proposals for the construction, alteration or occupancy of an immovable in accordance with section 145.38.

The first paragraph applies subject to the powers granted to a borough council by any applicable provision.

2002, c. 77, s. 6; 2023, c. 12, s. 95.

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

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

The decision of the Minister to exercise or to cease to exercise the powers conferred on him by this section has effect immediately; notice of it shall be published in the *Gazette officielle du Québec* within 15 days.

1979, c. 51, s. 238; 2003, c. 19, s. 48; 2010, c. 10, s. 97, s. 111.

239. In the event of failure, real or apprehended, of a responsible body, a municipality or the Commission to comply with a period or term prescribed by this Act or by an instrument made under this Act, the Minister may, on his own initiative or at the request of the responsible body, municipality or Commission, provide a new time limit.

The Minister may also extend the period granted to him by section 53.7, without exceeding a total period of 120 days.

The Minister's decision has effect immediately. A notice of the decision must be notified to the municipality or body concerned by the failure referred to in the first paragraph or to the Commission, as applicable, and published, as soon as practicable, in the *Gazette officielle du Québec*. In the case of a decision referred to in the second paragraph, the notice must be notified to the responsible body that adopted the by-law sent to the Minister in accordance with section 53.7.

Any responsible body or municipality that receives a notice referred to in the third paragraph must publish it on its website as soon as practicable. If a municipality does not have a website, the notice must be published on the website of the regional county municipality whose territory includes that of the municipality.

1979, c. 51, s. 239; 1987, c. 102, s. 33; 1989, c. 46, s. 13; 2003, c. 19, s. 49; 2010, c. 10, s. 98; 2023, c. 12, s. 96.

240. The Minister may request from the Commission an assessment of the conformity, with a metropolitan plan, the objectives of an RCM plan, the provisions of a complementary document or a planning program, of any document with respect to which an application for an assessment may be filed with the Commission under this Act by the council of a responsible body or municipality or a qualified voter.

The Minister must request the assessment within the period prescribed by the provision entitling such a council or a qualified voter to apply to the Commission for an assessment of the same document. The request for an assessment has the same effect as an application filed by such a council or the required number of qualified voters, as the case may be.

1979, c. 51, s. 240; 1982, c. 63, s. 101; 1987, c. 57, s. 678; 1987, c. 102, s. 34; 1990, c. 50, s. 10; 1993, c. 3, s. 85; 1994, c. 32, s. 23; 2002, c. 37, s. 32; 2002, c. 68, s. 7, s. 52; 2010, c. 10, s. 99.

241. *(Repealed).*

1979, c. 51, s. 241; 1980, c. 34, s. 11; 1982, c. 63, s. 102; 1984, c. 27, s. 29; 1987, c. 68, s. 16; 1990, c. 50, s. 11; 1993, c. 3, s. 86; 1996, c. 25, s. 78.

242. *(Repealed).*

1979, c. 51, s. 242; 1988, c. 19, s. 227; 1993, c. 65, s. 85.

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

1979, c. 51, s. 243.

244. The Minister may grant financial assistance to a responsible body for the preparation and application of a metropolitan plan or an RCM plan.

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

1979, c. 51, s. 244; 2002, c. 68, s. 52; 2010, c. 10, s. 100.

245. The performance of an act provided for by this Act creates no obligation for the person who performs it to indemnify, under article 952 of the Civil Code, a person whose right of ownership in an immovable is infringed because of that act, provided that it remains possible to make reasonable use of the immovable.

An immovable must be considered being susceptible of reasonable use where the infringement of the right of ownership is justified in the circumstances, which must be assessed from a proportionality perspective, taking into account, among other things, the characteristics of the immovable, the objectives set out in a metropolitan plan, RCM plan or planning program, and the public interest.

An infringement of the right of ownership is deemed to be justified for the purposes of the second paragraph where it results from an act that meets one of the following conditions:

(1) the act is intended to protect wetlands and bodies of water;

(2) the act is intended to protect an environment of high ecological value, other than the environments covered by subparagraph 1, provided that the act does not prevent the carrying out, in a forest area identified on the property assessment roll, of forest development activities that comply with the Sustainable Forest Development Act (chapter A-18.1); or

(3) the act is necessary to ensure human health or safety or the safety of property.

This section is declaratory.

1979, c. 51, s. 245; 1988, c. 19, s. 228; 1993, c. 65, s. 86; 2023, c. 33, s. 6.

In force: 2024-06-08

245.1. The secretary of the municipality or of the responsible body shall transmit a notice, within three months after the coming into force of an act referred to in the third paragraph of section 245, to the owner of any immovable concerned by the act. The secretary shall file with the council, as soon as possible, a report confirming the transmission.

2023, c. 33, s. 6.

245.2. The owner of an immovable who has suffered an infringement of his right of ownership that prevents all reasonable use of the immovable may bring a proceeding before the Superior Court for the payment of an indemnity under article 952 of the Civil Code. Such a proceeding is prescribed three years after the date of coming into force of the act that infringes on his right of ownership, and must be heard and decided on an urgent basis.

2023, c. 33, s. 6.

245.3. Where it is declared that an owner referred to in section 245.2 is entitled to be indemnified under article 952 of the Civil Code, the court shall determine the final indemnity to which the owner may be entitled, and shall indicate in its judgment the amounts of the indemnity that are owed to the owner and those that could be owed if the infringement does not cease.

The indemnity is determined in accordance with the provisions of subdivisions 2, 3, 4 and 6 of Division III of Chapter III of Title III of Part I of the Act respecting expropriation (chapitre E-25). For the purposes of section 129 of that Act, the cessation of the infringement is considered a discontinuance.

The judgment shall grant a time limit to the person who performs the act to put a stop to the infringement, which must not be less than nine months from the date of the judgment.

Within four months after the judgment, the person who performs the act must notify the court and the owner of his decision either to put a stop to the infringement or to acquire the property concerned. In the latter case, the court shall order the person who performs the act to pay the indemnity it determined in the event that the infringement did not cease and shall order the transfer of ownership of the property concerned to the person who performs the act.

If the infringement does not cease within the time limit granted, the court, on the owner's request, shall order the person who performs the act to pay the indemnity determined, which shall be adjusted at the owner's request to account for any new damages, and shall order the transfer of ownership of the property concerned to the person who performs the act.

2023, c. 33, s. 6.

245.4. A municipality may grant a tax credit to the owner of an immovable concerned by an act referred to in the third paragraph of section 245.

2023, c. 33, s. 6.

245.5. A regulation whose sole purpose is to put a stop to an infringement of a right of ownership in execution of a judgment referred to in section 245.3 is not subject to approval by way of referendum.

2023, c. 33, s. 6.

245.6. Sections 245 to 245.4 apply, with the necessary modifications, to an act performed by a municipality or responsible body under any Act where the purpose of the act is to regulate the use of land or structures.

2023, c. 33, s. 6.

246. No provision of this Act, or of a metropolitan plan, an RCM plan, an interim control by-law or resolution or a zoning, subdivision or building by-law has the effect of preventing the designation on a map of a claim, or exploration or search for or the development or exploration of mineral substances carried on in accordance with the Mining Act (chapter M-13.1), or gas storage carried on in accordance with the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1).

The first paragraph does not apply to the extraction of sand, gravel or building stone on private lands where, under the Mining Act, the right to those mineral substances belongs to the owner of the soil.

1979, c. 51, s. 246; 1987, c. 64, s. 331; 1994, c. 32, s. 24; 1996, c. 25, s. 79; 2002, c. 68, s. 52; 2010, c. 10, s. 101; 2016, c. 35, s. 23; 2021, c. 35, s. 4; 2022, c. 10, s. 5.

246.1. Failure by a responsible body or a municipality or any of its council members or officers to observe a formality prescribed by this Act does not invalidate a deed, except where such failure causes serious harm or the Act provides for its effect, in particular, by stating that the formality must be observed on pain of nullity or rejection of the deed.

1993, c. 3, s. 87; 2010, c. 10, s. 111.

246.2. To the extent provided for in the second paragraph and in addition to any notification or service provided for in another provision of this Act, a municipal body must send another municipal body, at the request of the latter and free of charge, a certified copy of any document in its archives or any information it is authorized to communicate that is directly or indirectly related to the other body's exercise of a power under this Act.

Certified copies or information may be sent under the first paragraph between a metropolitan community and a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community or between such a regional county municipality and a municipality to whose territory such an RCM plan applies.

2010, c. 10, s. 102; I.N. 2016-01-01 (NCCP).

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

247. *(Amendment integrated into c. C-27.1, a. 3).*

1979, c. 51, s. 247.

248. *(Amendment integrated into c. C-27.1, a. 117).*

1979, c. 51, s. 248.

249. *(Amendment integrated into c. D-11, s. 1).*

1979, c. 51, s. 249.

250. *(Amendment integrated into c. D-11, s. 12).*

1979, c. 51, s. 250.

251. *(Amendment integrated into c. D-11, s. 12.1).*

1979, c. 51, s. 251.

252. This Act applies notwithstanding any inconsistent provision of any charter or special Act applicable to a municipality.

1979, c. 51, s. 252; 2000, c. 56, s. 99.

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

1979, c. 51, s. 253; 1999, c. 40, s. 18.

254. Notwithstanding article 453 of the Municipal Code (chapter C-27.1) and section 365 of the Cities and Towns Act (chapter C-19), the repeal or amendment of a by-law which, according to the provisions of a general law or special Act repealed by this Act, required any approval, may be carried out only if such action is taken in conformity with this Act.

1979, c. 51, s. 254.

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

1979, c. 51, s. 255.

256. Any joint town-planning commission instituted by virtue of article 392*e* of the Municipal Code of 1916 or of subsection 3 of section 70 of the Cities and Towns Act (chapter C-19) remains operative until the adoption of a resolution provided for in section 4.

1979, c. 51, s. 256.

256.1. No permit authorizing a cadastral operation may be refused in respect of a tract of land that, on 30 November 1982 or on the date of the day preceding that of the coming into force of the first interim control by-law of the regional county municipality, when that date is later than 30 November 1982, does not form one or several separate lots on the official plans of the cadastre and the metes and bounds of which are described in one or several acts published to that date, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law, if the following conditions are observed:

(1) on the date mentioned above, the area and the dimensions of the land allow it to satisfy, where such is the case, the pertinent requirements of the regulation on cadastral operations applicable on that date in the territory where the land is situated, and

(2) a single lot results from the cadastral operation, except where the tract of land is comprised in several original lots, in which case a single lot for each original lot results from the cadastral operation.

1982, c. 63, s. 103; 1984, c. 47, s. 5; 1999, c. 40, s. 18.

256.2. No permit authorizing a cadastral operation may be refused on the sole ground that the area or the dimensions of the tract of land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law in respect of a tract of land that meets the following conditions:

(1) on 30 November 1982 or on the date preceding the date of the coming into force of the first interim control by-law of the regional county municipality, whichever date is the later, the tract of land did not form one or several separate lots on the official plans of the cadastre;

(2) on the date applicable under subparagraph 1, the tract of land was the site of a structure built and used in accordance with the by-laws in force at that time, if such was the case, or protected by acquired rights.

To be authorized, the cadastral operation must result in the creation of a single lot or, where the tract of land is comprised in several original lots, of a single lot for each original lot.

The first two paragraphs apply even if the structure is destroyed by a disaster after the applicable date.

1986, c. 33, s. 3.

256.3. No permit authorizing a cadastral operation may be refused on the sole ground that the area or the dimensions of the tract of land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law in respect of a tract of land that is the remainder of a tract of land

(1) part of which has been acquired for purposes of public utility by a public body or some other person having powers of expropriation, and

(2) which immediately before the acquisition had sufficient area and dimensions to conform with the by-laws in force at that time or could have been the subject of a cadastral operation pursuant to section 256.1 or 256.2.

To be authorized, the cadastral operation must result in the creation of a single lot or, where the tract of land is comprised in several original lots, of a single lot for each original lot.

1986, c. 33, s. 3.

256.4. A structure, work, use or lot is protected by acquired rights from the time it becomes non-conforming by reason of the acquisition of a part of an immovable for public service purposes by a person who has powers of expropriation if, immediately before that acquisition, the structure, work, use or lot was in conformity with the applicable by-laws or protected by acquired rights.

2023, c. 27, s. 185.

256.5. The council of a municipality may adopt a by-law to authorize, despite any planning by-law and on the conditions it determines, the implementation of all or part of a structure, work or use that was on a part of an immovable that was acquired for public service purposes by a person who has powers of expropriation. Such implementation may be carried out on the remainder of the immovable or, if necessary, on an adjacent immovable.

Such authorization may not be granted if

(1) the structure, work or use was not, immediately before the acquisition, in conformity with the applicable by-laws or protected by acquired rights;

(2) the implementation hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership; or

(3) the implementation increases the risks with regard to public safety or public health or adversely affects the quality of the environment or general well-being.

The council must, at the request of a person who has expropriation powers, adopt a by-law referred to in the first paragraph in order to allow the reinstatement, to the extent possible, of any structure, work or use that was on the acquired part of the immovable. However, the council may refuse to do so if of the opinion that the application of the criteria set out in the second paragraph would prevent any authorization, in which case it must send the person a notice stating the grounds for its refusal.

2023, c. 27, s. 185.

257. *(Amendment integrated into c. C-19, s. 421).*

1979, c. 51, s. 257.

258. *(Inoperative, 1979, c. 72, s. 267).*

1979, c. 51, s. 258.

259. (1) *(Omitted);*

(2) *(omitted);*

(3) *(omitted);*

(4) *(omitted);*

(5) *(omitted);*

(6) *(amendment integrated into c. C-27.1, a. 493);*

(7) *(omitted);*

(8) *(omitted);*

(9) *(omitted);*

(10) *(omitted);*

(11) *(omitted);*

(12) *(omitted);*

(13) *(omitted);*

(14) *(omitted);*

(15) *(omitted);*

(16) *(omitted);*

(17) *(amendment integrated into c. C-27.1, a. 540);*

(18) *(omitted).*

1979, c. 51, s. 259.

260. (1) *(Amendment integrated into c. C-19, s. 70);*

(2) *(amendment integrated into c. C-19, s. 356);*

(3) *(amendment integrated into c. C-19, s. 411);*

(4) *(amendment integrated into c. C-19, s. 412);*

(5) *(amendment integrated into c. C-19, s. 415);*

(6) *(omitted).*

1979, c. 51, s. 260.

261. *(Omitted).*

1979, c. 51, s. 261.

261.1. *(Repealed).*

1982, c. 2, s. 85; 1982, c. 63, s. 283; 1996, c. 2, s. 65.

262. *(Repealed).*

1979, c. 51, s. 262; 1981, c. 59, s. 7.

263. *(Amendment integrated into c. R-10, s. 2).*

1979, c. 51, s. 263.

264. Ville de Laval is subject both to the provisions of this Act, except the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council, the executive committee and the secretary of a regional county municipality shall be exercised in that city by the mayor, the council, the executive committee, and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) section 84 applies to Ville de Laval, with the following modifications:

(a) the special planning program may be adopted independently from a planning program,

(b) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(c) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;

(3) *(subparagraph repealed);*

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

(5) subparagraph 2 of the second paragraph of section 113 applies with the addition of "where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum" at the end;

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

Subparagraph 2 of the second paragraph ceases to apply if a planning program comes into force in the territory of the city.

1979, c. 51, s. 264; 1982, c. 63, s. 104; 1986, c. 33, s. 4; 1987, c. 53, s. 7; 1987, c. 57, s. 679; 1993, c. 3, s. 88; 1993, c. 65, s. 87; 1996, c. 25, s. 80; 2002, c. 68, s. 52; 2010, c. 10, s. 103; 2021, c. 7, s. 26; 2023, c. 12, s. 97.

264.0.1. Ville de Mirabel is subject both to the provisions of this Act, except the provisions of Chapter II. 1 of Title I that concern by-laws other than the by-law provided for in section 79.1, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city by the mayor, the council and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) section 84 applies to Ville de Mirabel, with the following modifications:

(a) the special planning program may be adopted independently from a planning program,

(b) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(c) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;

(3) *(subparagraph repealed);*

(4) subparagraph 2 of the second paragraph of section 113 applies with the addition of "where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come

into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum" at the end.

Subparagraphs 2 of the second paragraph ceases to apply if a planning program comes into force in the territory of the city.

1984, c. 47, s. 6; 1986, c. 33, s. 5; 1987, c. 53, s. 8; 1987, c. 57, s. 680; 1993, c. 3, s. 89; 1993, c. 65, s. 88; 1996, c. 2, s. 66; 1996, c. 25, s. 81; 2002, c. 68, s. 52; 2010, c. 10, s. 104; 2021, c. 7, s. 27; 2023, c. 12, s. 98.

264.0.2. Ville de Gatineau is subject both to the provisions of this Act, except the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1, that concern regional county municipalities and to the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the secretary of a regional county municipality shall be exercised, respectively by the mayor, the city council and the clerk.

However, the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than in accordance with sections 109.6 to 110 in the case of the planning program or sections 137.2 to 137.8 in the case of by-laws.

2000, c. 56, s. 100; 2001, c. 25, s. 218; 2002, c. 68, s. 8, s. 52; 2010, c. 10, s. 105; 2021, c. 7, s. 28.

264.0.3. Ville de Montréal is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, with the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 133 of the Charter of Ville de Montréal, metropolis of Québec;

(3) the powers conferred on the council of the regional county municipality by section 148.0.20.1 must be exercised by the city council if the immovable concerned is situated in the territory of the city.

All the functions devolved under this section to Ville de Montréal as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Montréal is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Montréal.

2010, c. 10, s. 106; 2021, c. 10, s. 112.

264.0.4. Ville de Québec is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city,

subject to the provisions of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws, and a 15-day period applies rather than the 30-day period prescribed in the second paragraph of section 137.11;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the third, fourth and fifth paragraphs of section 117 of the Charter of Ville de Québec, national capital of Québec.

All the functions devolved under this section to Ville de Québec as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Québec is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Québec.

2010, c. 10, s. 106.

264.0.5. Ville de Longueuil is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Longueuil (chapter C-11.3) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 74 of the Charter of Ville de Longueuil.

All the functions devolved under this section to Ville de Longueuil as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Longueuil is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Longueuil.

2010, c. 10, s. 106.

264.0.6. Ville de Lévis is subject both to the provisions of this Act, except the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Lévis (chapter C-11.2) relating to borough councils, by the mayor, the city council and the clerk, respectively.

However, the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

2010, c. 10, s. 106; 2021, c. 7, s. 29.

264.0.7. Municipalité des Îles-de-la-Madeleine is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that municipality by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the municipal council with the municipality's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Municipalité des Îles-de-la-Madeleine as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Municipalité des Îles-de-la-Madeleine is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Îles-de-la-Madeleine.

2010, c. 10, s. 106.

264.0.8. Ville de La Tuque is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Ville de La Tuque as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de La Tuque is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of La Tuque.

2010, c. 10, s. 106.

264.0.9. 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 may maintain in force a single document that contains both provisions specific to the content of a land use and development plan and provisions specific to the content of a planning program. In such a case, sections 47 to 53.11, 53.11.5 to 56.12, 56.12.3 to 56.12.5, 56.12.8 to 57, 57.3, 58, 59 to 61.1, 61.3 to 71 and 71.0.3 to 72, rather than sections 88 to 100 and 102 to 112.8, apply, with the necessary modifications, to the provisions specific to the content of a planning program.

To replace its zoning by-law, conditional use by-law or incentive zoning by-law, every municipality listed in the first paragraph must comply with the rules applicable to a by-law referred to in section 110.10.1, with

the necessary modifications. However, the replacement by-law may be adopted not later than the day that is two years after the day of coming into force of the by-law that revises the single document.

2017, c. 13, s. 18; 2023, c. 12, s. 99.

264.1. *(Repealed).*

1982, c. 18, s. 146; 1982, c. 63, s. 105; 1983, c. 57, s. 39; 1984, c. 27, s. 30; 1985, c. 27, s. 8; 1985, c. 31, s. 27; 1987, c. 57, s. 681; 1987, c. 102, s. 35; 1990, c. 50, s. 12; 1993, c. 3, s. 90; 1995, c. 34, s. 63; 1996, c. 25, s. 82; 1997, c. 44, s. 96; 2000, c. 34, s. 238.

264.2. *(Repealed).*

1982, c. 63, s. 106; 1983, c. 57, s. 40; 1984, c. 27, s. 31; 1984, c. 32, s. 28; 1985, c. 27, s. 9; 1987, c. 57, s. 682; 1987, c. 102, s. 36; 1990, c. 50, s. 13; 1993, c. 3, s. 91; 1995, c. 34, s. 64; 1996, c. 25, s. 83; 2000, c. 56, Sch. VI, s. 225.

264.3. *(Repealed).*

1983, c. 29, s. 72; 1983, c. 57, s. 41; 1984, c. 27, s. 32; 1985, c. 27, s. 10; 1987, c. 102, s. 37; 1990, c. 50, s. 14; 1990, c. 85, s. 123; 1993, c. 3, s. 92; 1995, c. 34, s. 65; 1996, c. 25, s. 84; 2000, c. 56, s. 101.

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

1979, c. 51, s. 265; 2002, c. 68, s. 52; 2010, c. 10, s. 110.

266. This Act does not apply in the territories situated north of the 55th parallel nor in the Category I lands situated south of the 55th parallel north, described in Chapter I of Title III of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

1979, c. 51, s. 266; 1996, c. 2, s. 67; 2001, c. 61, s. 11; 2013, c. 19, s. 52.

267. The aims, guidelines, documents, assessments, opinions, notices, orders and interventions of the Government or of its Ministers or mandataries of the State contemplated in sections 51, 53.7, 53.12, 56.4, 56.14, 56.16, 57.9, 65, 79.9, 79.19.4 and 79.19.20 and 149 to 165 shall be prepared under the responsibility of a minister designated by the Government. The minister shall, for that purpose, consult the other ministers concerned.

The minister designated in accordance with the first paragraph may authorize another minister or an agency of the State to exercise all or part of his powers or to perform his duties and functions under sections 149 to 165.

1979, c. 51, s. 267; 1987, c. 53, s. 9; 1990, c. 50, s. 15; 1993, c. 3, s. 93; 1996, c. 25, s. 85; 1996, c. 26, s. 69; 1999, c. 40, s. 18; 2010, c. 10, s. 107; 2021, c. 7, s. 30; 2023, c. 12, s. 100.

Note *The Minister designated is the Minister of Municipal Affairs. Order in Council 1646-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6518.*

267.1. Where the Minister gives his opinion, in light of governmental policy, on a document concerning an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), he shall take into consideration whether or not the elements it contains enable the objectives referred to in the third paragraph of section 5 to be met. He shall also take into consideration whether or not the parameters to serve in the establishment of separation distances are consistent with the parameters indicated pursuant to section 56.4.

Those obligations do not apply if the document in respect of which the opinion is given is a metropolitan plan or is related to a metropolitan plan.

1996, c. 26, s. 70; 2010, c. 10, s. 108; 2023, c. 12, s. 101.

267.2. *(Repealed).*

1997, c. 44, s. 97; 1997, c. 93, s. 45; 2000, c. 56, s. 102; 2001, c. 25, s. 8; 2001, c. 68, s. 3; 2002, c. 77, s. 7; 2004, c. 20, s. 14; 2010, c. 10, s. 109.

267.3. *(Repealed).*

2001, c. 68, s. 4; 2002, c. 77, s. 8; 2010, c. 10, s. 109.

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

1979, c. 51, s. 268.

269. *(Omitted).*

1979, c. 51, s. 269.

270. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 51 of the statutes of 1979, in force on 1 November 1980, is repealed, except sections 247, 248 and 269, effective from the coming into force of chapter A-19.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 247 and 248 of chapter 51 of the statutes of 1979, in force on 1 January 1984, are repealed effective from the coming into force of the updating to 1 January 1984 of chapter A-19.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), paragraphs 4 and 7 of section 261 of chapter 51 of the statutes of 1979, in force on 1 September 1985, are repealed effective from the coming into force of the updating to 1 September 1985 of chapter A-19.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), paragraph 6 of section 261 of chapter 51 of the statutes of 1979, in force on 1 September 1993, is repealed effective from the coming into force of the updating to 1 September 1993 of chapter A-19.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), paragraph 10 of section 261 of chapter 51 of the statutes of 1979, in force on 1 March 1996, is repealed effective from the coming into force of the updating to 1 March 1996 of chapter A-19.1 of the Revised Statutes.