



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 184
(2001, chapter 35)

**An Act to amend the Act respecting the
preservation of agricultural land and
agricultural activities and other
legislative provisions**

**Introduced 20 December 2000
Passage in principle 20 June 2001
Passage 21 June 2001
Assented to 21 June 2001**

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EXPLANATORY NOTES

This bill amends the Act respecting the preservation of agricultural land and agricultural activities to enact measures intended to preserve the potential to expand or maintain agricultural activities in certain specific cases. It gives municipalities the powers of inspection necessary to enforce the measures. In addition, the procedure for filing applications of collective scope with the Commission de protection du territoire agricole is modified. For instance, only a regional county municipality will be authorized to file such an application, which may pertain solely to destructured tracts of land or consolidated lots in identified sectors in agricultural zones. The bill authorizes the Government to make regulations imposing conditions to apply to the expansion of agricultural activities and defining what constitutes farm-based tourism activities.

The bill also amends the Act respecting land use planning and development to permit a regional county municipality, by means of an interim control by-law containing certain zoning standards, such as uses permitted in agricultural zones and separation distances intended to reduce the inconvenience caused by odours resulting from certain agricultural activities, to suspend the application of provisions of municipal by-laws inconsistent with the measures. The bill also permits an interim control by-law to be made to suspend the exercise of a local municipality's authority to adopt such by-laws until the coming into force of a development plan revised to bring it into compliance with government policy specifically concerning agricultural zones.

The bill amends the Act respecting La Financière agricole du Québec to enable the agency to determine standards, deriving from the application of the Environment Quality Act, which it will take into account in the preparation and administration of its programs.

Lastly, a number of provisions of a transitional or consequential nature are proposed in the bill.

LEGISLATION AMENDED BY THIS BILL :

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

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26);
- Act respecting La Financière agricole du Québec (2000, chapter 53).

Bill 184

AN ACT TO AMEND THE ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The heading of subdivision 3 of Division IV of Chapter II of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is replaced by the following heading :

“§3. — *Individual applications*”.

2. Section 58.1 of the said Act is amended by replacing “together with” in the second line of the second paragraph by “furnishing all the information required by the commission, in particular as regards the standards intended to reduce the inconvenience caused by odours resulting from agricultural activities established pursuant to the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, and”.

3. Section 59 of the said Act is replaced by the following :

“§3.1. — *Applications of collective scope*

“59. A regional county municipality or a community may apply to the commission to determine in which cases and under which conditions new uses of land for residential purposes may be introduced in an agricultural zone.

In addition to the regional county municipality or the community, the local municipality concerned and the certified association are interested persons in relation to the application. A copy of the application must be sent to them by the regional county municipality or the community making the application.

The application must concern

(1) a destructured tract of land in the agricultural zone ; or

(2) lots having an area sufficient to avoid destructuring the agricultural zone, situated in sectors identified in the development plan or in a draft amendment or revision of such a plan.

The application must contain the information required by the commission, including the information required for the purposes of sections 61.1 and 62.

However, an application that relates to a draft amendment or revision of the development plan may be made only after the consultation period provided for in the second paragraph of section 53.5 or, where applicable, the second paragraph of section 56.6 of the Act respecting land use planning and development.

The commission shall enter every admissible application in the general register and inform the interested persons.

For the purposes of this section, Municipalité de Baie-James is deemed to be a regional county municipality.”

4. Section 59.1 of the said Act is repealed.

5. The said Act is amended by inserting the following sections after section 59.2:

“59.3. From the date of entry in the general register of an application under section 59, the commission may suspend the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a period of six months or until the date of any decision it may make within that time.

“59.4. A favourable decision of the commission concerning an application of collective scope shall take effect only from the coming into force of the planning by-law of the local municipality concerned that introduces the conditions specified in the decision as mandatory standards.”

6. Section 60.1 of the said Act is amended by adding the following at the end of the third paragraph: “However, in the case of an application filed under section 59, the time allowed is 45 days.”

7. The said Act is amended by inserting the following section after section 61.1:

“61.1.1. Section 61.1 does not apply to an application under section 59 concerning a destructured tract of land nor to an application relating to a farm-based tourism activity as determined by regulation under section 80.”

8. Section 62 of the said Act, amended by section 188 of chapter 56 of the statutes of 2000, is again amended by inserting the following at the end of subparagraph 3 of the second paragraph: “, in particular having regard to the standards aimed at reducing the inconvenience caused by odours resulting

from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development”.

9. The said Act is amended by inserting the following section after section 62.5:

“62.6. However, to render a decision on an application filed under section 59, the commission must have received a favourable opinion from the interested persons within the meaning of that section.”

10. Section 64 of the said Act is amended by striking out the second paragraph.

11. Section 65.1 of the said Act is amended

(1) by inserting the following paragraph before the first paragraph:

“65.1. The applicant must demonstrate that there is no appropriate available space elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes specified in the application for exclusion. The commission may reject an application on the sole ground that such spaces are available.”;

(2) by replacing “65.1. In examining an application for exclusion, the” in the first line of the first paragraph by “The”.

12. Section 67 of the said Act, amended by section 203 of chapter 42 of the statutes of 2000, is again amended

(1) by replacing “filed” in the second line of the second paragraph by “presented”;

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

“In addition, where the regional county municipality or the community is required to amend its development plan to give effect to an application for exclusion, the notice referred to in the first paragraph may not be presented unless such an amendment is adopted and comes into force within twenty-four months of the date of the decision.”

13. Section 79.2 of the said Act is replaced by the following:

“§1.1. — *Effect of the erection of certain non-agricultural buildings*

“79.2. For the purposes of sections 79.2 to 79.2.7,

“livestock facility” means a building where animals are raised or an enclosure or a part of an enclosure where animals are kept for purposes other than pasture ;

“livestock unit” means the unit of measure of the number of animals that may be found in a livestock facility during a production cycle as determined by a regulation under section 79.2.7.

For the purposes of these sections, a “breeding unit” is made up of a livestock facility or, where there is more than one facility, of all the livestock facilities in respect of which a point on the perimeter of one facility is less than 150 metres from the neighbouring livestock facility, and of storage works, if any, for the manure from the animals in the facility or facilities.

For the purposes of these sections and section 98.1, “separation distance requirement” refers to any standard serving to delimit the open space that must be left in order to reduce the inconvenience caused by odours resulting from agricultural activities, and originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, or to any standard provided for in an Act or a regulation to take the place of such a standard.

“79.2.1. In an agricultural zone, a building used or intended to be used for a purpose other than an agricultural purpose must not be erected or enlarged on the side facing the breeding unit whose siting would entail the greatest restriction on the potential for expanding the agricultural activities therein if the siting or enlargement of the building were taken into account in applying separation distance requirements. However, a municipality may not refuse to issue a building permit for the sole reason of non-compliance with that condition.

Where, pursuant to the first paragraph, a point on the perimeter of such a building or its enlargement encroaches upon the space that, under separation distance requirements, must be left open between any neighbouring breeding unit, any separation distance requirement applicable at the time of the erection or enlargement of the building continues to apply to the expansion in agricultural activities of any neighbouring breeding unit without taking into account the siting of the building or its enlargement.

“79.2.2. Where the building referred to in section 79.2.1 is a residence erected without the authorization of the commission under section 40, after 21 June 2001, any agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development and any separation distance requirements apply to the neighbouring breeding units, without taking the siting of the residence into account.

“79.2.3. If a manure storage works, another works aimed at reducing pollution or a works aimed at reducing the inconvenience caused by the odours from a breeding unit can only be erected by encroaching upon the

space that must be left open under separation distance requirements, the erection is allowed notwithstanding the separation distance requirements so long as the works is not erected on the side facing the building used for a purpose other than an agricultural purpose whose siting would entail the greatest restriction on the potential for expanding the agricultural activities of that breeding unit if the separation distance requirements were taken into account.

“§1.2. — *Potential of certain agricultural operations to expand activities*

“79.2.4. This subdivision applies to agricultural operations registered in accordance with the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 340-97 (1997, G.O. 2, 1275), having at least one breeding unit that meets the following conditions on 21 June 2001 :

- (1) the agricultural operation contains at least one livestock unit; and
- (2) the livestock facilities that make up the breeding unit are used by the same operator.

“79.2.5. The agricultural activities of a breeding unit may be expanded, subject to any standard applicable in other respects pursuant to an Act or a regulation, if the following conditions are met :

- (1) the breeding unit was reported in accordance with section 79.2.6 ;
- (2) a point on the perimeter of every livestock facility and, where applicable, every manure storage works necessary to the expansion is less than 150 metres from the neighbouring livestock facility or storage works for manure from the breeding unit ;
- (3) the number of livestock units, as reported in the statement referred to in section 79.2.6 for that breeding unit, is increased by no more than 75, although the total number of livestock units resulting from the expansion in no case may exceed 225 ;
- (4) the odour coefficient of the categories or groups of new animals is not greater than the odour coefficient of the category or group of animals having the most livestock units ; and
- (5) the additional conditions, if any, prescribed by regulation of the Government under section 79.2.7 are complied with.

The expansion in agricultural activities in that breeding unit is, however, not subject to the following standards :

- (1) separation distance requirements ;

(2) agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development;

(3) standards originating from the exercise of the powers provided for in subparagraph 5 of the second paragraph of section 113 of that Act; however, the expansion continues to be subject to any such standard that concerns the open space which must be left between structures and the street and land boundaries.

“79.2.6. The reporting of a breeding unit referred to in section 79.2.5 is effected by the filing of a sworn statement by the operator of the breeding unit with the secretary-treasurer of the municipality in which the breeding unit is situated before 21 June 2002.

The sworn statement must indicate the name of the operator, the address of the premises on which the breeding unit is situated and a summary description of the livestock facilities and storage works that make up the breeding unit, the maximum number of livestock units for each category or group of animals raised or kept in the breeding unit in the 12 months preceding 21 June 2001 and a statement that the breeding unit was in operation on that date.

“79.2.7. The Government may, by regulation, prescribe other conditions applicable to the expansion in agricultural activities permitted under section 79.2.5 to reduce the inconvenience caused by odours resulting from agricultural activities.

The regulation must determine the animals to which this subdivision applies, and fix the number of animals equivalent to one livestock unit and the odour coefficient per category or group of animals.

The regulation may, in particular, prescribe, determine, prohibit, limit, and control practices, methods, equipment, processes or techniques as regards the spreading or storing of manure.

In addition, the regulation may vary any standard or condition on the basis in particular of the number, category or group of animals concerned, types of manure, the odour coefficient attributed to a category or group of animals, geographical characteristics, the regions or municipalities concerned and periods of the year.

The Government may, in the regulation, make mandatory a standard established by another government or body, and provide that a reference to such a standard includes any subsequent amendments made to it.

Without restricting the powers of the Minister, the Government may specify in the regulation which sections of the regulation must be applied by one or more municipalities, and the municipalities must enforce or see to the enforcement of the regulation to that extent.”

14. Section 79.17 of the said Act is amended by replacing the words “regulatory standards adopted by a municipality under the third” in the third and fourth lines of paragraph 1 by “standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second”.

15. Section 79.19 of the said Act is amended by replacing the words “regulatory standards adopted by a municipality under the third” in the third and fourth lines of paragraph 1 by “standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second”.

16. The said Act is amended by inserting the following sections after section 79.19 :

“79.19.1. Nothing in this division shall be interpreted as enabling a person who carries on an agricultural activity to avoid liability for a gross or intentional fault committed in carrying on that activity.

“79.19.2. The agricultural activities of a breeding unit that are carried on in accordance with subdivisions 1.1 and 1.2 of Division I of this chapter are, for the purposes of sections 79.17 to 79.19, deemed to be carried on in compliance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development.”

17. Section 80 of the said Act is amended by inserting the following paragraph after paragraph 7.1 :

“(7.2) establish the standards to determine whether an activity is a farm-tourism activity and identify farm-tourism activities for the purposes of section 61.1.1 ;”.

18. Section 89 of the said Act is amended by replacing “section 90” in the fifth line by “sections 90 and 90.1”.

19. The said Act is amended by inserting the following section after section 98 :

“98.1. For the purposes of subdivisions 1.1 and 1.2 of Division I of Chapter III, or for the purposes of any other provision of this Act or any other Act relating to separation distance requirements, a municipality may request, in writing, the operator of an agricultural operation to transmit to the municipality any information within the time it fixes.

If the operator fails to transmit the information within the time fixed, the municipal inspector may, at the expense of the operator and in accordance with a by-law made under section 411 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 492 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), collect any information or determine any fact necessary to enforce a separation distance requirement. For those purposes, the municipal inspector may be assisted by an agrologist, a veterinary surgeon, a professional technologist or a land-surveyor.”

20. The said Act is amended by inserting the following section after section 101 :

“101.1. Notwithstanding section 101, no person may, as of 21 June 2001, add a new main use for a purpose other than agriculture in the area for which that right exists or convert the existing use into another use for a purpose other than agriculture, without the authorization of the commission.”

21. Section 51 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following paragraph after the first paragraph :

“Where 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 notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities.”

22. Section 53.7 of the said Act is amended by inserting the following paragraph after the first paragraph :

“Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities.”

23. Section 56.14 of the said Act is amended by inserting the following paragraph after the first paragraph :

“Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the

establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities.”

24. Section 64 of the said Act is amended by inserting the following paragraph after the second paragraph :

“Notwithstanding subparagraph *a* of subparagraph 1 of the second paragraph of section 62, the council may, pursuant to the powers provided for in subparagraphs 3, 4 and 5 of the second paragraph of section 113, prescribe standards applicable in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities.”

25. Section 65 of the said Act is amended by inserting the following paragraph after the second paragraph :

“In the case of an interim control by-law concerning an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall take into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. If the by-law provides for standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, the notice shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience.”

26. Section 68 of the said Act is amended by adding the following paragraphs at the end :

“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 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 on the date occurring four months after the filing of the notice of motion or according to the time indicated, where applicable, by the Minister in a notice issued in accordance with section 65.”

27. Section 411 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 3 of chapter 19 of the statutes of 2000, is again amended by inserting “to verify any information or determine any fact necessary to the exercise by the municipality of the power to issue a permit or a notice of compliance of an application and to grant an authorization or any other form of permission, conferred on the municipality by an Act or regulation,” after “thereof,” in the fourth line of subparagraph 1 of the first paragraph.

28. Article 492 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting “to verify any information or determine any fact necessary to the exercise by the municipality of the power to issue a permit or a notice of compliance of an application and to grant an authorization or any other form of permission, conferred on the municipality by an Act or regulation,” after “carried out,” in the fourth line.

29. Section 55.43 of the Animal Health Protection Act (R.S.Q., chapter P-42), amended by section 56 of chapter 26 of the statutes of 2000 and by section 39 of chapter 40 of the statutes of 2000, is again amended

(1) by inserting “the second paragraph of section 3.0.1, section” after “2.1,” in the first paragraph;

(2) by inserting “the first paragraph of section 3.0.1,” after “section 3,” in the first paragraph;

(3) by inserting “, paragraph 2 of section 11.14” after “section 11.5” in the first paragraph.

30. Section 55.43.1 of the said Act is amended by adding the following paragraph at the end:

“Every owner or custodian keeping animals for the purpose of sale or breeding who contravenes an order made under section 55.9.6 is liable to a fine of \$1,600 to \$5,000 and, in the case of a second or subsequent offence, to a fine of \$3,200 to \$15,000.”

31. Section 19.1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing “and, as regards odours, to the extent prescribed by any municipal by-law adopted under the third paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)” by “and, as regards odours resulting from agricultural activities, to the extent prescribed by any standard originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)”.

32. Section 84 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26) is repealed.

33. Section 87 of the said Act is amended

(1) by replacing “the third paragraph” in the second line of the first paragraph by “subparagraph 4 of the second paragraph”;

(2) by inserting “in an interim control by-law that includes provisions deriving from the exercise of powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and

development that apply to the agricultural zone or, in the absence of such a by-law, the standards set out” after “set out” in the first line of subparagraph 1 of the first paragraph.

34. Sections 88 and 89 of the said Act are repealed.

35. Section 19 of the Act respecting La Financière agricole du Québec (2000, chapter 53) is amended by adding the following paragraph at the end:

“Compliance by enterprises with provisions of the Environment Quality Act (R.S.Q., chapter Q-2) and the regulations thereunder, as well as with orders, approvals and authorizations issued under that Act must be a criterion in the preparation and administration of the programs of the agency and may be a criterion for the payment of all or part of the sums of money to which those programs give entitlement.”

TRANSITIONAL AND FINAL PROVISIONS

36. A regional county municipality may avail itself of subparagraph 2 of the third paragraph of section 59, enacted by section 3 of this Act, only from the date of coming into force of the first development plan taking into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development.

37. From 21 June 2001, no local municipality whose territory is within that of a regional county municipality having a development plan that has not been amended or revised to take into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development and complementary to the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), may adopt standards applicable in an agricultural zone that originate from the exercise of the powers provided for in subparagraphs 3, 4 and 5 of the second paragraph of section 113 of that Act before the coming into force of an interim control by-law containing standards adopted under those subparagraphs and that apply in the agricultural zone.

38. Until the coming into force of an interim control by-law that includes standards deriving from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development or of a by-law of a municipality adopted under that subparagraph, the set-back standards which the municipality must apply to issue a construction permit are, with the necessary modifications, those set out in the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, G.O. 2, 1287), prepared by the Minister of the Environment, including any subsequent amendment the Minister may make.

39. In the absence of standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise by a local municipality of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, in force on 21 June 2003, the Guidelines referred to in section 38 of this Act shall take the place of a municipal by-law as regards those matters until they are amended or replaced in accordance with the applicable legislative provisions.

40. Until the coming into force of a regulation made under section 79.2.7 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), enacted by section 13 of this Act, the animals concerned, the number of animals equivalent to a livestock unit and the odour coefficient attributed to each category or group of animals are those in Schedule I to this Act.

In the case of a breeding unit in which hogs are raised or kept, the following conditions are added to those provided for in section 79.2.5 of that Act, enacted by section 13 of this Act, until they are replaced or modified by a regulation made under section 79.2.7 of that Act :

(1) a boom-style applicator must be used in spreading liquid manure from the breeding unit or, if the topography of the land prevents the use of a boom, the low spraying method must be used ;

(2) every storage works for liquid manure from the breeding unit situated within an urbanization perimeter and every works situated in an agricultural zone having a point on the perimeter that is less than 550 metres from an urbanization perimeter must be covered by a roof.

41. Section 101.1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), enacted by section 20 of this Act, does not apply to the area of a lot for which the municipality received a permit application before 21 June 2001.

42. The governmental policy regarding the preservation and sustainable development of agricultural activities in agricultural zones, referred to in section 78 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), includes the governmental policy concerning those matters that is complementary to this Act in the case of a regional county municipality whose original plan is not in force or whose development plan has not been amended or revised to take into account the governmental policy referred to in that section.

In every other regional county municipality, section 78 of that Act is rendered applicable as regards the governmental policy concerning those matters that is complementary to this Act.

43. As of 21 June 2001 and until the date of coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal, the Commission de protection du territoire agricole shall request the Community to provide it with a recommendation as regards applications of collective scope made under section 59 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 3 of this Act, concerning the lots in its territory.

The first paragraph applies, with the necessary modifications, to the Communauté métropolitaine de Québec as of 1 January 2002.

44. The Government may, by regulation made before 21 June 2003, prescribe any other measure necessary to ensure the application of this Act.

The regulation may, if it so provides, apply from any date not prior to 21 June 2001.

45. This Act comes into force on 21 June 2001, except sections 24, 25, 26 and 33, which come into force on 1 October 2001, and paragraphs 1 and 2 of section 29 and sections 30 and 35, which come into force on the date or dates to be fixed by the Government.

SCHEDULE I

(Section 40)

1. For the purposes of section 40 of this Act, a livestock unit is equivalent to the following animals according to the number listed:

- 1 cow ;
- 1 bull ;
- 1 horse ;
- 2 calves 225 to 500 kg each ;
- 5 calves under 225 kg each ;
- 5 breeder hogs 20 to 100 kg each ;
- 25 piglets under 20 kg each ;
- 4 sows, plus piglets not weaned within the year ;
- 125 hens or roosters ;
- 250 broiler chickens ;
- 250 growing pullets ;
- 1,500 quails ;
- 300 pheasants ;
- 100 broiler turkeys 5 to 5.5 kg each ;
- 75 broiler turkeys 8.5 to 10 kg each ;
- 50 broiler turkeys 13 kg each ;
- 100 female minks, excluding males and kits ;
- 40 vixens, excluding males and kits ;
- 4 sheep, plus new-crop lambs ;
- 6 goats, plus new-crop kids ;
- 40 does (rabbits), excluding males and nestlings.

2. For every other livestock species, an animal weighing 500 kilograms or more or a group of animals of that species whose total weight is 500 kilograms is equivalent to one livestock unit.

3. Where a weight is indicated in this schedule, it refers to an animal's anticipated weight at the end of the production period.

ODOUR COEFFICIENT PER LIVESTOCK GROUP OR CATEGORY

Livestock group or category	Coefficient
Beef cattle	
➤ in a closed facility	0.7
➤ in an outdoor feeding area	0.8
Dairy cattle	0.7
Ducks	0.7
Horses	0.7
Goats	0.7
Turkeys	
➤ in a closed facility	0.7
➤ in an outdoor feeding area	0.8
Rabbits	0.8
Sheep	0.7
Hogs	1.0
Hens	
➤ laying hens in cages	0.8
➤ breeder hens	0.8
➤ broiler hens / large chickens	0.7
➤ pullets	0.7
Foxes	1.1
Slaughter calves	
➤ veal calves	1.0
➤ grain-fed calves	0.8
Mink	1.1

For all other livestock species, use the coefficient 0.8.