



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 22

(1996, chapter 25)

An Act to amend the Act respecting land use planning and development

Introduced 15 May 1996
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EXPLANATORY NOTES

This bill relaxes certain constraints in the area of planning and development, in particular by abolishing the requirement to forward numerous documents to the Commission municipale du Québec, and revises several related rules, especially as regards the publication of various notices and orders, the holding of public meetings by municipal councils and the exercise of regulatory powers by the Government.

In addition, the bill limits the grounds for which the Government may issue an order establishing a special planning zone in Québec. It introduces a new procedure for the approval of amendments to the planning by-laws by qualified voters. Lastly, the current system of interim controls is replaced by a new system of interim controls to be applied at the local or regional level.

Bill 22

An Act to amend the Act respecting land use planning and development

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 29 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 7 by the following paragraph:

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

2. Division I of Chapter I of Title I of the said Act is replaced by the following division:

“DIVISION I

“DEVELOPMENT PLAN

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

3. Division III of Chapter I of Title I of the said Act is repealed.

4. Division IV of Chapter I of Title I of the said Act is repealed.

5. Section 33 of the said Act, amended by section 42 of chapter 2 of the statutes of 1996, is again amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the first paragraph by the words “and to the regional county municipality”.

6. Section 34 of the said Act is amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the second paragraph by the words “and to the regional county municipality”.

7. Section 37 of the said Act is amended by replacing the second paragraph by the following paragraph:

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

8. Section 44 of the said Act is amended by striking out the words “and transmit a copy thereof to the Commission for registration” in the third and fourth lines of the first paragraph.

9. Section 48 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “adoption” in the second line of the first paragraph;

(2) by striking out the third paragraph.

10. Section 49 of the said Act, amended by section 55 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

11. Section 53 of the said Act is amended by striking out the fifth paragraph.

12. Section 53.12 of the said Act is amended by striking out the second sentence of the second paragraph.

13. Section 55 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

14. Section 56 of the said Act is repealed.

15. Section 56.1 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth and sixth lines of the second paragraph by the words “and to every contiguous regional county municipality”.

16. Section 56.3 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “adopt” in the second line of the first paragraph;

(2) by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth and sixth lines of the second paragraph by the words “and to every contiguous regional county municipality”.

17. Section 56.4 of the said Act is amended by striking out the third paragraph.

18. Section 56.6 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “shall” in the second line of the first paragraph;

(2) by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fourth and fifth lines of the third paragraph by the words “and to every contiguous regional county municipality”.

19. Section 56.13 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth, sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

20. Section 56.14 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

21. Section 59.1 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth and fifth lines of the second paragraph.

22. Section 59.2 of the said Act is amended

(1) by striking out the words “to the regional county municipality” in the second and third lines of the first paragraph;

(2) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the third paragraph.

23. Section 59.3 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by inserting the words “, accompanied with the program or by-law concerned. He shall serve a certified copy of the resolution on the regional county municipality” after the word “assessment” in the third line of the second paragraph;

(3) by replacing the words “must be received by the Commission” in the first line of the third paragraph by the words “served on the Commission must be received by it”;

(4) by striking out the words “to the municipality” in the fourth line of the third paragraph.

24. Section 59.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

25. Section 59.7 of the said Act is amended by adding the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

26. Division VII of Chapter I of Title I of the said Act is replaced by the following division:

“DIVISION VII

“INTERIM CONTROL

“§ 1. — *Application*

“**61.** Subdivisions 2 to 4 shall apply to every regional county municipality that has initiated the process of amendment of its development plan or is in the process of revising it.

“§ 2. — *Interim control resolution*

“**62.** The council of the regional county municipality may, by a majority vote of its members, prohibit new uses of the land, new structures, 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, 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 public domain;

(2) applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code of Québec 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, applications for cadastral operations and the parcelling out of lots by alienation constitute classes of activities, establish subclasses or divide the territory of the regional county 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 secretary-treasurer shall transmit a certified copy thereof to the Minister and to every municipality whose territory is comprised in that of the regional county

municipality, and shall publish notice of the date of passage of the resolution in a newspaper circulated in the territory of the regional county municipality.

“63. The council of the regional county municipality 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.

“§ 3. — Interim control by-law

“64. The council of the regional county municipality may, by a by-law adopted by a majority vote of its members, 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, adapted as required.

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-treasurer shall transmit a certified copy of the by-law and of the resolution by which it was adopted to the Minister and to every municipality whose territory is comprised in that of the regional county municipality.

The Minister shall give notice in writing to the regional county municipality of the date on which he received the copy.

“65. Within 60 days after receiving a copy of the by-law, the Minister shall give his opinion on the by-law as regards the aims that the Government, its ministers or mandataries, and public bodies

are pursuing or intend to pursue in respect of land use development in the territory of the regional county municipality, including the land use plan provided for in section 21 of the Act respecting the lands in the public domain (chapter T-8.1), as well as the equipment, infrastructure and development projects they intend to carry out in the territory.

An opinion stating that the by-law is not consistent with such aims and projects must include reasons. In that case, the Minister may, in the opinion, request that the regional county municipality replace the by-law; he may also fix a time limit for the adoption of a replacement by-law.

The Minister shall serve the opinion on the regional county municipality. In the case provided for in the second paragraph, he shall transmit a copy of the opinion to every municipality whose territory is comprised in that of the regional county municipality.

“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 served on the regional county municipality by the Minister, or, failing such notice, 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-treasurer shall publish notice of the date of coming into force of the by-law in a newspaper circulated in the territory of the regional county municipality.

The secretary-treasurer shall, at the same time, transmit a certified copy of the by-law and notice to every municipality whose territory is comprised in that of the regional county municipality, to every regional county municipality whose territory is contiguous and, for registration, to the Commission.

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

The fourth 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.

Any by-law concerning the repeals of the interim control by-law is adopted by a majority vote of the members of the council of the regional county municipality.

“§ 4. — *Effects of the interim control*

“**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.

“**69.** 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.

“**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 development 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.

“**71.** Any by-law adopted under section 64 and connected with the process of amendment of the development 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 plan.

“**72.** Any by-law adopted under section 64 and connected with the process of revision of the development 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.”

27. Section 79 of the said Act is amended by replacing the figure “107” in the fourth line by the figure “106”.

28. Section 81 of the said Act is amended

(1) by striking out the words “and, for registration, to the Commission” in the second line of the third paragraph ;

(2) by striking out the fourth and fifth paragraphs.

29. Section 82 of the said Act is amended

(1) by striking out the words “, and be sent, for registration, to the Commission” in the second and third lines of the second paragraph ;

(2) by striking out the third paragraph ;

(3) by striking out the words “; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force” in the first, second and third lines of the fourth paragraph.

30. Section 85.1 of the said Act, amended by section 48 of chapter 2 of the statutes of 1996, is again amended by replacing the words “whose council has adopted a resolution provided for in section 4” in the fourth paragraph by the words “that has begun to prepare its first development plan”.

31. Section 86 of the said Act is amended by replacing the second paragraph by the following paragraph :

“As soon as practicable after passage of a resolution provided for in the first paragraph, the secretary-treasurer of the regional county municipality shall transmit a certified copy of it to the municipality.”

32. Section 90 of the said Act is replaced by the following section:

“**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 latter.

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 secretary-treasurer of the municipality.”

33. Section 91 of the said Act is amended by striking out the words “and, for registration, to the Commission” in the second line.

34. Section 92 of the said Act is amended by replacing, in the French text, the words “de lieu, de l’heure et de” in the third line of the first paragraph by the words “du lieu, de l’heure et des”.

35. Section 93 of the said Act is amended by replacing the words “municipal council must explain its” in the first line by the words “person presiding the meeting must explain the”.

36. Section 98 of the said Act, amended by section 49 of chapter 2 of the statutes of 1996, is again amended by replacing the words “whose council has adopted a resolution provided for in section 4” in the first paragraph by the words “that has a development plan in force or that has begun to prepare its first development plan”.

37. Section 102 of the said Act is amended

(1) by striking out the words “, and to the Commission for registration” in the seventh and eighth lines of the first paragraph;

(2) by replacing the words “and to the Commission for registration, whether amended or not; the approval provided for in sections 131 to 137 is not required in this case” in the eighth, ninth and tenth lines of the second paragraph by the words “whether amended or not”;

(3) by replacing the figure “130” in the third line of the fourth paragraph by the figure “127”.

38. Section 103 of the said Act is amended by inserting the words “; the municipality may obtain free of charge from the Commission a certified copy of the program and by-law concerned” after the word “municipality” in the second line of the second paragraph.

39. Section 105 of the said Act is amended

(1) by striking out the fourth paragraph;

(2) by striking out the sixth paragraph.

40. Section 106 of the said Act is amended by replacing the words “Sections 130.2 to 130.6 and 131 to 137 do not apply” in the first line of the second paragraph by the words “None of the formalities prescribed in sections 124 to 137 applies”.

41. Section 109.1 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the last sentence of the third paragraph;

(3) by striking out the fourth paragraph.

42. Section 109.2 of the said Act is amended

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

“**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 latter.”;

(2) by replacing, in the French text, the word “Il” in the first line of the second paragraph by the words “Le conseil”.

43. Section 109.4 of the said Act is amended by replacing the word “council” in the first line by the words “person presiding the meeting”.

44. Section 109.5 of the said Act is amended by striking out the second paragraph.

45. Section 109.6 of the said Act is amended by replacing the words “, to the regional county municipality and to the Commission for registration purposes” in the third and fourth lines of the third paragraph by the words “and to the regional county municipality”.

46. Section 109.7 of the said Act is amended

(1) by inserting the words “the first paragraph of” after the word “in” in the first line of the first paragraph;

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

“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.”;

(3) by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph;

(4) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the fourth paragraph.

47. Section 109.8 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by inserting the words “and of the by-law concerned. The clerk shall serve a certified copy of the resolution on the regional county municipality” after the word “assessment” in the third line of the second paragraph;

(3) by replacing the words “must be received by the Commission” in the first line of the third paragraph by the words “intended for the Commission must be received by it”;

(4) by striking out the words “to the municipality” in the second and third lines of the third paragraph.

48. The said Act is amended by inserting, after section 109.8, the following section:

“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.”

49. Section 110.1 of the said Act is amended by striking out the words “, subject to section 64,” in the second line.

50. Section 110.2 of the said Act is amended by adding, at the end, the following paragraph:

“However, a by-law adopted by the regional county municipality under section 109.12 need not be transmitted to the regional county municipality or to the Commission.”

51. Section 110.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

52. Section 110.7 of the said Act is amended by inserting the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

53. Division VII of Chapter III of Title I of the said Act is replaced by the following:

“DIVISION VII

“INTERIM CONTROL

“§ 1. — *Application*

“**111.** Subdivisions 2 to 4 shall apply to every municipality that has initiated the process of amendment of its planning program.

“§ 2. — *Interim control resolution*

“**112.** The council of the municipality may prohibit new uses of the land, new structures, 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, 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 public domain;

(2) applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code of Québec 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, 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 secretary-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.

“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.

“§ 3. — Interim control by-law

“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.

“112.3 As soon as practicable after the coming into force of the by-law, the clerk or secretary-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, to every municipality whose territory is contiguous and, for registration, to the Commission.

“112.4 Section 112.3 applies in respect of a by-law concerning the amendment or the repeal of an interim control by-law.

“§ 4. — Effects of the interim control

“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.

“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 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 one hundred and twenty 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.

“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 development plan or the amendment 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 of the program, are, under the first or second paragraph of section 110.9, deemed to be in conformity with the amended program.

“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 the regional county municipality 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 regional county municipality 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.”

54. Section 113 of the said Act is amended

(1) by replacing the words “polling unit for the purposes of sections 131 to 137” in the second line of subparagraph 2 of the second paragraph by the words “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”;

(2) by striking out the words “the architecture, symmetry and exterior aspect of structures ; the location of a group of structures on a single site ; the exterior materials of structures ;” in the seventh, eighth and ninth lines of subparagraph 5 of the second paragraph ;

(3) by inserting, after subparagraph 5 of the second paragraph, the following subparagraph :

“(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 ;”;

(4) by inserting, in the French text, the word “et” after the word “régir” in the fourth line of the fifth paragraph.

55. Section 115 of the said Act is amended

(1) by striking out the words “and to identify the public or private nature of thoroughfares” in the second and third lines of subparagraph 1 of the second paragraph ;

(2) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph :

“(1.0.1) to identify the public or private nature of thoroughfares;”.

56. Section 119 of the said Act is amended

(1) by inserting the words “application for a” after the word “any” in paragraph 4;

(2) by striking out the words “, provided that the tariff is not higher than that fixed by the Government under subparagraph 5 of the first paragraph of section 241” in the third and fourth lines of paragraph 6.

57. Subdivisions 1, 1.1 and 2 of Division V of Chapter IV of Title I of the said Act are replaced by the following subdivisions:

“§ 1. — *Public consultation on draft by-laws*

“**123.** Sections 124 to 127 apply with respect to

(1) zoning, subdivision and building by-laws;

(2) by-laws adopted under section 116;

(3) by-laws concerning minor exemptions from a planning by-law, comprehensive development plans, site planning and architectural integration programs, and municipal works agreements;

(4) by-laws to amend a by-law mentioned in subparagraphs 1 to 3.

However, sections 124 to 127 do not apply to by-laws applicable to unorganized territories that are not subject to approval by way of referendum.

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 a zoning or subdivision by-law by adding, amending, replacing or striking out a provision bearing on a matter mentioned in any of subparagraphs 1 to 5, 6, 10, 11 and 16.1 to 22 of the second paragraph of section 113 or in the third paragraph of the said section, or a matter mentioned in any of subparagraphs 1, 3 and 4.1 of the second paragraph of section 115; and

(2) is not a concordance by-law enacting, pursuant to section 58, 59, 102 or 110.4, an amendment referred to in subparagraph 1 for the sole purpose of taking into account an amendment to or revision of the development plan or the coming into force or amendment of the planning program.

“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 secretary-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.

“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 latter.

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 secretary-treasurer of the municipality.

“126. At least seven days before the public meeting is held, the clerk or secretary-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 fifth 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 fifth 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.

“**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.

“§ 2. — *Applications to take part in a referendum following a second draft by-law*

“**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 secretary-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.

“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.

“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 18 of the second paragraph of section 113 or subparagraph 3 of the second paragraph of section 115 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.

An application relating to a provision that applies to part of the territory, as determined under the fifth paragraph of section 113 or the third paragraph of section 115, 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 does not permit 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.

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.

“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.

“132. Following the adoption of the second draft by-law, the clerk or secretary-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, 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 three 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.

“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.

“§ 2.1 — *Adoption and approval of certain by-laws*

“**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.

“**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.

“**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.

For the purposes of the first two paragraphs, where the provision in respect of which the application is made applies to more than one zone, that provision, except where it amends the classification of structures and uses, is deemed to constitute a separate provision applying separately to each zone. For the purposes of this paragraph, a sector of a zone is considered to be a zone if, under the sixth paragraph of section 130, an application may originate from a sector.

“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.

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 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.

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.”

58. Section 137.2 of the said Act is amended by adding, at the end, the following paragraph:

“The clerk or secretary-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.”

59. Section 137.3 of the said Act is amended

(1) by inserting the words “the first paragraph of” after the word “in” in the first line of the first paragraph;

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

“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.”;

(3) by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph;

(4) by replacing the words “section 131.1” in the ninth line of the third paragraph by the words “the third paragraph of section 137.2”;

(5) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the fourth paragraph.

60. Section 137.4 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by adding, at the end of the second paragraph, the words “and of the by-law concerned. He shall serve a certified copy of the resolution on the regional county municipality.”;

(3) by inserting the words “served on the Commission” after the word “copy” in the first line of the third paragraph;

(4) by striking out the words “to the municipality” in the second and third lines of the third paragraph.

61. The said Act is amended by inserting, after section 137.4, the following section:

“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.”

62. Section 137.5 of the said Act is amended by replacing the words “section 131.1” in the eleventh line of the fourth paragraph by the words “the third paragraph of section 137.2”.

63. Section 137.7 of the said Act is amended by replacing the words “130.2 to 130.6” in the first line by the words “124 to 133”.

64. Section 137.8 of the said Act is amended

(1) by replacing the figure “130.2” in the first line of the second paragraph by the figure “124”;

(2) by inserting, in the French text, the word “est” after the word “qui” in the third line of the fifth paragraph.

65. Section 137.11 of the said Act is amended by inserting the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

66. Section 137.14 of the said Act is amended by replacing the words “130.2 to 130.6” in the first line of the second paragraph by the words “124 to 133”.

67. Section 137.16 of the said Act is amended

(1) by striking out the words “or 130.1” in the first line of the first paragraph;

(2) by replacing the words “sections 64 and” in the third line of the first paragraph by the word “section”.

68. Section 137.17 of the said Act is amended

(1) by striking out the words “to every contiguous municipality,” in the third and fourth lines;

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

“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.”

69. Section 145.18 of the said Act is amended by replacing the words “130.3 to 130.6” in the second line by the words “125 to 127”.

70. Section 150 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “However, where none of the provisions of the by-law applies to the planned intervention in the territory concerned, the plan shall be the document considered for the purposes of the first paragraph.”

71. Section 155 of the said Act is amended

(1) by inserting the words “or 65 and 66” after the words “to 53.9” in the third line of the second paragraph;

(2) by replacing the words “as amended by” in the fourth and fifth lines of the second paragraph by the words “or the provisions of the interim control by-law, as either is amended by the”.

72. Section 159 of the said Act is replaced by the following section:

“**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.”

73. Section 227 of the said Act is amended

(1) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 1 of the first paragraph;

(2) by inserting the words “resolution, the” after the words “with the” in the second line of the second paragraph.

74. Section 228 of the said Act is amended by inserting the words “or resolution” after the word “by-law” in the third line of the first paragraph.

75. Section 229 of the said Act is amended

(1) by striking out the words “section 61 or” in the fourth line of the first paragraph;

(2) by striking out the words “61 or” in the third line of the second paragraph.

76. Section 230 of the said Act is amended by striking out the words “61 or” in the second line of the first paragraph.

77. Section 237 of the said Act is amended by striking out the words “, subject to subparagraph 5 of the first paragraph of section 241” in the fourth and fifth lines.

78. Section 241 of the said Act is repealed.

79. Section 246 of the said Act is amended by inserting the words “or resolution” before the words “or a zoning” in the second line of the first paragraph.

80. Section 264 of the said Act is amended

(1) by replacing subparagraph *b* of subparagraph 2 of the second paragraph by the following subparagraph:

“(b) subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the words “where the development 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;”;

(2) by striking out subparagraph *b.1* of subparagraph 2 of the second paragraph.

81. Section 264.0.1 of the said Act, amended by section 66 of chapter 2 of the statutes of 1996, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) Chapters IV and V of Title I apply, adapted as required, to Ville de Mirabel except that subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the words “where the development 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.”.

82. Section 264.1 of the said Act, amended by section 63 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 52 and 53 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2);”;

(2) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 12.1 of the second paragraph.

83. Section 264.2 of the said Act, amended by section 64 of chapter 34 of the statutes of 1995, is again amended

(1) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph:

“(1.1) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 38.1 to 39.1 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3);”;

(2) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 5.1 of the second paragraph;

(3) by inserting the words “or resolution” after the word “by-law” in the seventh line of the third paragraph.

84. Section 264.3 of the said Act, amended by section 65 of chapter 34 of the statutes of 1995, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 33 to

34.1 of the Act respecting the Communauté urbaine de l'Outaouais (chapter C-37.1);”.

85. Section 267 of the said Act is amended

(1) by striking out the figures “11, 16, 27, 29,” in the second and third lines of the first paragraph;

(2) by replacing the words “and 56.16” in the third line of the first paragraph by the words “, 56.16 and 65”.

86. Notwithstanding section 3, sections 25 to 31 of the Act respecting land use planning and development as they read on 19 June 1996 shall continue to apply to Municipalité régionale de comté de La Côte-de-Beaupré.

87. Any interim control measures in force in a territory on 19 June 1996 owing to the application of provisions mentioned in the second paragraph shall operate as long as so provided by such provisions.

The relevant provisions of the third paragraph of section 48, section 56, sections 61 to 75, the second paragraph of section 109.1 and sections 111 to 112.1 of the Act respecting land use planning and development, as they read before being repealed, struck out or replaced by section 9, 14, 26, 41 or 53, and any provision of the said Act that referred or was related to any of the aforementioned provisions before it was amended, replaced, repealed or struck out by this Act, shall continue to apply in the territory concerned in respect of those interim control measures.

The council of a municipality or urban community that passed a resolution under the third paragraph of section 48, section 56 or section 109.1 mentioned in the second paragraph may repeal the resolution or strike out the part relating to interim control.

The council of a municipality or urban community may amend any interim control measures referred to in the first paragraph, prescribed by by-law, by adopting a by-law under section 64 or 112.2 of the Act respecting land use planning and development, enacted by sections 26 and 53, respectively. Upon the coming into force of such a by-law, the first three paragraphs shall cease to apply in the territory concerned, and the provisions of this Act relating to interim control connected with the process of amendment or revision of the development plan or of amendment of the planning program, as the

case may be, shall replace those of the provisions mentioned in the second paragraph that are connected with the same process.

88. Any procedure or process in progress on 31 October 1996 and leading to the adoption or approval by way of referendum of a by-law that is undertaken under sections 123 to 137 of the Act respecting land use planning and development as they read before being replaced by section 57 shall be continued after that date in accordance with sections 123 to 137 of the said Act and with any provision of the said Act that refers or is related thereto, notwithstanding their replacement or amendment by this Act.

89. This Act comes into force on 20 June 1996, except paragraphs 2 and 3 of section 37, section 40, paragraphs 1 to 3 of section 54, section 55, sections 57 and 58, paragraph 4 of section 59, sections 61 to 63, paragraph 1 of section 64, section 66, paragraph 1 of section 67, section 69, paragraph 1 of section 80 and section 81, which come into force on 1 November 1996.