

Regulations and other acts

Gouvernement du Québec

O.C. 619-2002, 29 May 2002

An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35)

Regulation

Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions

WHEREAS, under the first paragraph of section 44 of the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35), the Government may, by regulation made before 21 June 2003, prescribe any other measure necessary to ensure the application of that Act;

WHEREAS, under the second paragraph of that section, the regulation may, if it so provides, apply from any date not prior to 21 June 2001;

WHEREAS, in accordance with section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— since 21 June 2001, farm operators who are entitled to expand their agricultural activities regardless of the standards provided for in the second paragraph of

section 79.2.5 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1), enacted by section 13 of chapter 35 of the Statutes of 2001, as well as farm operators who comply with the standards of an interim control by-law adopted by a regional county municipality applicable in agricultural zones, or the standards of the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, *G.O.* 2, 1286), may not obtain from the municipalities in question the notices and certificates required for compliance with the Environment Quality Act and its statutory instruments for the issue of a certificate of authorization;

— in the absence of a certificate of authorization, certain applications for projects to expand agricultural activities may not be processed at the present time;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions

An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35, s. 44)

1. As soon as a notice of motion having the effect provided for in the third paragraph of section 68 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), amended by section 26 of chapter 35 of the Statutes of 2001, is given, the secretary-treasurer of the regional county municipality shall send a copy thereof to each local municipality whose territory is comprised within the regional county municipality.

From then on, the secretary-treasurer or the clerk of that local municipality may not issue any document certifying the compliance of an agricultural activity project before the date on which the third paragraph of section 68 of that Act ceases to apply.

2. Upon request, the secretary-treasurer of a regional county municipality shall issue to the person whose agricultural activity project complies with the provisions of an interim control by-law having the effect provided for in the third paragraph of section 64 of the Act respecting land use planning and development, amended by section 24 of chapter 35 of the Statutes of 2001, a document certifying such compliance.

Upon request, the clerk or secretary-treasurer of a local municipality shall issue such a document of compliance

(1) to a person who has submitted to the municipality, before 21 June 2003, an agricultural activity project complying with the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, *G.O.* 2, 1286), as amended; and

(2) to the farm operator whose project to expand agricultural activities complies with the provisions of section 79.2.4 or with those of the first paragraph of section 79.2.5 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1), enacted by section 13 of chapter 35 of the Statutes of 2001, and, where applicable, those provided for in subparagraph 2 of the second paragraph of section 40 of that chapter.

The document of compliance shall be attached to every application for a notice, a permit, a certificate, an authorization or approval required for carrying out the project under the Environment Quality Act (R.S.Q., c. Q-2) or under a regulation made under that Act.

3. The clerk or secretary-treasurer of the local municipality shall also issue a document of compliance for a project pertaining to the works referred to in section 79.2.3 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 13 of chapter 35 of the Statutes of 2001, if they must be carried out in the conditions provided for in that section. The third paragraph of section 2 shall then apply.

4. This Regulation has effect from 21 June 2001.

5. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 646-2002, 5 June 2002

Cities and Towns Act
(R.S.Q., c. C-19; 2001, c. 25; 2001, c. 68)

Municipal Code of Québec
(R.S.Q., c. C-27.1; 2001, c. 25; 2001, c. 68)

An Act respecting the communauté métropolitaine de Montréal
(R.S.Q., c. C-37.01; 2001, c. 25; 2001, c. 68)

An Act respecting the communauté métropolitaine de Québec
(R.S.Q., c. C-37.02; 2001, c. 25; 2001, c. 68)

Awarding of contracts for certain professional services

Regulation respecting the awarding of contracts for certain professional services

WHEREAS, under section 573.3.0.1 of the Cities and Towns Act (R.S.Q., c. C-19), article 938.0.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1), section 112.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) and section 105.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02) enacted respectively by sections 37, 57, 207 and 488 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 25) and amended respectively by sections 25, 40, 100 and 210 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 68), the Government must, by regulation, establish the rules that the metropolitan communities, the municipalities and the intermunicipal boards must comply with when awarding a contract involving an expenditure of \$100,000 or more for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, or a contract whose purpose is to obtain energy savings where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services;

WHEREAS, under section 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may not be made before the expiry of a 45-day period from the date of its publication in the *Gazette officielle du Québec*;