

R.S.Q., chapter A-19.1

## **AN ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

### **DIVISION II**

#### CONTENTS OF THE PLAN

[...]

Obligatory content.

- 5.** A land use planning and development plan must, regarding the territory of a regional county municipality,
  - 1) determine the general aims of land development policy for the territory;
  - 2) determine the general policies on land use of the territory for the different parts of it;
    - 2.1) without restricting the generality of subparagraphs 1 and 2 or limiting the application of the other elements of the plan with regard to the overall territory of the regional county municipality, determine such land use guidelines and land use designations as the regional county municipality considers appropriate to ensure, in the agricultural zone within its territory, that land use planning and development standards are compatible with the objective of ensuring priority for the use of land for agricultural activities and, within that framework, the harmonious coexistence of agricultural and non-agricultural uses;
  - 3) delimit urbanization perimeters;
  - 4) identify zones where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones, landslide zones or zones subject to other disasters or for reasons of environmental protection regarding riverbanks and lakeshores, littoral zones and floodplains;
  - 5) identify the thoroughfares whose present or planned presence in a place results in land occupation near this place being subject to major restrictions for reasons of public safety, public health or general welfare;

6) identify any part of the territory that is of historical, cultural, aesthetic or ecological interest to the regional county municipality;

7) describe and plan the organization of land transport and, for such purpose,

(a) indicate the nature of major existing land transport infrastructures and equipment as well as their location;

(b) taking into account the adequacy or inadequacy of the infrastructures and equipment referred to in subparagraph a, the foreseeable demand in matters of transportation and the anticipated part of transportation having to be assured by the various means of transportation, indicate the principal improvements to be made to the infrastructures and equipment referred to in subparagraph a and indicate the nature of any planned major new land transport infrastructures and equipment, together with their approximate location;

(a) 8) indicate the nature of major existing infrastructures and equipment other than those referred to in subparagraph 7 as well as their location;

(b) indicate the nature of any planned major new infrastructures or equipment other than those referred to in subparagraph 7, together with their approximate location;

9) set out a strategic vision of cultural, economic, environmental and social development to facilitate the coherent exercise of the regional county municipality's jurisdiction.

Complementary document.

The plan must also include a complementary document establishing rules requiring municipalities whose territories are comprised in that of a regional county municipality

1) to adopt by-laws under subparagraph 16 or 17 of the second paragraph of section 113 or subparagraph 3 or 4 of the second paragraph of section 115;

2) to adopt by-laws under subparagraph 16.1 of the second paragraph of section 113 or subparagraph 4.1 of the second paragraph of section 115, by reason of the present or planned presence of any thoroughfare identified in accordance with subparagraph 5 of the first paragraph of this section;

3) to prescribe, by by-law, rules at least as restrictive as those established in the complementary document.

Complementary document.

The complementary document of a regional county municipality whose territory includes an agricultural zone must contain the elements it considers appropriate for the implementation of

section 79.1 of the Act respecting the preservation of agricultural land and agricultural activities ( chapter P-41.1), together with parameters to determine, in relation to the forms of inconvenience resulting from odours caused by certain agricultural activities, the separation distances referred to in the third paragraph of section 113.

Major infrastructure or equipment.

For the purposes of subparagraphs 7 and 8 of the first paragraph, major infrastructure or equipment means infrastructure or equipment that concerns the citizens and ratepayers of more than one municipality or that is erected by the Government or one of its ministers or a mandatary of the State or by a public body or a school board.

Exception.

The plan of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to contain the element provided for in subparagraph 9 of the first paragraph.

1979, c. 51, s. 5; 1982, c. 63, s. 70; 1988, c. 84, s. 700; 1993, c. 3, s. 4; 1996, c. 26, s. 65; 1999, c. 40, s. 18; 2002, c. 68, s. 2, s. 52; 2004, c. 20, s. 1.

[...]

Opinion of the Minister.

**51.** The Minister shall, within 60 days after receiving the resolution requesting him to do so, give his opinion on the proposed amendment taking into account the aims that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue in the matter of land use and 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 domain of the State ( chapter T-8.1), and taking into account the projects for public services, infrastructure and development they intend to implement in that territory.

Agricultural zone.

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.

Objections.

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

Transmission of opinion.

The Minister shall serve the opinion on the regional county municipality.

1979, c. 51, s. 51; 1987, c. 57, s. 663; 1990, c. 50, s. 2; 1993, c. 3, s. 19; 1995, c. 34, s. 56; 1999, c. 40, s. 18; 2001, c. 35, s. 21.

[...]

Opinion of the Minister.

**53.7.** Within 60 days of receiving the copy of the by-law amending the development plan, the Minister shall give his opinion on the amendment, taking into account the aims that the Government, its ministers, mandataries of the State 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 domain of the State ( chapter T-8.1), as well as the equipment, infrastructure and land use development projects which they intend to carry out in the territory.

Agricultural zone.

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.

Reasons.

If the opinion of the Minister states that the proposed amendment is not consistent with the such aims and projects, it must include reasons. In that case, the Minister may, in his opinion, require the regional county municipality to replace the by-law.

Copy.

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

1990, c. 50, s. 2; 1993, c. 3, s. 27; 1995, c. 34, s. 58; 1999, c. 40, s. 18; 2001, c. 35, s. 22; 2002, c. 37, s. 3.

Replacement of by-law.

**53.8.** If the opinion of the Minister states that the proposed amendment is not consistent with the aims and projects referred to in section 53.7, the council of the regional county municipality may replace the by-law amending the plan with another by-law which is consistent with those aims and projects.

Applicability.

Sections 48 to 53.4 do not apply to a new by-law differing from the by-law it replaces for the sole purpose of taking into account the Minister's opinion.

1990, c. 50, s. 2; 1993, c. 3, s. 28.

Coming into force.

**53.9.** The by-law amending the development plan comes into force on the day the Minister serves a notice on the regional county municipality, declaring that the by-law is consistent with the aims and projects referred to in section 53.7 or, in the absence of a notice, at the expiry of the period prescribed in the said section.

1990, c. 50, s. 2; 1993, c. 3, s. 29.

[...]

Notice.

**56.4.** Within 120 days after receiving a copy of the first draft, the Minister shall serve on the regional county municipality a notice stating the aims that the Government, its ministers, mandataries of the State 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 domain of the State ( chapter T-8.1), as well as the equipment, infrastructure and land use development projects which they intend to carry out in the territory.

Notice.

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.

Objections.

The notice may also mention any objections to the first draft regarding the stated aims and projects, and specify the reasons for the objections.

1993, c. 3, s. 32; 1996, c. 25, s. 17; 1996, c. 26, s. 66; 1999, c. 40, s. 18.

[...]

Opinion.

**56.14.** Within 120 days after receiving a copy of the revised plan, the Minister shall give his opinion on the plan, taking into consideration the aims that the Government, its ministers, mandataries of the State 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 domain of the State ( chapter T-8.1), as well as the equipment, infrastructure and development projects which they intend to carry out in the territory.

Agricultural zone.

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.

Opinion and reasons.

The opinion stating that the revised plan is not consistent with the said aims and projects must include reasons. In that case, the Minister shall, in the opinion, request that the regional county municipality replace the revised development plan.

Opinion.

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

1993, c. 3, s. 32; 1996, c. 25, s. 20; 1999, c. 40, s. 18; 2001, c. 35, s. 23; 2002, c. 37, s. 7.

[...]

§ 3. — *Interim control by-law*

Powers.

**64.** The council of the regional county municipality may, by by-law, exercise its powers under section 62 or under the first paragraph of section 63.

Special rules.

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

Agricultural zone.

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

Officer.

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.

Copy of by-law and resolution.

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.

Notice.

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

1979, c. 51, s. 64; 1982, c. 2, s. 60; 1982, c. 63, s. 81; 1993, c. 3, s. 34; 1996, c. 25, s. 26; 1997, c. 93, s. 9; 2001, c. 35, s. 24; 2002, c. 37, s. 14; 2004, c. 20, s. 4.

Minister's opinion.

**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 of the State, 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 domain of the State (chapter T-8.1), as well as the equipment, infrastructure and development projects they intend to carry out in the territory.

Opinion.

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.

Agricultural zone.

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 (chapter P-41.1), 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.

Opinion.

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.

1979, c. 51, s. 65; 1982, c. 2, s. 61; 1982, c. 63, s. 82; 1996, c. 25, s. 26; 1999, c. 40, s. 18; 2001, c. 35, s. 25.

[...]

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

Authorization.

**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.

Inconsistent provision.

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

Prohibition.

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.

Applicability.

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

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

[...]

## **CHAPTER IV**

### **MUNICIPAL PLANNING BY-LAWS**

#### **DIVISION I**

##### **ZONING BY-LAWS**

Scope.

**113.** The council of a municipality may adopt a zoning by-law for its whole territory or any part thereof.

Content.

A zoning by-law may include provisions regarding one or more of the following objects:

1) for the purposes of regulation, to classify structures and uses and, in accordance with a plan forming an integral part of the by-law, to divide the territory of the municipality into zones;

2) to divide each zone into sectors so that each of such sectors may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum and so that in each of such sectors the land use standards authorized in the zone may be prescribed in a supplementary by-law of the council, provided, however, that the standards respecting the uses permitted are uniform in all the sectors of the same zone;

3) to specify, for each zone, the structures and uses that are authorized and those that are prohibited, including public uses and buildings, and the land occupation densities;

3.1) for every zone in which the only partially or totally residential buildings permitted are those comprising a specific number of dwellings, hereinafter referred to as "principal" dwellings, to provide that in such a building, one additional dwelling per principal dwelling may be built to be occupied by persons belonging to a class established under this subparagraph; to provide that only such persons, their spouse and their dependants, other than the owner or occupant of the principal dwelling, may occupy the additional dwelling; to establish classes of buildings from among the buildings to which this subparagraph applies and classes of persons from among the persons who are or were related by blood or allied, including through a *de facto* spouse, to the owner or occupier of the principal dwelling; to provide that the right to build an additional dwelling applies to one or more classes of buildings; to prescribe the conditions to which the building or occupation of an additional dwelling are subject, which conditions may vary from one class of building to another;

3.2) to prescribe, for each zone, where the carrying on of an enterprise is permitted inside a residence, the maximum number of persons not resident therein who may work in the residence because of the carrying on of that enterprise;

4) to specify, by zones, the open space that must be left between structures and the different uses, between structures or between the different uses, whether the structures or uses are grouped together or not, and whether they are situated in the same zone or in contiguous zones, and to prescribe, where applicable, the use and development of such open space;

4.1) without restricting the generality of the other subparagraphs, to specify, for each zone, the maximum number of places that may be used for identical or similar uses, including those in the same immovable, the minimum distance required between such places or the maximum floor or land area allowed for such uses; however, a rule so provided may only apply, as regards agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (

chapter P-41.1) in an agricultural zone established under that Act, to hog farms;

5) to specify, for each zone or sector of a zone, the dimensions, volumes, floor areas and ground areas of structures; the total floor area of a building in relation with the total area of the lot; the length, width and area of the open space to be left between structures on the same landsite, and the use and development of such open space; the open space to be left between structures and the street and land boundaries; the distance back from the street of buildings in relation to their height;

5.1) to regulate, by zone or sector of a zone, the architecture, symmetry and exterior aspect of structures, the location of a group of structures on a single site and the exterior materials of structures;

6) to specify, for each zone, the proportion of a landsite which may be occupied by a structure or use;

7) in the case of a municipality whose territory is situated near the boundary line between Québec and the United States of America, to prohibit the construction of buildings within a distance of three metres from that boundary line;

8) to determine the level of a landsite in relation to a thoroughfare;

9) to determine and regulate the place where vehicles may have access to a landsite;

10) to prescribe, for each zone, use or combination of uses, the space which, on the lots, must be reserved and arranged for parking, loading or unloading vehicles or for parking vehicles used by handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) using wheel-chairs, and the manner of arranging such space; to establish parking restrictions inside or outside buildings;

10.1) to provide that the council may exempt every person who applies therefor from the obligation to provide and to maintain parking units, on the payment of a sum determined in accordance with rules of computation that may vary according to classes of units or uses, and provide that the proceeds of the payment be used only to purchase or develop immovables to be used for parking purposes;

11) to regulate or restrict, by zone, the division or subdivision of a dwelling;

12) to regulate or restrict, by zone, the excavation of the ground, the removal of humus, the planting and felling of trees and all works of clearing and filling; to compel any owner to put grass, shrubs or trees on his landsite;

12.1) to regulate or restrict the planting or felling of trees to ensure protection of the forest cover and promote sustainable development of private forest;

13) to regulate or restrict, by zone, the moving, use, repair or demolition of a structure; to require, where a structure is moved, the deposit, as security, of an amount considered provisionally sufficient to ensure compensation of the damage that might be incurred by the municipality by reason of that moving;

14) to regulate, by zone, the construction, erection, alteration and maintenance of all bill-boards and signs already erected or to be erected in the future;

14.1) to regulate or restrict by zone the installation, maintenance, number and height of telecommunications antennae and other similar devices;

14.2) to regulate or restrict by zone the construction, installation, alteration, upkeep and continued use of awnings;

15) to regulate or restrict by zone the location, layout, height and maintenance of fences, walls, hedges, shrubs and trees;

15.1) to require that a fence be built around a landowner's property;

16) to regulate or prohibit all or certain land uses, structures or works, taking into account the topography of the landsite, the proximity of a stream or lake, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of a place which may be taken into consideration for reasons of public safety or of environmental protection regarding riverbanks and lakeshores, littoral zones or floodplains; to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law;

16.1) to regulate or prohibit all or certain land uses, structures or works, taking into account the proximity of a place where the present or planned presence or carrying out of an immovable or an activity results in land occupation being subject to special restrictions for reasons of public safety, public health or general welfare;

17) to regulate the siting and installation of mobile homes and trailers;

18) to regulate, by zone or for the whole territory, non-conforming structures and uses protected by acquired rights,

(a) by requiring that a non-conforming use protected by acquired rights cease if such use has been abandoned, has ceased or has

been interrupted for such period of time as it may define, which must be a reasonable period, taking into account the nature of the use, but must not in any case be shorter than six months;

(b) by stipulating that a non-conforming use or structure protected by acquired rights shall not be replaced by another non-conforming use or structure;

(c) by prohibiting the extension or alteration of a non-conforming use or structure protected by acquired rights, or by establishing conditions under which a non-conforming use or structure protected by acquired rights may be extended or altered;

19) to regulate, by zone, the specific conditions of siting or layout applicable to structures and uses on lots not in conformity with the subdivision by-law which are protected by acquired rights;

20) to permit, by zone, groups of structures and uses of a determined classification and prescribe the specific rules applicable in such a case;

21) within certain zones where residential and non residential uses are permitted, to regulate, restrict or prohibit the change from a residential use to a non residential use otherwise permitted in the zone;

22) to determine, for each zone, the uses permitted in any part of a structure.

#### Zoning by-law.

A zoning by-law may not contain a provision establishing a separation distance pursuant to subparagraph 4 of the second paragraph, where one of the structures or one of the uses to which it applies is in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, except for the purpose of ensuring the preservation of a water supply or reducing the inconvenience resulting from the odours caused by agricultural activities. In addition, the by-law may contain a provision establishing a separation distance applying to a structure, a use or a location in an agricultural zone, only if it specifies

1) the space that, for any purpose other than those mentioned above, must be left between different structures or different uses on adjacent lots in contiguous zones, and the use and layout of that space;

2) the space that, for any of the purposes mentioned above, must be left between areas on which manure is spread and non-agricultural structures or uses.

#### Rules.

For the purposes of subparagraph 12.1 of the second paragraph, the zoning by-law may establish rules that vary according to the parts of the territory it determines.

Signs and bill-boards.

No by-law concerning signs and bill-boards adopted under subparagraph 14 or under any other general law or special Act applies to prohibit or restrict the use of signs and bill-boards relating to an election or a referendum held under an Act of Québec.

Zoning by-law.

For the purposes of subparagraph 16 or 16.1 of the second paragraph, a zoning by-law may, in particular, divide the territory of the municipality, establish classes of uses, structures or works to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions and rules varying according to the parts of the territory concerned, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source.

Acquired rights.

For the purposes of subparagraph 18 of the second paragraph, the by-law may establish classes of non-conforming structures and uses protected by acquired rights and contain rules that vary according to the classes.

1979, c. 51, s. 113; 1982, c. 2, s. 75; 1985, c. 27, s. 4; 1987, c. 53, s. 3; 1987, c. 57, s. 672; 1987, c. 102, s. 21; 1993, c. 3, s. 54; 1996, c. 25, s. 54; 1996, c. 26, s. 67; 1997, c. 93, s. 23; 1998, c. 31, s. 4; 1999, c. 90, s. 1; 2002, c. 37, s. 21; 2002, c. 6, s. 82; 2002, c. 77, s. 4; 2004, c. 20, s. 7; 2004, c. 31, s. 71; 2005, c. 6, s. 132.

[...]

## **DIVISION X**

### **CONDITIONAL USES**

Conditional use by-law.

**145.31.** The council of a municipality that has an advisory planning committee may adopt a conditional use by-law.

Agricultural zone excluded.

The by-law may not, however, apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.

2002, c. 37, s. 26.

[...]

## **CHAPTER V.1**

### **AGRICULTURAL ADVISORY COMMITTEES**

Establishment of a committee.

**148.1.** Every regional county municipality whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) shall establish an agricultural advisory committee.

By-law.

Any other regional county municipality may pass a by-law to establish such a committee.

1987, c. 102, s. 22; 1996, c. 26, s. 68.

Number of members.

**148.2.** A regional county municipality having established an agricultural advisory committee shall determine, by by-law, the number of members who will sit on the committee.

1987, c. 102, s. 22; 1996, c. 26, s. 68.

Appointment.

**148.3.** The regional county municipality shall appoint the members of the committee from among the following persons:

- 1) the members of the council of the regional county municipality;
- 2) the farm producers, within the meaning of the Farm Producers Act (chapter P-28), who are not eligible under subparagraph 1, who reside in the territory of the regional county municipality, and who are entered on a list drawn up by the certified association within the meaning of that Act;
- 3) persons who are not eligible under subparagraph 1 or 2 and who reside in the territory of the regional county municipality.

Members.

At least one-half of the members of the committee must be selected from among the persons eligible under subparagraph 2 of the first paragraph. Where a regional county municipality whose territory includes that of a core city appoints members of the committee from among the persons eligible under subparagraph 1 of the first paragraph, one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.

Members.

Subject to the second paragraph, the regional county municipality may determine, by by-law, the number of members who must be selected under each subparagraph of the first paragraph.

List of prospective members.

The list referred to in subparagraph 2 of the first paragraph must contain a number of names equal to the lesser of twice the minimum number of members of the committee required to be chosen from among the persons mentioned in that subparagraph and the total number of farm producers, within the meaning of the Farm Producers Act, who reside in the territory of the regional county municipality.

1987, c. 102, s. 22; 1996, c. 26, s. 68; 2002, c. 68, s. 4.

Term of office.

**148.4.** The regional county municipality shall, by by-law, fix the term of office of the members of the committee. It may, in the same manner, provide for the cases in which a member of the committee may be replaced before the expiry of his term.

Term of office.

A member shall cease to be a member upon the expiry of his term or upon being replaced, resigning, or ceasing to be eligible under the first paragraph of section 148.3. A member appointed under a particular subparagraph of that paragraph, pursuant to the second paragraph of that section or pursuant to a by-law adopted under the third paragraph of that section, shall cease to be a member upon ceasing to be eligible under that subparagraph.

Resignation.

A member may resign by transmitting a signed resignation to the regional county municipality. The resignation takes effect on its date of receipt.

1996, c. 26, s. 68.

Chairman.

**148.5.** The regional county municipality shall designate the chairman of the committee from among its members. The first paragraph of section 148.4, adapted as required, applies to the chairman.

Term of office.

The chairman shall cease to hold office upon the expiry of his term or upon being replaced, ceasing to be a member of the committee or resigning from the office of chairman.

Resignation.

The chairman may resign by transmitting a signed resignation to the regional county municipality. The resignation takes effect on its date of receipt.

1996, c. 26, s. 68.

Function of committee.

**148.6.** The function of the committee is to examine, at the request of the council of the regional county municipality or on its own initiative, any matter relating to agricultural land planning, the practice of agricultural activities and the environmental aspects pertaining to such planning and practice.

Function of committee.

A further function of the committee is to make the recommendations it considers appropriate regarding the matters it has examined to the council of the regional county municipality.

1996, c. 26, s. 68.

Rules of internal management.

**148.7.** The committee may establish rules for its internal management.

Meetings.

Subject to sections 148.8 to 148.11, the meetings of the committee shall be called and held according to any such rules.

1996, c. 26, s. 68.

Chairman.

**148.8.** The chairman of the committee shall preside at meetings of the committee.

Vacancy.

If the chairman is unable to act, or if the position of chairman is vacant, the members of the committee present at a meeting of

the committee shall designate a member from among their number to preside at the meeting.

1996, c. 26, s. 68.

Quorum.

**148.9.** The quorum at meetings of the committee is a majority of the members of the committee.

1996, c. 26, s. 68.

Vote.

**148.10.** Each member of the committee has one vote.

1996, c. 26, s. 68.

Majority vote.

**148.11.** The rules of internal management and the recommendations of the committee shall be adopted by a majority of the votes cast.

Report.

The committee shall give an account of its work and its recommendations in a report signed by its chairman or by a majority of its members.

Tabling.

The report shall be tabled at a sitting of the council of the regional county municipality.

1996, c. 26, s. 68.

Funds and personnel.

**148.12.** The regional county municipality may allocate funds and assign personnel to assist the committee in fulfilling its functions.

1996, c. 26, s. 68.

Reimbursement of expenses.

**148.13.** For the purposes of the legislative provisions governing the regional county municipality with respect to the reimbursement of the expenses of the members of the council, the office of chairman or committee member is deemed to be an office for which the members of the council may be entitled to the reimbursement of their expenses.

Reimbursement of expenses.

The regional county municipality may, following the same procedure as for the reimbursement of the expenses of the members of the council, establish rules relating to the reimbursement of the expenses of the chairman and of the other committee members who are not council members.

1996, c. 26, s. 68.

[...]

Minister designated.

**267.** The aims, documents, assessments, notices, orders and interventions of the Government or of its Ministers or mandataries of the State contemplated in sections 51, 53.7, 53.12, 56.4, 56.14, 56.16 and 65 and 149 to 165 shall be prepared under the responsibility of a minister designated by the Government. The minister shall, for that purpose, consult the other ministers concerned.

Delegation of powers.

The minister designated in accordance with the first paragraph may authorize another minister or an agency of the State to exercise all or part of his powers or to perform his duties and functions under sections 149 to 165.

1979, c. 51, s. 267; 1987, c. 53, s. 9; 1990, c. 50, s. 15; 1993, c. 3, s. 93; 1996, c. 25, s. 85; 1996, c. 26, s. 69; 1999, c. 40, s. 18.

*NOTE: The aims, documents, assessments, notices, orders and interventions of the Government or of its Ministers or mandataries of the State contemplated in sections 51, 53.7, 53.12, 56.4, 56.14, 56.16 and 65 and 149 to 165 of this Act shall be prepared under the responsibility of the Minister of Municipal Affairs and Regions. Order in Council 125-2005 dated 18 February 2005, (2005) 137 G.O. 2 (French), 878.*

Opinion of the Minister.

**267.1.** Where the Minister gives his opinion, in light of governmental policy, on a document concerning an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), he shall take into consideration whether or not the elements it contains enable the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 to be met. He shall also take into consideration whether or not the parameters to serve in the establishment of separation distances are consistent with the parameters indicated pursuant to section 56.4.

1996, c. 26, s. 70.