

RENSEIGNEMENTS RELATIFS À LA PROCÉDURE RÉFÉRENDAIRE

Conformément aux dispositions des articles 130 et 133 de la *Loi sur l'aménagement et l'urbanisme du Québec* (L.R.Q., chapitre A-19.1) et des articles 532 à 559 de la *Loi sur les élections et les référendums dans les municipalités* (L.R.Q., chapitre E-2.2) :

- suite à l'adoption du second projet de règlement par le conseil de ville et à la parution d'un avis public, une demande pourra être formulée pour la tenue d'un registre des personnes habiles à voter (la procédure de registre déterminera par la suite si un scrutin référendaire doit être tenu);
- la demande peut provenir d'une zone à laquelle le règlement s'applique et de toute zone contiguë à celle-ci;
- l'avis public doit être donné au plus tard le 5^e jour qui précède celui où commence l'accessibilité au registre et mentionner notamment le nombre de demandes requis pour qu'un scrutin référendaire soit tenu, l'endroit, les jours et les heures où le règlement peut être consulté et où le registre sera accessible;
- pour être valide, une demande doit être signée, dans le cas où il y a plus de 21 personnes intéressées de la zone, par au moins 12 d'entre elles ou, dans le cas contraire, par au moins la majorité d'entre elles, et être reçue par la municipalité au plus tard le huitième jour qui suit celui où est publié l'avis;
- un scrutin référendaire doit être tenu, sauf en cas de retrait du règlement, lorsqu'à la fin de la période d'accessibilité au registre le nombre de demandes atteint le suivant:
 - o le nombre équivalant à 50% des personnes habiles à voter, lorsqu'elles sont 25 ou moins;
 - o le moins élevé entre 500 et le nombre obtenu par l'addition du nombre 13 et de celui qui équivaut à 10% des personnes habiles à voter en excédent des 25 premières, lorsqu'elles sont plus de 25 mais moins de 5 000;
 - o 500, lorsque le nombre de personnes habiles à voter est égal ou supérieur à 5 000 mais inférieur à 20 000;
 - o le nombre équivalant à 2,5% des personnes habiles à voter, lorsqu'elles sont 20 000 ou plus;En d'autres termes, le nombre de demandes requis équivaut au nombre total de votants dans l'ensemble des zones qui se seront qualifiées pour le registre, divisé par 10, plus 10,5.

In accordance with the provisions of articles 130 and 133 of the Québec Land Use Planning and Development Act, (R.S.Q., chapter A-19.1) and articles 532 to 559 of the Québec Elections and Referendums in Municipalities Act (R.S.Q., chapter E-2.2):

- *following the approval of the second draft by-law, and public notice, an application may be made to require the registration of qualified voters (the registration procedure will determine if a referendum poll must be held);*
- *such application may originate from a zone to which the by-law applies and from any zone contiguous to that zone;*
- *the public notice will be given not later than 5 days before the register opens for registration and shall set out, amongst other information, the number of applications needed to require that a referendum poll be held, the place where and the days and hours when the by-law may be examined and where and when the register will be open for registration;*
- *an application, in order to be valid, must be signed by at least 12 interested persons in a zone in which there are more than 21 interested persons, or, in other cases, by a majority of the interested persons, and it must be received by the municipality not later than the eighth day following the day on which the notice is published;*
- *unless the by-law is withdrawn, a referendum poll shall be held where, at the end of the period of registration, the number of applications reaches:*
 - o *50 % of the qualified voters where there are 25 or fewer;*
 - o *the lesser of 500 and the number obtained by adding 13 to 10 % of the qualified voters in excess of 25, where there are over 25 but under 5 000;*
 - o *500, where the number of qualified voters is over 5 000 but under 20 000; or*
 - o *2.5 % of the qualified voters where there are 20 000 or over.**In other terms, the number of applications required equals the total number of voters in all the zones which would have qualified themselves for the registration, divided by ten, plus 10,5.*

LAND USE PLANNING AND DEVELOPMENT ACT
(Revised Statutes of Québec, chapter A-19.1)

130. If the second draft by-law contains a provision making the by-law a by-law subject to approval by way of referendum, an application may be made under this section and under sections 131 and 133 to require that any by-law containing the provision that is adopted under section 136 be submitted for the approval of certain qualified voters.

An application relating to a provision adopted under subparagraph 17 of the second paragraph of section 113 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. The same applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 where it applies to the whole territory of the municipality.

An application relating to a provision that applies to part of the territory, as determined under the sixth 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 permits of zone-by-zone regulation, where it applies to a zone that is not divided into sectors if the power also permits of sector-by-sector regulation, may originate from a zone to which it applies and from any zone contiguous to that zone, and shall require that the by-law be submitted for the approval of the qualified voters in the zone to which the by-law applies, and of the qualified voters in any contiguous zone from which an application originates. That rule applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 only where the provision does not apply to the whole territory of the municipality.

An application relating to a provision adopted pursuant to a power that permits of sector-by-sector regulation may originate from a sector to which it applies, a sector of the same zone that is contiguous to a sector to which it applies, and any zone contiguous to a sector to which it applies, and shall require that the by-law be submitted for the approval of the qualified voters in the sector to which the by-law applies and of the qualified voters in any contiguous sector or zone from which an application originates.

For the purposes of the fifth and sixth paragraphs and of sections 133 to 137, a provision that applies to more than one zone or more than one sector of a zone, as the case may be, is deemed to constitute a separate provision applying separately to each zone or sector.

For the purposes of the first seven paragraphs and of sections 133 to 137, a provision that changes the limits of a zone or a sector of a zone so as to amend the rules adopted pursuant to a power referred to in the fifth or sixth paragraph that are applicable to that zone or sector is considered to be a provision referred to in the fifth or sixth paragraph, as the case may be.

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.

CHAPTER IV
PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS

532. *The registration procedure applies to determine whether a referendum poll must be held.*

533. *Any qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned may demand that a referendum poll be held by entering his name, address and capacity in a register open for that purpose and affixing his signature opposite those entries.*

535. *The clerk or the secretary-treasurer shall fix the days and places where the register will be open for registration to qualified voters.*

He shall fix as many consecutive days, up to a maximum of five, as there are multiples of 500 in the number of applications needed under section 553 to require that a referendum poll be held. Where the number is less than 500, he shall fix only one day.

Every day fixed must be comprised in the 45-day period following the date of reference.

536. *The register shall be open, from 9 a.m. to 7 p.m. without interruption, on every day fixed by the clerk or the secretary-treasurer, subject to any extension under section 537.*

539. *Not later than five days before the day the register opens for registration, the clerk or the secretary-treasurer shall give a public notice to the qualified voters entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned.*

The heading of the notice shall clearly identify the group of persons for whom the notice is intended. If the notice is intended for the qualified voters entitled to have their names entered on the referendum list of a sector, the heading shall include a summary description of the sector.

The notice shall set out

- 1) the number, title, object and date of passage of the by-law, resolution or ordinance that is the subject of the referendum;*
- 2) the right of every person for whom it is intended to demand that the by-law, resolution or ordinance be submitted to a referendum poll by entering his name, address and capacity, together with his signature, in a register open for that purpose;*
- 3) the number of applications needed according to section 553 to require that a referendum poll be held;*
- 4) the fact that if the required number of applications is not reached, the by-law, resolution or ordinance will be deemed approved by the qualified voters;*
- 5) the place where and the days and hours when the by-law, resolution or ordinance may be examined;*
- 6) the place or places where and the days and hours when the register will be open for registration;*
- 7) the place where and the day and time when the results of the registration procedure will be announced.*

Where the notice is intended for the qualified voters entitled to have their names entered on the referendum list of the sector concerned, it shall illustrate the perimeter of the sector by means of

a sketch. In addition to or in lieu of the sketch, the notice may describe the perimeter of the sector by using the names of thoroughfares wherever possible

543. The text of the by-law, resolution or ordinance and of the notice shall accompany the register and be posted up at the place where the register is open for registration.

553. Unless the by-law, resolution or ordinance is withdrawn, a referendum poll shall be held where, at the end of the period of registration, the number of applications reaches

- 1) 50 % of the qualified voters where there are 25 or fewer;
- 2) the lesser of 500 and the number obtained by adding 13 to 10 % of the qualified voters in excess of 25, where there are over 25 but under 5 000;
- 3) 500, where the number of qualified voters is over 5 000 but under 20 000; or
- 4) 2.5 % of the qualified voters where there are 20 000 or over.

For the purposes of the first paragraph, qualified voters are persons entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned. Unless the clerk or the secretary-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and business establishments situated in the territory of the municipality or, as the case may be, in the sector concerned.

554. The by-law, resolution or ordinance being the subject of the referendum is deemed to be approved by the qualified voters where, at the end of the period of registration, the number of applications is lower than the number needed to require that a referendum poll be held.

555. As soon as practicable after the end of the period of registration, the clerk or the secretary-treasurer shall draw up a certificate showing

- 1) the number of qualified voters established pursuant to section 553;
- 2) the number of applications needed to require that a referendum poll be held;
- 3) the number of applications made;
- 4) the fact that the by-law, resolution or ordinance is deemed to be approved by the qualified voters or that a referendum poll must be held, as the case may be.

557. The clerk or the secretary-treasurer shall table the certificate before the council at its next sitting.

558. Where a referendum poll must be held, the council shall fix, not later than at the sitting following that at which the certificate is tabled, the date of the poll, in accordance with Chapter VI.

559. So long as the notice of the referendum poll has not been published, the council may, by resolution, withdraw the by-law, resolution or ordinance.

Within 15 days of the withdrawal, the clerk or the secretary-treasurer shall inform the persons concerned by a public notice. The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of publication of the notice.