



EXPLANATORY DOCUMENT

FREEZE

A special planning zone
to promote better management
of flood zones

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Section 162 of the *Act respecting land use planning and development* (chapter A-19.1) stipulates that, from the date of the publication of the draft Order establishing a special planning zone (SPZ) and until the date of coming into force of the order, any new construction, alteration, addition or installation are prohibited in the territory covered, which is called the “freeze.”

The same section stipulates that the Government can at any time exclude any portion of the territory covered from the prohibition to build.

A total prohibition on work would risk unduly impeding entirely legitimate work, including, in particular, repairs to buildings that did not sustain major damage and maintenance work to prevent buildings from deteriorating.

Consequently, the Government has adopted an order that excludes certain measures that institute a freeze stemming from the publication of the draft SPZ Order. The order that excludes certain activities that institute a freeze lists the structures, undertakings and works (hereinafter called the activities) stipulated in paragraphs 3.3 and 4.2.1 of the *Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*.

ACTIVITIES EXCLUDED FROM THE FREEZE

ACTIVITIES PERMITTED PURSUANT TO PARAGRAPH 3.3 OF THE PROTECTION POLICY FOR LAKESHORES, RIVERBANKS, LITTORAL ZONES AND FLOODPLAINS

The following initiatives are permitted between June 17, 2019 and the coming into force of the order respecting the SPZ:

- a) wharves, shelters or docks on pilings or made of floating platforms;
- b) creation of water crossings for fording, culverts and bridges;
- c) aquaculture facilities;
- d) surface water withdrawal facilities installed in accordance with the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), except facilities composed of inlet or diversion channels intended for non-agricultural purposes;
- e) encroachment on the littoral zone that is required for works authorized on the lakeshores or riverbanks;
- f) cleanup and maintenance in watercourses, without disturbing the bed, carried out by a municipal authority pursuant to the powers and duties assigned to them by law;
- g) structures, undertakings and works for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition, for which an authorization must be obtained under the Environment Quality Act, the Act respecting the conservation and development of wildlife (chapter C-61.1), the Watercourses Act (chapter R-13) or any other statute; and
- h) maintenance, repair and demolition of existing structures and works that are not used for municipal, industrial, commercial, public or public access purposes.

INITIATIVES PERMITTED IN THE HIGH-VELOCITY ZONE (20-YEAR FLOOD-PRONE AREA) AND THE SECTORS FLOODED IN 2017 AND 2019 STIPULATED IN PARAGRAPH 4.2.1 OF THE PROTECTION POLICY FOR LAKESHORES, RIVERBANKS, LITTORAL ZONES AND FLOODPLAINS

The following work is permitted between June 17, 2019 and the coming into force of the order respecting the SPZ:

- a)** works to maintain land in good condition, to maintain, repair, modernize or demolish existing structures and undertakings, provided the flood-prone area of the land does not increase as a result of the works; however, when work is carried out to modernize or reconstruct infrastructures associated with a public thoroughfare, the flood-prone area of the undertaking may be increased by 25% for public safety reasons or to bring the infrastructure into conformity with applicable standards; in all cases, major work on a structure or undertaking should entail flood-proofing the entire structure or undertaking;
- b)** works, structures or undertakings for public access purposes or for municipal, industrial, commercial or public purposes that are essential to port activities, navigation or shipbuilding, in particular, wharves, breakwaters, canals, locks and fixed navigation aids and their equipment and accessories; appropriate flood-proofing measures should be applied to any part of an undertaking situated below the flood level of the 100-year flood elevation;
- c)** linear, underground public utility facilities such as pipelines, power lines, telephone lines, water mains and sewers that have no service entrance for structures and undertakings situated in the high-velocity zone;
- d)** construction of underground waterworks or sewer systems in built-up areas not supplied by services with a view to supplying the structures and undertakings existing on the date of coming into force of the first municipal by-law prohibiting new constructions;
- e)** septic installations for existing structures or undertakings; the planned installation must be in conformity with the regulation concerning waste water disposal systems for isolated dwellings made under the Environment Quality Act (chapter Q-2);
- f)** alteration or replacement, for the same use, of an existing water withdrawal facility, as well as the installation of a surface water withdrawal facility below ground level, in accordance with the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);
- g)** an open-air undertaking, other than a golf course, intended for recreation purposes and that does not require filling or the removal of fill;
- h)** reconstruction of an undertaking or structure destroyed by a disaster other than a flood; all reconstructed undertakings and structures should be flood-proofed in conformity with the requirements of the Policy;
- i)** development of wildlife habitats that does not require filling and development of wildlife habitats that requires filling, but in the latter case, only if an authorization must be obtained under the Environment Quality Act;
- j)** agricultural land drainage works;
- k)** forest management activities that do not require filling or the removal of fill, and that are subject to the Sustainable Forest Development Act (chapter A-18.1) and its regulations; and
- l)** agricultural activities that do not require filling or the removal of fill.

RESPONSIBILITIES OF THE MUNICIPALITIES

The municipalities are obliged to comply with the freeze when issuing permits and certificates and in the context of their own work. Consequently, no permit allowing new construction, alteration, addition or installation in the territory of application of the SPZ should be issued, except if it is part of one of the activities listed previously that are excluded from the freeze.

RESPONSIBILITIES OF INDIVIDUALS AND LEGAL ENTITIES

Individuals and legal entities are also obliged to comply with the freeze. Consequently, the owners of buildings in the territory of application of the SPZ who wish to carry out work must ascertain if the work in question is excluded from the freeze before they undertake such work.

Individuals and legal entities must also continue to abide by municipal by-laws, which remain in force in respect of the initiatives excluded from the freeze. For example, an initiative that is excluded from the freeze might nonetheless be prohibited or subject to restrictions pursuant to municipal by-laws. In all cases, individuals and legal entities are strongly urged to contact their municipality before carrying out the work.

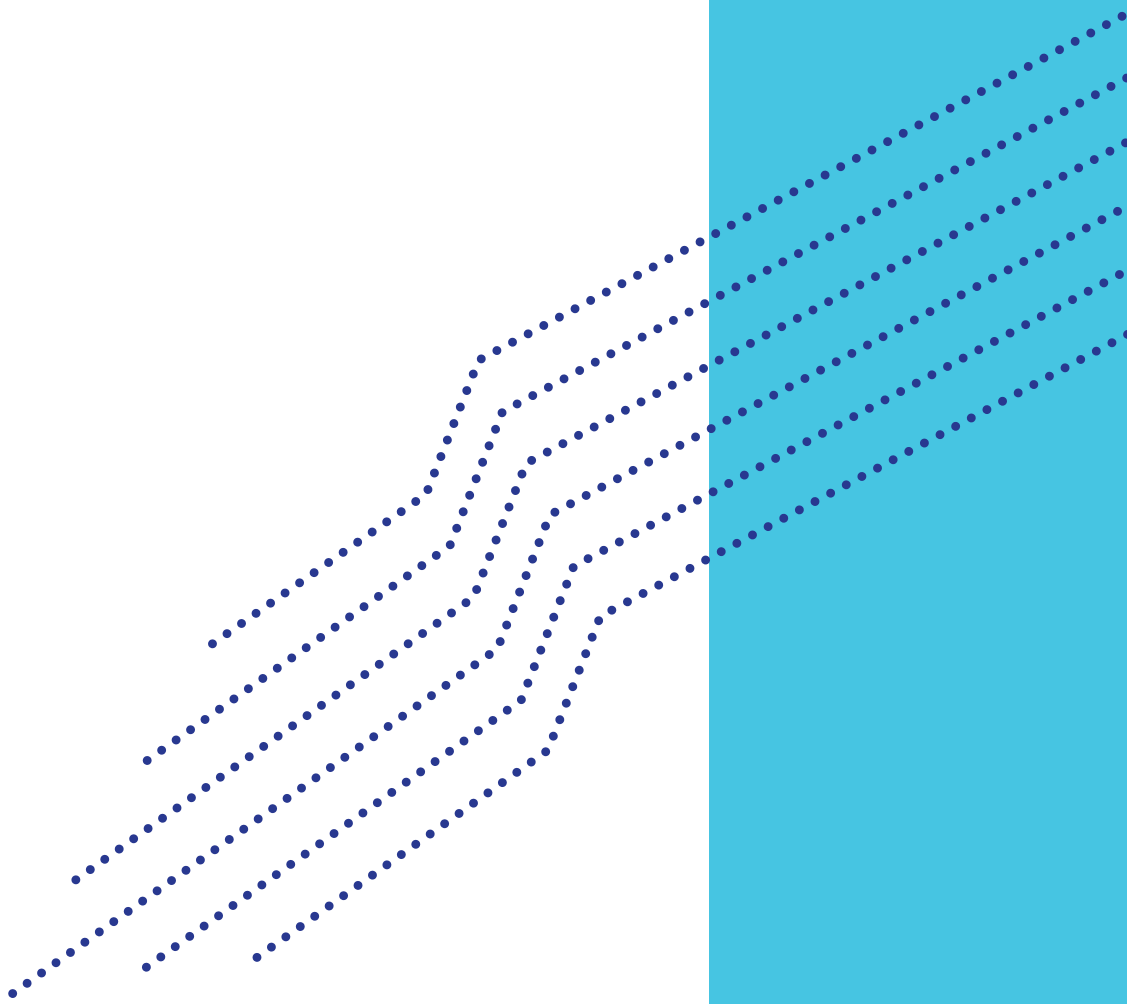
APPLICATION OF THE FREEZE IN THE TERRITORY

COVERED BY THE SPZ IN SAINTE-MARTHE-SUR-LE-LAC

The entire territory of Sainte-Marthe-sur-le-Lac covered by the SPZ is excluded from the freeze, except the lots in the territory that were vacant as of June 10, 2019.

CONCLUSION OF THE FREEZE

The freeze will end on the date of coming into force of the order respecting the SPZ, after which the SPZ regulation as adopted by the Government will apply.



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