

**THE CORPORATION OF THE TOWNSHIP
OF
BRUDENELL, LYNDOKH AND RAGLAN**

By-Law Number 2020-39

**A By-Law to Establish an Interim Control
By-Law within the Township of Brudenell, Lyndoch
and Raglan to Prohibit Cultivation of Cannabis**

Whereas the Township of Brudenell, Lyndoch and Raglan permits agricultural uses in all lands zoned Rural; and

Whereas the current Zoning by-law was drafted prior to the legalization of cannabis; and

Whereas Council has not considered the impact of medical cannabis cultivation on adjacent uses; and

Whereas a number of potential incompatible land use impacts have been identified that must be studied in order to properly plan for the introduction of cannabis cultivation facilities into the Township, including without limitation, odour, noise, light trespass and separation distance; and

Whereas Section 38 of the *Planning Act* permits Council or a municipality to pass an Interim Control By-Law that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within any defined area thereof for such purposes as set out in the by-law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area; and

Whereas Council for The Corporation of the Township of Brudenell, Lyndoch and Raglan has passed a resolution directing that a land use planning study be undertaken to examine the land use impacts and methods of regulation of cannabis cultivation, production and processing.


Now Therefore the Council of The Corporation of the Township of Brudenell, Lyndoch and Raglan hereby enacts as follows:

1. For the purposes of this By-law:
 - a. "Cannabis Production Facility" means a use of land, buildings or structures for the purpose of growing, drying, harvesting, packing, raising, treating, testing, destroying, storing or distributing Cannabis or dried Cannabis as defined by the *Cannabis Act*, 2018 (Canada) as amended from time to time.
 - b. Cannabis means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such plant and any substance that is similar to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained.
2. This By-law shall apply to all lands, buildings and structures located within the Township of Brudenell, Lyndoch and Raglan.

3. No land, building or structure subject to this By-law shall be used as a Cannabis Production Facility or any accessory use associated therewith.
4. The prohibition in paragraph 3 above shall not apply to the cultivation of up to 4 Cannabis plants on any property for personal consumption.
5. The prohibition in paragraph 3 above shall not apply to the cultivation of Cannabis pursuant to a valid licence issued by Health Canada for medical Cannabis production provided that the Cannabis Production Facility is limited to a maximum of 200 square feet.
6. The prohibition in paragraph 3 above shall not apply to any Cannabis Production facility that legally existed as of the date this By-law is passed.
7. Where any conflict exists between the provisions of this by-law and any other by-law of The Corporation of the Township of Brudenell, Lyndoch and Raglan, this by-law shall prevail.
8. This by-law shall come into force and take effect on the date of its passing and shall remain in effect for a period of one year from the date of its passing, unless otherwise extended in accordance with Section 38 of the *Planning Act*, or repealed by Council at an earlier date.

READ A FIRST AND SECOND TIME this 9th day of September, 2020.

READ A THIRD TIME AND FINALLY PASSED this 9th day of September, 2020



Mayor



Clerk-Treasurer

I, Michelle Mantifel, Clerk-Treasurer of the Township of Brudenell, Lyndoch and Raglan, do hereby certify this to be a true copy of By-law No. 2020-39 of the Corporation of the Township of Brudenell, Lyndoch and Raglan passed by the Council of the said Corporation at a meeting held September 9, 2020.

Dated at Palmer Rapids, Ontario, this 18th day of September, 2020.



Michelle Mantifel, Clerk-Treasurer