

BY-LAW NUMBER 20-64

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

An Interim Control By-law to prohibit the use of land, buildings and structures for a Cannabis Operation, pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, on any and all lands located within the Township of Clearview.

WHEREAS, pursuant to Section 38(1) of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, where the Council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS Council has by resolution on October 5th, 2020, directed that a study be undertaken in respect of land use planning policies relating to cannabis production and processing facilities, as more particularly defined here, within the municipality with respect to Zoning By-law 2006-54, being the Comprehensive Zoning By-law for the Township of Clearview;

AND WHEREAS Council has determined that it is in the public interest to prohibit the use of specific lands within the Township for a cannabis operation, as more particularly defined herein, so as to allow the Township to review and, if considered appropriate, implement the findings of the review and study referred to herein;

AND WHEREAS Council has directed that an Interim Control By-law applying to the said lands be enacted, in accordance with the provisions of section 38(1) of the *Planning Act*, R.S.O., 1990, c. P.13, as amended.

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law, Cannabis Operation is defined as follows:

“Cannabis Operation” means lands, buildings or structures used for growing, producing, processing, harvesting, treating, testing, destroying, storing, packaging and/or shipping of Cannabis or dried

Cannabis as defined by the Cannabis Act, 2018, S.C. 2018, c. 16, as amended. A Cannabis Operation does not include the growth, production or processing of up to four (4) or fewer cannabis plants on a lot for personal use.

2. Notwithstanding the permitted uses and regulations of Zoning By-law 2006-54 being the Comprehensive Zoning By-law for the Township of Clearview, as amended, no person shall within the Township of Clearview:
 - a) Use any lands, buildings or structures for a Cannabis Operation, or any purpose related to such use, except where such land, building or structure was lawfully used for such purpose on the day of passing of the by-law, so long as it continues to be used for that purpose;
3. If any provision or requirement of this By-law, or the application thereof to any land, shall to any extent be held to be invalid or unenforceable, the remainder of this By-law, or the application of such provision or requirement to all lands other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
4. This By-law shall come into force and take effect immediately upon its passing by Council and shall be in effect until 11:59 p.m. local time on October 4, 2021, unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O, 1990 c.P.13, as amended.

By-law Number 20-64 read a first, second and third time and finally passed this 5th day of October, 2020.



MAYOR



DIRECTOR OF LEGISLATIVE SERVICES/CLERK