

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 021-2019

Being an interim control by-law under Section 38
of the Planning Act, R.S.O. 1990, c.P.13, as
amended, regarding cannabis related land uses.

WHEREAS Section 38(1) of the Planning Act, R.S.O. 1990, as amended, permits the Council of a municipality to pass an interim control by-law where Council has directed that a review or study be undertaken in respect of land use planning policies and regulations within the municipality or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet passed a resolution on March 5, 2019 directing staff to undertake a review of the Township land use planning policies and regulations pertaining to cannabis production facilities and cannabis related uses and to develop appropriate policies and regulations to manage and control cannabis production facilities and cannabis related uses;

AND WHEREAS the Council for the Corporation of the Township of Wainfleet deems it expedient and appropriate to enact such an interim control by-law to provide the Township with time to undertake the review of its land use planning policies and regulations pertaining to “Cannabis Production Facilities” and cannabis related uses;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet
HEREBY ENACTS AS FOLLOWS:

1. For the purpose of this by-law:
 - a) “Cannabis” has the same meaning as in subsection 2(1) of the *Cannabis Act*, (Canada).
 - b) “Cannabis Production Facilities” shall mean any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis. A Cannabis Production Facility does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the Cannabis License Act, 2018.
 - c) “Council” shall mean the Council for the Corporation of the Township of Wainfleet.
 - d) “Interim Control Area” shall mean all lands within the municipal boundary of the Township of Wainfleet.
 - e) “Township” shall mean the Corporation of the Township of Wainfleet.

2. The provisions of this by-law shall apply to the Interim Control Area.
3. Notwithstanding any other by-law to the contrary, no person shall within the Interim Control Area:
 - a) Use any land, building or structure for any cannabis production whatsoever, except for a cannabis production facility that lawfully existed on the date of passage of this by-law, as long as it continues to be used for such purpose; or
 - b) Be permitted to construct, alter, or expand any building or structure for any cannabis production purpose whatsoever.
4. If any provision or requirement of this by-law or the application thereof to any person 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 persons 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.
5. 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 March 26, 2020, unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended.

BY-LAW READ A FIRST TIME THIS 26TH DAY OF MARCH, 2019

BY-LAW READ A SECOND TIME THIS 26TH DAY OF MARCH, 2019

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF MARCH, 2019

Original Signed By

K. Gibson, MAYOR

Original Signed By

W. Kolasa, CLERK