

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4046 (2018)

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.

File No. AM-10-18

WHEREAS, Section 38 of the Planning Act. RSO 1990, c.P. 13 as amended authorizes the Council a municipality to pass an interim control by-law where the Council has 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;

AND WHEREAS Council of the Town of Pelham passed a resolution on October 1st, 2018 directing staff to undertake a review of the Town land use planning policies and regulations pertaining to cannabis related uses and to develop appropriate policies and regulations to manage and control cannabis related uses;

AND WHEREAS the Council of the Town of Pelham has deemed it necessary and expedient to pass this interim control by-law to provide the Town with the time to undertake the review of it land use planning policies and regulations pertaining to cannabis related land uses;

AND WHEREAS the interim control by-law will restrict the use of all land in the municipality, save and except for lands under Development Permit Control of the Niagara Escarpment Commission, for any cannabis related land use for a period of one (1) year, pending the completion of the review of its land use planning policies and regulations;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. For the purpose of this By-law:
 - (a) "Interim Control Area" shall mean all lands within the municipal boundary of the Town of Pelham save and except lands under Development Permit Control Area of the Niagara Escarpment Commission.
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 agricultural, commercial or industrial cannabis purpose whatsoever, except for a use that lawfully existed on the date of the 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 agricultural, commercial or industrial cannabis purpose whatsoever, save and except where such construction, alteration

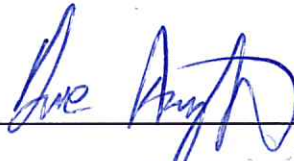
or expansion is a continuation of a lawful use in existence on the date of passage of this By-law.

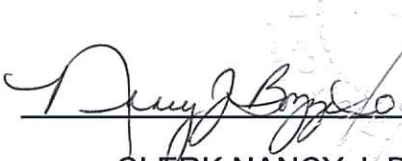
4. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or 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 Bylaw shall come into effect and force immediately upon its passing by Council and shall be in effect until 11:59 pm local time on October 15, 2019 unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., c.P. 13, as amended.

ENACTED, SIGNED AND SEALED THIS

15th DAY OF October, 2018 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO