



**The Corporation of the Township of Hamilton**

**By-law Number 2020- 41**

**BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 38 OF *PLANNING ACT*, 1990, C.P. 13, AS AMENDED, TO ESTABLISH INTERIM CONTROL PROVISIONS FOR THE ENTIRETY OF THE TOWNSHIP OF HAMILTON TO PROHIBIT THE ESTABLISHMENT OF CANNABIS PRODUCTION AND PROCESSING FACILITIES FOR A PERIOD OF 12 MONTHS IN ORDER TO ALLOW FOR THE APPROPRIATE COMPLETION OF FURTHER RESEARCH AND CONSULTATION.**

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**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 the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

**AND WHEREAS** Council of the Township of Hamilton passed a resolution directing staff to undertake a review with necessary research and consultation with respect to developing land use planning policies and regulations concerning “Cannabis Production and Processing Facilities” on all lands located in the Township of Hamilton;

**AND WHEREAS** Council of the Township of Hamilton deems it appropriate to now enact such an Interim Control By-law, in order to ensure that any Cannabis Production and Processing Facilities are appropriately situated and regulated within the Township;

**NOW THEREFORE** the Council of the Township of Hamilton hereby enacts as follows:

1. In this By-law:

“Cannabis” means cannabis as defined in the Cannabis Act (Canada)

“Cannabis Production and Processing Facility” shall mean any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping cannabis. A Cannabis Production and Processing Facility does not include the growth, production or processing of 4 or less cannabis plants on a lot for recreational or medicinal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the Cannabis License Act, 2018.

2. No person shall cause or permit the use of any land, building or structure on any lands within the Township of Hamilton for the purpose of a Cannabis Production and Processing Facility.

3. 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 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 by law.
  
4. This By-law shall come into force and take effect immediately upon the final passing thereof by the Council and shall be in effect until 11:59 p.m. local time on the 21<sup>st</sup> day of July 2021, unless otherwise extended in accordance with the provisions of the *Planning Act* R.S.O 1990, c.P 13, as amended from time to time.

That **By-Law No. 2020-41** be read and deemed to be PASSED this 21<sup>st</sup> day of July, 2020.

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William Cane, MAYOR

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K. Surerus, Municipal Clerk