

The Corporation of the City of Kawartha Lakes

By-Law 2021-xxx

A By-Law To Amend By-Law 2016-112 Being a By-Law to Regulate and Govern The Standards For Maintaining And Occupying Property Within Kawartha Lakes.

Recitals

1. The federal Cannabis Act authorizes residents and commercial business to grow cannabis as regulated, on certain properties in the City of Kawartha Lakes.
2. The City of Kawartha Lakes' Municipal Law Enforcement Division and other enforcement agencies have seen an increase in farm and residential properties being used to grow Cannabis.
3. The Farming and Food Production Protection Act, 1998 provides that no municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.
4. Council considers it advisable to amend Property Standards By-Law 2016-112 within the constraints provided by the Farming and Food Production Protection Act, 1998, in order to regulate property use so that cannabis cultivation occurs in a manner that addresses public nuisance and health.
5. While the existing Property Standards By-Law provides amelioration of odours and light in industrial zones, it fails to address these concerns on residential and agricultural property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-xxx.

Section 1.00: Definitions and Interpretation

1.01 Definitions: Section 1.01 will be amended to include the following definitions:

- (a) **“Cannabis”** shall have the same meaning as Cannabis as defined in the Cannabis Act.
- (b) **“Cannabis Processing”** means an operation that includes the application of manual, mechanical or chemical methods, it is transformed into another form.
- (c) **“Cannabis Related Activity”** means growing, harvesting, processing, extracting, packaging, or otherwise making ready for sale, testing, destroying, storing, shipping, permitting consumption or sale of cannabis or cannabis products.

- (d) **“Noxious Odour”** mean odours from activities emanating from a property that is persistent or continuous and is likely to interfere with the normal and reasonable use of another property
- (e) **“Odour Abatement Protocol”** means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Noxious Odours from a property,

Section 2.00: Amendments to the Standards for All Properties

2.01: Section 3.28 **“Light Penetration”** which reads:

“Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit” will be amended by adding the word “or” following the word “Unit”, by replacing “on” with “onto a”, so that it reads as follows: “Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit or onto a neighbouring property. Notwithstanding the foregoing, normal farm practices occurring on agriculturally-zoned land are exempt from this provision, pursuant to the Farm and Food Production Protection Act, 1998, and the term “normal farm practices” shall be as set out in that Act.”

2.02 Section 5.04, “Ventilation Requirement”, will be removed from section 5, which applies only to non-residential and mixed-use buildings, and placed in new section 3.28, as section 3 applies to all buildings. The paragraph will be amended so that it reads as follows: “Every Owner of a Residential, Non-residential or Mixed Use Building shall ensure that it is adequately ventilated by natural or mechanical means and with regard to the operations carried on within the Building, to ensure that persons within the Building are not exposed to conditions harmful to their health or safety.”

2.03 Section 5.06 **“Ventilation Equipment”**, will be removed from section 5 and placed in new section 3.29. The paragraph will be amended so that it reads as follows: “Every Owner of a Residential, Non-residential or Mixed Use Building shall ensure that all of the mechanical ventilating equipment and the supports for that equipment are maintained in good repair and in a safe mechanical condition.”

2.04 A new section 3.30 will be added: **“Cannabis Related Activity:** Where a Cannabis Related Activity is permitted on a property which occurs in a green house or building or other structure, the Owner or Occupier shall ensure that a ventilation system is installed to filter and exhaust the Noxious Odours.”

- 2.05 Section 5.07 will be removed from section 5 and placed in new section 3.31, with amendments so that it reads as follows: **“Exhaust of Noxious and Other Substances:** Where a system of mechanical ventilation or Odour Abatement Protocol which exhausts noxious fumes, odours, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8’) feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance. Notwithstanding the foregoing, normal farm practices occurring on agriculturally-zoned land are exempt from this provision, pursuant to the Farm and Food Production Protection Act, 1998, and the term “normal farm practices” shall be as set out in that Act.”

Section 3.00: Administration and Effective Date

- 3.03 **Effective Date:** This By-law shall come into force and take effect on the date it is passed.

By-law read a first, second and third time, and finally passed, this xx day of xxx, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk