



City of Hamilton

CITY COUNCIL ADDENDUM

20-008

Wednesday, April 22, 2020, 9:30 A.M.
Council Chambers, Hamilton City Hall
71 Main Street West

5. COMMITTEE OF THE WHOLE

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

- *5.2.a Written Delegations respecting Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administration Penalty By-law 17-225 (Item 5.4(d)):
 - *5.2.a.a KimKarin Rausch
 - *5.2.a.b Marlene & David Girvan
 - *5.2.a.c Max DiFelice
 - *5.2.a.d Nathan Helder
 - *5.2.a.e Robert Pratt
 - *5.2.a.f Pat & Vic Ancona
 - *5.2.a.g Pat & Art Linde

*5.2.a.h Richard Robertson

*5.2.a.i Evan Edmundson

*5.2.a.j Mr. & Mrs. Lorne Holley

Recommendation: Be received and referred to the consideration of Item 5.4 (d).

7. NOTICES OF MOTIONS

*7.1 Designating Evergreen Farm located at 1389 Progreton Road, Carlisle a Property of Cultural Heritage Value or Interest

Pilon, Janet

Subject: Request to speak The repeal and replacement of BY-LAW NO. 09-110

From: Kim-Karin Rausch [REDACTED]

Sent: Sunday, April 19, 2020 2:00 PM

To: clerk@hamilton.ca

Subject: Re: Request to speak The repeal and replacement of BY-LAW NO. 09-110

In this past Saturdays Hamilton Spectator (4/8/2020) the City of Hamilton announced it plans to repeal and replace the City of Hamilton, BY-LAW NO. 09-110 this coming Tuesday

Prior to the first reading of this proposed amendment, the city should have issued a notice to the public 14 days prior to its first reading.

Secondly, this is the wrong time to announce amendment and repeals during the COVID 19 because this cannot be debated, protested or properly addressed by your constituents.

I have read the entirety of BY-LAW NO. 09-110 to where it states "WHEREAS sections 8, 9 and 10 of the Municipal Act. 2001, S.D. 2001, Chapter 25 (the "Municipal Act. 2001 ") authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the economic social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property; AND WHEREAS section 128 of the Municipal Act. 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances" etc.

I then read the pertaining laws of the Municipal Act. 2001 <https://www.ontario.ca/laws/statute/01m25> which in my opinion do not allow for this type of repeal and replacement of the existing law and oversteps your legislative authority.

I will be forwarding this email to Nrinder Nann (my ward 3 elected council member) as well as submitting to the council committee.

Life is hard enough during this quarantine for your citizens and adding yet another by-law our already over legislated city causing disharmony amongst us is not appropriate ,again ,in my opinion.

Kindest regards,

Kim-Karin Rausch
Resident and homeowner in the city of Hamilton

[REDACTED]

April 19, 2020

ATTN: LISA CHAMBERLAIN
City of Hamilton, City Clerk's Office
Legislative Coordinator, Planning Committee

RE: PED20076 REPEAL AND REPLACE THE PUBLIC NUISANCE BY-LAW 09-110

We are **IN SUPPORT** of the added changes as written to this by-law for both lighting and odour issues caused from the cultivation of cannabis plants.

Thank you.

Marlene & David Girvan

[REDACTED]
[REDACTED]
[REDACTED]

Pilon, Janet

Subject: Cannabis on Centre Rd - Support Change to By-law

From: Max DiFelice

Sent: April 20, 2020 2:55 PM

To: Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Cannabis on Centre Rd - Support Change to By-law

Hi Judi

Sending you a quick email in *support of the change* to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law)

Regards

Max DiFelice

Pilon, Janet

Subject: FW: Cannibas on Centre Rd - excessive odours - Approval of By-Law change

From: Nathan Helder <nhelder@gelderman.com>

Date: 2020-04-20 8:36 PM (GMT-05:00)

To: "Ustrzycki, Robert" <Robert.Ustrzycki@hamilton.ca>

Subject: FW: Cannibas on Centre Rd - excessive odours - Approval of By-Law change

Robert,

My wife and I both wholly support the changes to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law) as the Grow Operation on Centre Rd. (just north of 831 Centre Rd.) as affected our two young children. We could not have our windows open last summer as the smell was waking us up in the morning.

Last summer the smell was brutal. Any visitors coming to Gelderman Landscape Services would have assumed that everyone at 831 Centre Rd. (south of the property) would have been smoking weed. The smell was very strong.

This causes grave concern when staff come into the yard smelling weed. Here at Gelderman Landscape Services our Joint Health and Safety Committee have been challenged on how to respond to this smell and its affects on our staff and business.

I strongly suggest that the City Council passes this bylaw. Grow Operations should not be allowed to exist in a residential neighbourhood.

Thank you,

Nathan Helder
President

Phone: (905) 689-4371 (direct) / (800) 667-0644

Fax: (905) 689-8591

Gelderman Landscape Services
831 Centre Road, P.O. Box 82120
Waterdown ON L0R 2M0

www.gelderman.com

Proud Winner of the 2015 Burlington Chamber of Commerce Business Excellence Employer of the Year Award!

Pilon, Janet

Subject: Bylaw amendment for cannabis on Centre Road

From: Bob Pratt

Sent: Monday, April 20, 2020 4:50 PM

To: Partridge, Judi

Subject: Bylaw amendment for cannabis on Centre Road

Hi Judi

Sending you this quick email in *support of the change* to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law).

I do not support a grow-op with the corresponding smell & light pollution on Centre Road.

Sincerely,

Robert Pratt

Pilon, Janet

Subject: Change of By-Law PED20076

From: Pat Ancona

Sent: Monday, April 20, 2020 4:53 PM

To: Partridge, Judi

Subject: Change of By-Law PED20076

Good afternoon Judy: Please note that both my husband (Vic) and I support the change to PED20076 By-Law 09-110.

Repeal and Replace the Public Nuisance By-Law

Thank you

Pat and Vic Ancona

Pilon, Janet

Subject: Public Nuisance By-law 09-110

-----Original Message-----

From: Art And Pat Linde

Sent: April 20, 2020 4:06 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Subject: Public Nuisance By-law 09-110

Att: Lisa

Concerning up coming meeting on Wednesday April 22 2020 considering Report PED20076. We wish to be noted as being fully supportive to Repeal and Replace the Public Nuisance By-law 09-110 as noted in "Notice to citizens" printed in The Hamilton Spectator this pass weekend - Sat.April 18, 2020.

Thankyou !

Pat & Art Linde

Pilon, Janet

Subject: Public nuisance Bylaw Revisions: Cannabis Green House Grow Ops

From: richard robertson

Sent: April 20, 2020 7:05 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Cc: Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Public nuisance Bylaw Revisions: Cannabis Green House Grow Ops

Good day to you Ms Chamberlain,

I am writing to you today in regards to the above and the report that our local councillor Judi Partridge, kindly sent ink: <https://bit.ly/3eCiXnV>

In question the awful grow facility bending centre road property 1409A or B you can physically see this at the back of any of the properties at the rear of Meander close

Over the last few years we have seen prior to the legalization, the farm be raided, and changed hands apparently 3-4 times.

The nuisance factors are not limited to the report as it also does not encompass the drone of the exhaust fans that also emit the noise and cast the rotten smell across the entire community.

The farm when it was a farm was well looked after and also I am pretty sure they are obtain tax credits for farm use but one large field has not been utilized in over three years.

The farm itself has multiple hooped greenhouses covered with polythene and fans on them. each year its increasing in size and stench is getting worse.

Perhaps this meeting on April 22nd is just good timing as I have called the city and wrote to the province three times last year without any success.

Further to this i am pretty sure they should not be drawing water from the creek year after year with hidden pumps and industrial size hose pipes.

I believe the farm is 100% of a nuisance, the odour is horrific and even realtors say this can lead to difficulty in selling and attracting buyers

I certainly would like to see something done about this.

Please do keep me in the loop as the rise in traffic at the back also sis a concern it is not a gated secure area at all.

Many thanks

Richard Robertson

Pilon, Janet

Subject: Hamilton Bylaw Revision: Cannabis Odour

From: Evan Edmundson

Sent: April 20, 2020 6:55 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Subject: Hamilton Bylaw Revision: Cannabis Odour

Hello Lisa,

I am emailing you today to comment on the consideration of updating the Hamilton City Bylaws to include prohibiting excessive odours from the cultivation of Cannabis plants. I am against the approval of this amendment because every Cannabis plant while in vegetation smells slightly, but as soon as the flowers begin to develop the smell increases significantly. Unless you are growing in an enclosed environment it is difficult to contain the smell and neutralize it, not to mention the Carbon Filters needed can be very expensive. I am a Medical Cannabis patient and I am growing my own medical plants, what would happen if my neighbour complained about the excessive smell? Would I be fined for growing my own medicine? To me, that goes against the whole point of legalization. How would the City define excessive odours when everyone has a different sensitivity to odours? If I was found in breach of the proposed amendment would my plants be taken away? How would the smell be dealt with, if I can not afford to build a greenhouse with an air filtration system?

Sincerely,

Evan Edmundson

Pilon, Janet

Subject: Bylaw Revision: Cannabis Green House Grow Ops

From: lholley lholley

Sent: April 21, 2020 10:07 AM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>; Ustrzycki, Robert <Robert.Ustrzycki@hamilton.ca>

Subject: Bylaw Revision:Cannabis Green House Grow Ops

Dear Lisa Chamberlain,

I am writing today to support the updating of the Public Nuisance Bylaws to include prohibiting excessive odours and green house

lighting from the cultivation of cannabis plants. This issue directly affects my family and my neighbors on Meander Close in Carlisle.

There has been a steady increase of building greenhouses (that do not have proper ventilation) and sheds for equipment and supplies.

this is taking place in the farm fields directly behind (to the west) of our subdivision. I have never been provided with any notices

of any type of construction in our area that has or will take place. I trust that our concerns will be passed on to the council for the meeting scheduled for Wed. April 22,2020

Regards Mr and Mrs Lorne Holley

CITY OF HAMILTON NOTICE OF MOTION

Council Date: April 22, 2020

MOVED BY COUNCILLOR J. PARTRIDGE.....

Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

WHEREAS the City’s Inventory and Research Working Group, at their meeting of September 23, 2019 recommended that 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 E, known historically as Evergreen Farm, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS the minutes of the City’s Inventory and Research Working Group were approved by the City’s Municipal Heritage Committee at their meeting of November 21, 2019 and at the December 3, 2019 Planning Committee meeting;

WHEREAS 1389 Progreston Road was added to the City’s Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS 1389 Progreston Road, Carlisle is under imminent threat of demolition

WHEREAS the historical 1389 Progreston Road "Evergreen Farm" is one the last known historical framed homestead farms of it's kind left in Ward 15 Flamborough.

WHEREAS the City has designated other properties that have been under imminent threat of demolition such as 18-28 King Street East, Hamilton;

THEREFORE BE IT RESOLVED

That staff be directed to take appropriate action to designate 1389 Progreston Road under Part IV of the Ontario Heritage Act, including preparation and giving the required public notice of the Notice of Intention to Designate and a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.