

# CITY OF HAMILTON

## MOTION

Planning Committee Date: June 4, 2019

**MOVED BY COUNCILLOR B. CLARK.....**

**SECONDED BY COUNCILLOR .....**

### **Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations**

WHEREAS, the City of Hamilton has experienced increased nuisance complaints about properties growing cannabis for the purpose of personal use as authorized by Health Canada;

WHEREAS, section 128 of the *Municipal Act, 2001, S.O. 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;

WHEREAS, pursuant to section 129 of the *Act* a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

WHEREAS, Cannabis growing operations that are not regulated as Licensed Producers by Health Canada are creating significant public nuisances in relation to odour and outdoor light illuminations; and,

WHEREAS, the City of Hamilton By-law No. 09-110, being a By-law to prohibit and regulates certain public nuisance did not previously consider public nuisance created by cannabis growing operations;

**THEREFORE BE IT RESOLVED:**

That the Director of Licensing and By-law Services be directed to bring an amending By-law to the current City of Hamilton By-law No. 09-110 to include the violations of; cause or permit any public nuisance; cause or permit any activity on one property which are obnoxious or which substantially reduce the enjoyment of another property, including without limiting the generality of activities such as the creation of vibration or the emission of smoke, dust, airborne particulate matter or objectionable odour and light that is broadcasted directly from one property onto another property.