

VILLAGE OF EMPRESS

BYLAW NUMBER 2019-02

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 7-2013 FOR THE VILLAGE OF EMPRESS IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Village of Empress (hereinafter called the Council), has adopted Land Use Bylaw No. 7-2013;

AND WHEREAS the Council deems it desirable to amend Land Use Bylaw 7-2013; and

NOW THEREFORE the Council hereby amends Land Use Bylaw No. 7-2013 as follows:

1. **In Part I, Section 5, Definitions, immediately following the definition for “Campground”, add the following definitions:**

“**Cannabis**” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act (Canada)* and its regulations, as amended from time to time and includes edible products that contain cannabis.

“**Cannabis Accessory**” means cannabis accessory as defined in the *Cannabis Act (Canada)* and its regulations, as amended from time to time.

“**Cannabis Production Facility**” means a premise used for growing, producing, testing, destroying, storing or distribution of Cannabis authorized by a license issued by the federal Minister of Health. Distribution of Cannabis does not include a “Cannabis Retail Sales” use.

“**Cannabis Retail Store**” means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises.

2. **In Part I, Section 2, Definitions, within the definition for “Retail Store”, add the following to the end of the sentence:**

“This definition does not include a Cannabis Retail Store”

3. **In Part I, Section 2, Definitions, within the definition for “Greenhouse”, add the following to the end of the sentence:**

“This definition does not include a “Cannabis Production Facility”

4. **In Part VII, Land Use Districts, add “Cannabis Retail Store” in the appropriate alphabetical location to the following district as a Discretionary Use:**

- **C Commercial District**

5. In Part VII, Land Use Districts, add “Cannabis Production Facility” in the appropriate alphabetical location to the following district as a Discretionary Use:

- **G General District**
- **I Industrial District**

6. In Part VI, General Land Use Regulations, following Section 24. “Forms”, add the following sections:

“25. Cannabis Retail Stores

- (a) A Cannabis Retail Store shall comply with all provincial requirements.
- (b) A Cannabis Retail Store shall meet the provincial requirements for minimum separation distances from Schools, a Municipal School Reserve parcel, a School Reserve parcel and Provincial Health Care Facilities.
- (c) Despite Section 25. (a) to (b), no separation distance is required between a Cannabis Retail Store and a home education program.

“26. Cannabis Production Facility

- (a) As a condition of development and prior to the operation of the facility, the owner must provide a copy of the current license for all activities associated with cannabis production as issued by the Health Canada.
- (b) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (c) The development must be done in such a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, garbage containers and waste material.
- (d) The development shall not include an outdoor area for the storage of goods, materials or supplies.
- (e) The development shall not operate in conjunction with another approved use.
- (f) A Cannabis Production Facility shall minimize any exposure or disturbance to the surrounding area including dust, pollution, noise, odor, or any other related land use nuisance effects.
- (g) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

- (h) The Development Authority may require as a condition of a development permit, a waste management plan completed by a qualified professional, which includes but not limited to, details on:
- i. The quantity and characteristics of liquid and waste material discharged by the facility;
 - ii. The method and location of collection and disposal of liquid and waste material discharged by the facility; and
 - iii. The incineration of waste products and airborne emissions, including smell.

7. In Part III, Section 3, “Application for a Development Permit”, add the following immediately after subsection (2):

- “(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.
- (4) Despite the Development Authority issuing an acknowledgement that an application is complete, during the course of the review the Development Authority may request any additional information considered necessary during the decision making process
- (5) If an application is deemed to be incomplete, the applicant may submit the information identified by the Development Authority to complete the application within the time specified in the notice or as agreed to between the applicant and the Development Authority;
- (a) If the information is not submitted by the time specified in the notice or as agreed between the applicant and the Development Authority the application will be deemed refused. ”

8. In Part III, Section 7, “Development permit referrals & Notices”, make the following changes:

In Subsection “(2), (a)” Replace “14” days with “21” days

In Subsection “(2), (e)” add the following to the end of the sentence:

“This decision must specify the date the decision was made by the Development Authority, and must be given to or sent to the applicant on that same date”

9. In Part V, Section 1, “Contravention”, add the following subsection:

- “(3) A stop order must specify the date the order was made, and must be given or sent to the “person(s)” who is subject of the order on that same date”

10. Part IV, Appeals:

In Section 1 (d) Replace “14” with “21” days.

11. Repaginate and renumber as required

12. This Bylaw will come into full force and effect on the date of final passing thereof.

READ A FIRST TIME THIS 19th DAY OF MARCH, 2019

READ A SECOND TIME THIS 18th DAY OF APRIL, 2019.

READ A THIRD TIME AND PASSED THIS 18th DAY OF APRIL, 2019.

Sandra Crooker

MAYOR

Debbie Ross

CHIEF ADMINISTRATIVE OFFICER