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**LAND USE BYLAW AMENDMENT**

**A BYLAW OF THE TOWN OF ECKVILLE** in the Province of Alberta to amend Bylaw No. 729-15 of the Town of Eckville known as Town of Eckville Land Use Bylaw.

**WHEREAS** the *Municipal Government Act*, RSA 2000, c. M-26, authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act* authorizes council in its Land Use Bylaw to prohibit or regulate and control the use and development of land and buildings in the Town of Eckville;

**AND WHEREAS** Bill C-45, *The Cannabis Act*, provides for legal access to cannabis and for the federal control and regulation of its production, distribution and sale, and will come into force on a day or days to be fixed by Order of the Governor in Council;

**AND WHEREAS** Bill 26, *An Act to Control and Regulate Cannabis*, establishes a framework for the distribution of sale of cannabis within the Province of Alberta, and will come into force upon proclamation;

**AND WHEREAS** the Town of Eckville Bylaw No. 729-15 does not currently contain provisions to address cannabis related uses and development of land and buildings, which uses and development the Town intends to regulate and control in the interest of public health and safety and to achieve the orderly, economic and beneficial development and use of land;

**NOW THEREFORE** the Council of the Town of Eckville in the Province of Alberta duly assembles hereby enacts as follows:

1. The Town of Eckville Land Use Bylaw No. 729-15 (the “Land Use Bylaw”), is hereby amended by adding the following new definitions to Section 1.3 in accordance with the alphabetical order of the list:

“**cannabis**” means a cannabis plant, fresh cannabis, dried cannabis, cannabis oil, 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 lounge**” means a development where the primary purpose of the facility is the sale of cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution.

“**cannabis production and distribution**” means a development or use involving any one or more of the following as it relates to cannabis:

- a. the production, cultivation or growth of cannabis;
- b. the processing of raw materials;
- c. the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- d. the packing, storage or transportation of materials, goods or products, or;
- e. the distribution or sale of materials, goods or products to cannabis retail stores or to individual customers.

**“cannabis retail”** means a retail store licensed by the Province of Alberta where cannabis is sold, and where the consumption of cannabis must not occur. This use may include the ancillary retail sale or rental of merchandise but does not include cannabis production and distribution.

2. The Land Use Bylaw is hereby amended by deleting the definitions of “agricultural operation”, “greenhouse, commercial”, “neighbourhood convenience store”, and “retail commercial use” from Section 1.3 in their entirety, and replacing them with the following in accordance with the alphabetical order of the list:

**“agricultural operation”** means an agricultural activity conducted on agricultural land for gain or reward or in the hope of expectation of gain or reward, and include but is not limited to:

- (a) the cultivation of land;
- (b) the raising of poultry and livestock, including game production animals within the meaning of the Livestock Industry Diversification Act;
- (c) the raising of fur bearing animals, birds or fish;
- (d) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other special horticultural crops;
- (f) the production of eggs and milk;
- (g) the production of honey;
- (h) the operation of agricultural machinery and equipment, including irrigation pumps; and
- (i) the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including the application by ground and aerial spraying, for agricultural purposes,

but does not include cannabis production and distribution.

**“greenhouse, commercial”** means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies but does not include cannabis production and distribution.

**“neighbourhood convenience store”** a retail commercial establishment supplying groceries, sundries and other daily or occasional household necessities to the immediate surrounding area, but does not include cannabis retail.

**“retail commercial use”** means a development for the retail sale of consumer goods on a daily basis in an enclosed building and, without limiting the generality of the foregoing, may include food stores, liquor stores, drug stores, second-hand stores, automotive parts and accessories stores, and convenience stores, and includes supplementary services such as postal service and file processing, but does not include cannabis retail.

- 3. If any section, subsection, sentence, clause or phrase of this bylaw, or of the Land Use Bylaw as amended by this bylaw, is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw or of the Land Use Bylaw as so amended.
- 4. This Bylaw shall come into force and effect upon the third and final reading of this Bylaw.

**THAT** this Bylaw shall take effect upon final passing thereof,

**READ A FIRST TIME this 9<sup>th</sup> day of April, 2018**

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**Mayor**

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**CAO**

**READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018**

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**Mayor**

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**CAO**

**READ A THIRD AND FINAL TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018**

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**Mayor**

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**CAO**