

BYLAW NO. 18-08
TOWN OF FALHER

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14-05.

WHEREAS the Council of the Town of Falher, in the Province of Alberta has adopted the Bylaw No. 14-05, being the Land Use Bylaw; and

WHEREAS the Council of the Town of Falher, pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, deems it advisable to amend the said Bylaw.

NOW THEREFORE, the Council of the Town of Falher, duly assembled, hereby enacts as follows:

1. Add the following definition for "Cannabis" to Section 1.5:

"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.

2. Add the following definition for "Cannabis Retail Sales" to Section 1.5:

"CANNABIS RETAIL SALES" means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.

3. Add the following definition for "Cannabis Production Facility" to Section 1.5:

"CANNABIS PRODUCTION FACILITY" means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.

4. Update the following definition for "Agricultural Operation" in Section 1.5:

"AGRICULTURAL OPERATION" means an agricultural operation as defined in the Agricultural Operation Act.

5. Update the following definition for "Greenhouse" in Section 1.5:

"GREENHOUSE" means a building constructed primarily of glass or other transparent material used for cultivation of plants.

6. Update the following definition for "Home Based Business" in Section 1.5:

"HOME BASED BUSINESS" means the use of a portion of a building dwelling unit or accessory building incidental or subordinate to the principal residential use that does not change the character thereof and/or generate additional traffic or noise, and is considered to have no impact on the neighbours, and is basically invisible (that is, nobody notices that a business is being run). Typical businesses may include consultants, computer programmers, and other service-oriented businesses where the proprietor goes to the customer rather than the customer coming to the home.

7. Update the following definition for "Market Garden" in Section 1.5:

"MARKET GARDEN" means the use of land for the commercial growing of vegetables or fruit.

8. Remove the definition for "Licensed Medical Marihuana Production Facility" in Section 1.5.

9. Revise Section 3.2.5 as:

Notwithstanding Section 3.2.4(b), the Development Officer may refer a Development Permit application for a any cannabis related use to Council for comments prior to making a decision.

10. Revise Section 3.3.5 as:

Where the proposed use is not listed in a land use district, the Development Officer or the Municipal Planning Commission may consider the use to be so listed as a discretionary use if, in their opinion, it is sufficiently similar in character and purpose to either a listed permitted or discretionary use, but is not listed as a use in another district or defined in the Definitions section.

11. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

12. That this bylaw shall take force and effect on the date of its final passage.

READ a first time this _____ day of _____, 2018

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2018.

READ a third time and finally passed this _____ day of _____, 2018.

MAYOR

MUNICIPAL ADMINISTRATOR