

Municipality of Lakeshore – Report to Council

Legal and Legislative Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Division Leader – Legislative Services
Rob Sassine, Division Leader – By-law Services

Date: February 21, 2024

Subject: By-law to Prohibit and Regulate Nuisance Odours and Lighting from the Cultivation of Plants

Recommendation

Direct the Clerk to read By-law 25-2024, being a by-law to prohibit and regulate nuisances relating odours and lighting from the cultivation of plants, during the Consideration of By-laws, as presented at the March 5, 2024 Council meeting.

Background

At the May 2, 2023 meeting, Council passed the following resolution relating to light nuisance:

Resolution #127-05-2023

Whereas members of the community have been complaining about the lack of privacy related to scattered or excessive lighting on properties, including residential properties;

And recent lighting technology improvements related to the use of L.E.D.'s have contributed to lighting being much brighter and obtrusive;

And whereas security light fixtures create a condition where there is no control over when the lights are on or off;

And whereas Lakeshore current by-laws do not address this problem;

Now be it resolved that the issue of scattered or excessive lighting on properties be referred to administration to:

- Investigate regulatory options; and
- Assess what, if anything is being done in other communities; and
- What standards could be applied to address this issue.

Subsequently, on January 30, 2024, Administration brought forward a report regarding options for the regulation of light nuisance. Council adopted By-law 10-2024 to amend the Property Standards By-law to regulate light nuisance that negatively impacts adjacent property owners.

Comments

During the drafting of By-law 10-2024, Administration considered the issue of nuisances relating to the cultivation of plants, such as lighting or odours present as result of a commercial greenhouse operation. These may cause public nuisance concerns farther than adjoining properties and would therefore require a separate by-law for prohibiting or regulating these nuisances.

The proposed By-law 25-2024 would prohibit nuisance lighting from the cultivation of plants of any kind, and also prohibit the emission of odour from the cultivation of cannabis plants. A limited exemption is included to allow for periodic ventilation to prevent overheating and the spoilage of plants. Where applicable, evidence would need to be provided as to the necessity and frequency of venting, satisfactory to the By-law Compliance Officer.

It is noted that the proposed by-law is not restricted to greenhouse operations but includes any property within the Municipality that may create light or odour nuisance from the cultivation of plants.

Financial Impacts

As there are no permits or licences included in the proposed by-law, there is no opportunity to appeal orders to the municipality's Hearing Committee. As such, there are no additional administrative costs and any violators who refuse to comply with orders that are issued will be charged with an offence and the matter will be determined by the Provincial Offences court with associated fines imposed upon conviction.

Report Approval Details

Document Title:	By-law to Prohibit and Regulate Nuisance Odours and Lighting from the Cultivation of Plants.docx
Attachments:	
Final Approval Date:	Feb 22, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Brianna Coughlin and Rob Sassine

Submitted by Susan Hirota

Approved by Justin Rousseau and Truper McBride