



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: April 6, 2021
To: Mayor and Council
Author: Robert Sassine and Peter Valore
RE: Night Sky Update
Report No.: 01-2021

AIM

To provide Council with an update to Night Sky Enforcement as requested at the February 22, 2021 council meeting.

BACKGROUND

On October 20th, 2020, Council passed the Odour and Nuisance By-law. The By-law was created to deal with significant night sky illumination from several area greenhouses and the associated odours coming from the cultivation of Marijuana within the municipality. The industry has come to rely on supplementary lighting to assist with crop production year round.

DISCUSSION

Once the By-law was passed, the senior town administration hosted a public meeting inviting the greenhouse owners to attend and take part in the discussions of the ongoing issues with night sky illumination. The frustration from the Town residents and the need to address this public concern was at the top of the list. It was communicated to the greenhouse owners in attendance that it was time to put measures into place to help manage the problem. The outcome of the meeting was generally positive, with the understanding from the greenhouse owners that they need to install ceiling and wall curtains in the greenhouses and that this must take place by fall of 2021.

The greenhouse owners voiced that they would need time to source material and organize the installation around crops that are currently in production. They also indicated that due to Covid there has been a lack of availability of curtain products and it would be difficult to come into immediate compliance with the new By-law. The Town agreed to accept copies of purchase orders as a sign of good faith in the short term to allow the greenhouses some

time to get into compliance. It was expressed by the Town that compliance was to be no later than the fall of 2021.

On February 22, 2021 the Town received a complaint regarding a greenhouse property that has a curtain system in place but was not in compliance. By-law Enforcement conducted an investigation and reached out to the facility regarding the complaint received. The owner acknowledged to the Officer that the operating system that controls the curtains was having some technical issues and needed further programming. The greenhouse owner conveyed to the Officer that the computerized system requires adjustments from time to time and that this issue was corrected.

The By-law Enforcement team conducted a nighttime investigation on February 24, shortly after this complaint was received and found the property to be in compliance. During that night time investigation, By-law Enforcement identified two non-complying Part 2 cannabis facilities. These two cannabis operations have no current arrangements with By-law Enforcement concerning delayed compliance and are therefore subject to immediate enforcement.

On March 11, 2021 an additional nighttime investigation was recently completed and two additional non-complying Part 2 cannabis facilities were identified, making it 4 non-complying facilities in total. These two cannabis operations also have no arrangements with By-law Enforcement concerning delayed compliance. Orders have been issued on these properties and a follow-up investigation is required to confirm compliance.

By-law Enforcement encourages town residents to call in complaints regarding night sky illumination and odours from greenhouse facilities. Complainants are to provide specific and accurate details including the property address and the time of the occurrence. The name and contact numbers of the complainant will be required for further follow up by the Town; they may need to be a witness in the event of court proceedings.

LINK TO STRATEGIC PLAN

In a recent public survey conducted by the Town, Night Sky compliance was among the top concerns of the residents. In addition, Council adopted a two-year plan, which included night sky compliance as being one of the significant items to be addressed and enforced.

FINANCIAL CONSIDERATIONS

The Town will need to consider the ongoing associated costs with the enforcement of this By-law as well as legal costs in bringing non-complying properties to court.

CONSULTATIONS

The CAO was consulted in addition to referencing the Odour and Nuisance By-law.

RECOMMENDATION

The recommendation is that Council receive this report as information as it relates to night sky compliance and the enforcement of the Odour and Nuisance by-law.



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Robert Sassine

By-law Enforcement Officer

Peter Valore

Chief Building Official

John Norton

Chief Administrative Officer