

**THE CORPORATION  
OF THE  
MUNICIPALITY OF HURON EAST  
BY-LAW NO. 46 FOR 2009**

Being an Interim Control By-Law for Commercial Scale Wind Energy Facilities in the Municipality of Huron East.

**WHEREAS** the Council of the Corporation of the Municipality of Huron East has, pursuant to section 38(1) of the Planning Act, R.S.O., 1990, as amended, directed that a review be undertaken in respect of land use planning policies and to assess and recommend appropriate policies, setbacks and related provisions for wind turbines in light of the proposed regulations, including setbacks and transition provisions, under the Green Energy Act;

**AND WHEREAS** the Council deems it desirable and appropriate to enact this Interim Control By-law until the review of policies, setbacks and related provisions has been completed and new policies or zoning by-law provisions, if any, have been considered and/or enacted by Council;

**AND WHEREAS** Subsection 38(1) of the Planning Act, R.S.O., 1990, as amended, authorizes a Council of a local municipality to enact an interim control by-law where a review or study has been directed;

**NOW THEREFORE**, the Municipal Council of the Corporation of the Municipality of Huron East **ENACTS AS FOLLOWS:**

1. For the purpose of this by-law, the definitions contained in Huron East Zoning By-law 52-2006 shall apply.
2. This By-law shall only apply to the Interim Control Area, being lands within the municipal boundaries of the Municipality of Huron East which are zoned as AG1 (General Agriculture), AG2 (Restricted Agriculture) and AG3 (Agricultural Commercial/Industrial), including AG1, AG2 and AG3 status and special zones.
3. Notwithstanding any other by-law to the contrary, no person shall within the Interim Control Area:
  - (i) Use any land, building or structure for a Wind Energy Facility, Commercial Scale or a Wind Farm, Commercial Scale, except where such land, building or structure was lawfully used for such purpose on the date of the passing of this By-law; and
  - (ii) Be permitted to erect, construct or expand a Wind Energy Facility, Commercial Scale or a Wind Farm, Commercial Scale during the term of this By-law.

4. Notwithstanding section 3 above, the establishment of meteorological towers for the sole purpose of collecting climate data shall be permitted during the term of this by-law.
5. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
6. This By-law shall come into force and take effect immediately upon the final passing thereof by the Council and shall be in effect until 11:59 p.m. local time on June 15, 2010, unless repealed or extended by by-law or operation of law in accordance with the provisions of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST TIME ON THE 16<sup>th</sup> DAY OF JUNE, 2009.

READ A SECOND TIME ON THE 16<sup>th</sup> DAY OF JUNE, 2009.

READ A THIRD TIME AND PASSED THIS 16<sup>th</sup> DAY OF JUNE, 2009.

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Mayor, Joseph Seili

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Clerk, J. R. McLachlan