

Municipal Cannabis Policy Statement



Section	Date	By-Law Number	Page	Of
Administration & Finance	August 13, 2019	-2019	1	3
Subsection	Repeals By-Law Number		Policy Number	
Administration	N/A		AF-11-5	

Background

Bill C-45, the Cannabis Act, came into effect on October 17, 2018. The Act legalizes access to recreational cannabis in Canada and controls and regulates how cannabis is grown, distributed and sold.

In Ontario, the Cannabis License Act, 2018 and Ontario Regulation 468/18 provide the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) with the authority to establish standards and requirements respecting the licensing of retail cannabis stores.

The AGCO is the provincial authority that licenses cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

Retail Store Licensing

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input that the proposed store location is consistent with the public interest as defined in the regulations.

The AGCO licensing process has three (3) parts: operator approval, retail site location approval and store management licensing.

The AGCO will have a 15 day window for municipal comments respecting the proposed location of a retail cannabis store within a local municipality. Notice will be provided through the AGCO website and posted at the site of a proposed retail store.

The AGCO registrar is not obligated to decline a store license where a municipality or a member of the public provides a submission that is not supportive of a proposed location.

Municipal comments and comments from the public must focus on the three provincial public interest objectives: public health and safety, protecting youth and restricting their access to cannabis, and ending illegal sales of cannabis and illicit activities in relation to cannabis.

By Council decision, the City of Kenora has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to the AGCO when notice on a specific proposed cannabis retail store site is provided on the site location.

Holders of a Retail Operator License are responsible for meeting all Standards established and controlled by the AGCO.

Purpose

The purpose of this policy statement is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the City of Kenora.

This policy is to set out locally sensitive uses (in addition to schools under the Ontario Education Act) with respect to the location of retail cannabis stores that the municipality would want considered by the AGCO with respect to the licensing process.

Provide municipal staff a framework on which to base comments to the AGCO during the 15 day comment window.

Principles for Cannabis Retail Store Locations:

1. Land Use Planning: The provincial licensing process does not remove the requirements to comply with the zoning bylaw and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning Bylaw are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.
2. Municipal Building Inspections: While the licensing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

Retail Store Restrictions

The City acknowledges that retail cannabis stores are permitted within areas zoned for retail stores within the City's Zoning Bylaw.

Schedule "____" identifies generally the areas where "retail store" is a permitted use.

Schedule "____" identifies all schools as defined by the Education Act as well as the 150m buffer where a retail cannabis store would not be permitted by Provincial Regulation.

Schedule "____" identifies other sensitive facilities that Council considers as sensitive land uses. A ____ m buffer is identified from these uses.

In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth. The City has considered the matters of "public interest" to include:

- **For Council consideration: youth facilities, libraries, recreation or community centres, addictions facilities, Day care, Church, Drinking establishment, Existing beer store or AGCO Liquor sales outlet, Group home or any other facility that Council deems sensitive to the community

These considerations are to protect public health and safety, protect youth and restrict their access to cannabis and prevent illicit activities in relation to cannabis.

It is the City's position that the Registrar for the AGCO respect these locally sensitive uses and not permit a retail cannabis store within ____ (suggested 70) m of these other sensitive uses.

Cannabis retail stores are only authorized to be open to the public between 9 a.m. and 11 p.m. on any day.