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**Title: Municipal Cannabis Policy Statement**

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**Department/Division:**

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**Background:**

1. 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.
2. In Ontario, the *Cannabis Licence 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.
3. Under Ontario Regulation 468/18, municipalities are not authorized to pass by-laws under the *Municipal Act, 2001* with respect to business licensing or under the *Planning Act* with respect to zoning, interim control or site plan control with respect to retail cannabis stores.
4. Ontario Regulation 468/18 provided municipalities a one-time opportunity to opt out of retail cannabis sales within the municipality.
5. On December 17, 2018, the City by resolution made a decision to “opt in” to the possibility of a licenced retail cannabis outlet in Owen Sound and this decision was provided, as required by Regulation, to the Registrar.
6. Prior to April of 2019, access to recreational cannabis in Ontario is solely through the Ontario Cannabis Store online.
7. Following April 2019, the Registrar of the ACGO will issue licences for the operation of retail cannabis stores subject to the Registrar’s Standards.
8. Under these standards, a licensee is required to comply with the Registrar’s Standards for Cannabis Retail Stores as well as other applicable law.
9. Holders of a Retail Operator Licence are responsible for meeting all Standards.

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10. The AGCO licensing process has three (3) parts: operator approval, retail site location approval, and store management licencing.
11. 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.
12. The AGCO Registrar is not obligated to decline a store licence where a municipality or a member of the public provides a submission that is not supportive of a proposed location.
13. 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.
14. The Registrar has mandated a 150 m setback from schools where no retail cannabis store would be permitted to be located.

**Purpose:**

15. The purpose of 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;
16. Provide municipal staff a framework on which to base comments to the AGCO during the 15 day comment window;
17. Assist individuals and businesses who are planning to make an application to the AGCO to operate a store, understand the local context of where a store may be most appropriate, understanding however, that all licensing is the sole responsibility of the AGCO.

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**Scope:**

18. This policy applies to all Notices of Proposed Retail Cannabis Store that will be provided by the AGCO.

**Policy:**

19. The City acknowledges that retail cannabis stores are permitted within areas zoned for retail stores within the City's Zoning By-law, 2012-078, as amended.
20. Schedule A identifies generally the areas where "retail store" is a permitted use.
21. Schedule B identifies all Schools as defined by the *Education Act* as well as a 150 m buffer where a retail cannabis store would not be permitted by Provincial Regulation.
22. Schedule C identifies other sensitive facilities that, based on consultation with the public, City Council considers as sensitive land uses. A 70 m buffer is identified from these uses.
23. The City, after consultation with the public, has considered the matters of "public interest" which includes:
- i. Protecting public health and safety;
  - ii. Protecting youth and restricting their access to cannabis; and
  - iii. Preventing illicit activities in relation to cannabis.
24. 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 70 m of these other sensitive uses.

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**Related Policies & Legislation:**

- 25. *Cannabis Licence Act, 2018* and Regulations thereto
- 26. City of Owen Sound Zoning By-law 2012-078, as amended
- 27. *Education Act*

**Appendices:**

- 28. Schedule A: Areas where the zoning permits a retail use.
- 29. Schedule B: Schools and a 150 m buffer zone.
- 30. Schedule C: Sensitive land uses and a 70 m buffer zone.

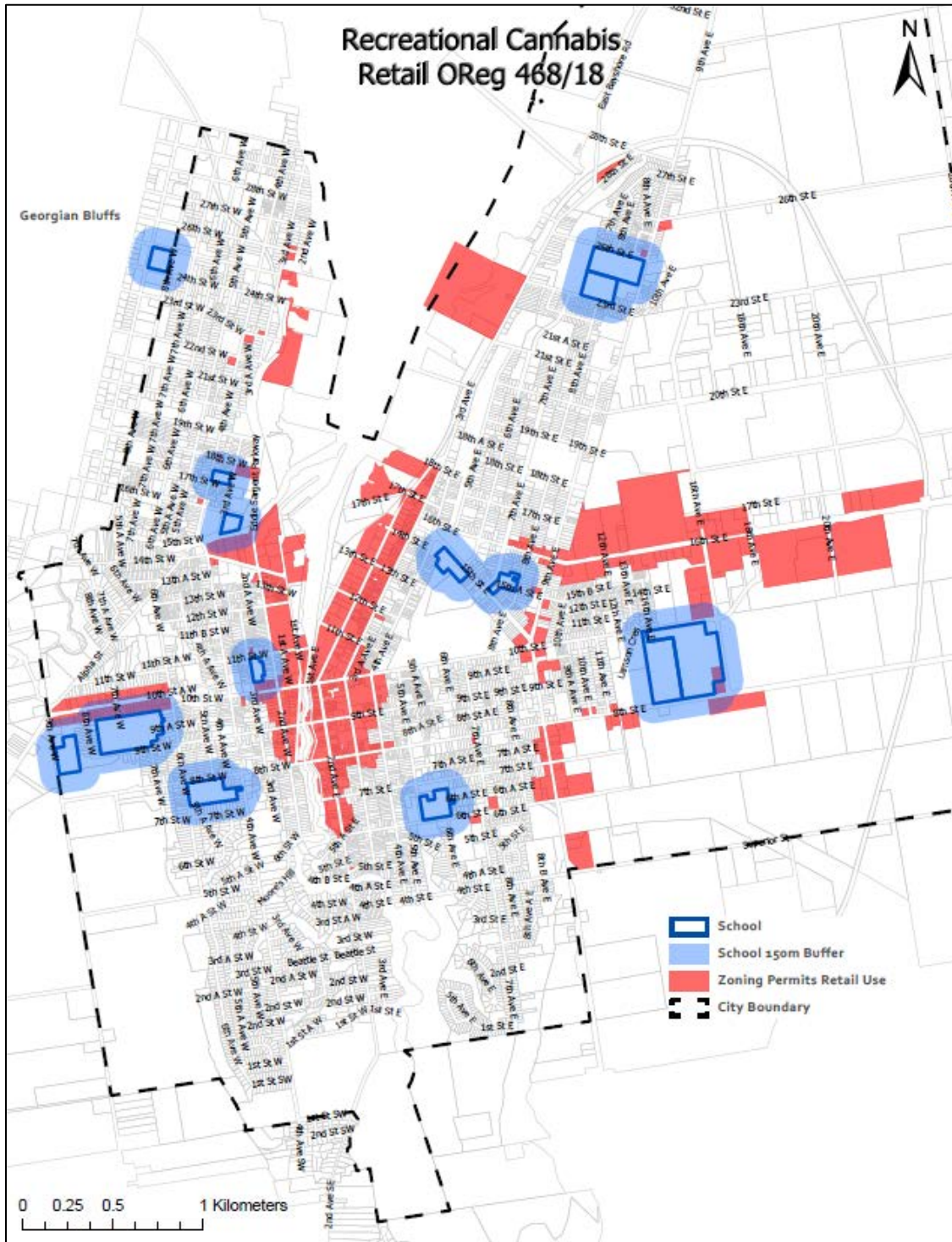
**Revision History:**

<b>By-law Number</b>	<b>Date</b>
2019-056	April 1, 2019



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SCHEDULE B





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**SCHEDULE C**

