

**RESOLUTION - DRAFT**

**DATE: May 9, 2019**

WHEREAS in April 2017, the Federal Government introduced Bill C-45, The Cannabis Act, and Bill C-46, An Act to Amend the Criminal Code, outlining plans to legalize, regulate and restrict access to cannabis in Canada; and,

WHEREAS the Province of Ontario responded with corresponding legislation, the Cannabis Control Act, 2017, the Ontario Cannabis Retail Corporation Act, 2017, the Cannabis License Act, 2018, and Bill 36 – Cannabis Statue Law Amendment Act, 2018; and,

WHEREAS collectively, this legislation created a regulatory regime effective October 17, 2018 that allows Ontario residents who are 19 years of age or older to:

1. Purchase recreational cannabis online through the Ontario Cannabis Store
2. Possess up to 30 grams of cannabis
3. Grow up to four (4) cannabis plants per household
4. Purchase cannabis from a provincially approved private retail supplier as of April 1, 2019; and,

WHEREAS municipalities across Ontario were given until January 22, 2019 to choose if retail cannabis stores will be prohibited within their borders and those that “opted out” may at a later date by resolution of their respective Council, lift the prohibition and permit them in the future; and,

WHEREAS Ontario Regulation 468/18 permits limited municipal regulatory control over location and zoning, licensing and spatial separation to sensitive land uses other than a school as defined by the Education Act;

NOW THEREFORE BE IT RESOLVED THAT the Large Urban Mayors Caucus of Ontario (LUMCO) recommends that additional local regulatory controls be approved by the Province of Ontario around retail cannabis stores that would:

A. Provide a municipality with the unrestricted ability to control the location of retail cannabis stores through zoning; and,

B. In the alternative to A;

- 1) Limit the concentration and number of cannabis retail stores in any one municipality by introducing a minimum distance separation measure between retail stores (minimum 500 metres); and,
- 2) That cannabis stores be restricted to a Commercial Zone or Area which permits retail stores; and

- 3) Clearly defining sensitive land uses, in addition to schools, which would be impacted by having a retail cannabis store located adjacent to them. Such other sensitive land uses would include, but not be limited to, day cares, colleges and universities, community centres, nursing homes, libraries and actively programmed municipal parks; and,
- 4) That the current minimum distance separation of 150 meters from a cannabis retail store to a school be increased to a minimum of 500 metres from any sensitive land use to be defined as noted in paragraph 3 above; and

C. That all municipalities that have approved retail cannabis stores to be located in their jurisdictions receive 50% of ALL excise tax collected by the Province of Ontario; not limited to revenues in excess of \$100 million and,

THAT upon adoption of this Resolution by LUMCO, it be presented to all Ontario Municipal Councils with a request to endorse and that the municipally adopted resolutions then be forwarded to the Association of Municipalities of Ontario (AMO) and the Premier of Ontario's office.

Further, that members of the LUMCO Retail Cannabis Committee request a meeting with Minister Caroline Mulroney regarding this resolution and to also request the AMO Board add this topic as an agenda item for discussion at the August 2019 AMO Annual Conference.