



Town of Tecumseh Cannabis Retail Stores Policy Statement

Purpose and Vision

The purpose of this policy statement is to offer guidance for Town staff when providing municipal input to the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) on an application for a proposed Retail Cannabis Store, as well as assistance to prospective recreational cannabis retailers in determining their location for a cannabis retail store in the Town of Tecumseh. This policy statement sets out preferred minimum distances in defined local sensitive areas within the Town (in addition to schools under the *Ontario Education Act*) for the AGCO to consider with respect to licencing of prospective retail cannabis stores.

In consultation with the Windsor-Essex County Health Unit (WECHU), this policy statement encompasses the Town's vision and principles moving forward with retail cannabis sales.

Scope

This policy statement applies to all Notices of Proposed Retail Cannabis Stores that are delivered to the Town and to provide guidance for municipal input on an Application for a Proposed Retail Cannabis Store within the 15-day consultation period.

Background

Effective on October 17, 2018, the *Cannabis Act (2018)* legalized the consumption of recreational cannabis nationwide. Municipalities across Ontario have since had the one-time option of opting-out to allowing recreational retail stores to sell cannabis before January 22, 2019. The Town of Tecumseh chose to opt-out during that time as outlined in Report CS-2018-47. In 2021, Council reconsidered its decision and approved to opt-in to allow the operation of retail cannabis stores within its jurisdiction on June 8, 2022 (Report CS-2021-09).

Municipal governments have limited access and interference with cannabis licensing and regulations. The AGCO is the only provincial agency entitled to regulate the sales and use of recreational cannabis in Ontario. As per provincial legislation (*Cannabis Licence Act, 2018*), municipalities cannot dictate physical requirements and locations of cannabis retail stores. The AGCO is responsible for all particularities of a retail operation and location to ensure that the proposed store location is consistent with the public interest as per regulations (O. Reg. 468/18).

The AGCO regulates and reviews all aspects of the retail cannabis operation including municipal and public input, and is responsible for ensuring the proposed store location is consistent with the public interest as defined in the regulations. Public interest is defined in the regulations (O. Reg. 468/18) as public health or safety, protecting youth and eliminating the illegal market.

The regulations set out limitations on the licensing of a proposed cannabis store; including that stores be no less than 150 metres from schools. A prospective cannabis retail store may apply for licensing through the AGCO. The Town and property owners within the area of the prospective location may provide feedback to the AGCO during a 15-day consultation period on public interest matters. O. Reg. 468/18, considers the following matters to be of public interest:

- protecting public health and safety;
- protecting youth and restricting their access to cannabis; and
- preventing illicit activities in relation to cannabis

For the purposes of this policy statement, a 'cannabis retail store' shall mean a store licenced by the AGCO.

Principles for Cannabis Retail Store Locations

The Town acknowledges that retail cannabis stores are permitted within areas zoned for retail stores within the Town's Zoning By-laws. The Town considers the matters of public health to also include:

- Minimize the potential for vulnerable populations to access cannabis;
- Reduce public exposure to environmental cannabis smoke.

Administration will also facilitate guidance to the AGCO in relation to other applicable law and regulations:

- **Land Use Planning:** The provincial licensing process requires the applicant to comply with the zoning by-law and other municipal planning documents. The definitions within the Town's Official Plan and Zoning By-laws 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.
- **Municipal Building Inspections:** While the licensing of the retail store operation is the responsibility of the AGCO, the Ontario Building Code and Fire Code applies to cannabis retail store locations. Therefore, where a building permit is required, the Town's processes for inspections will concur to achieve compliance with Building and Fire Codes.

In order to facilitate and ensure public health within the Town, protect vulnerable populations and reduce illegal sales, retail cannabis store locations are discouraged where nearby properties are designed to serve youth or other sensitive facilities that service persons with mental health or addiction challenges.

Upon the recommendation of the WECHU, the Town will advocate for separation distances of 500 metres from land uses that have been identified as sensitive areas, as listed below, as well as established and operating cannabis retail stores and/or tobacco or vape and alcohol retailers:

- all Town owned facilities and parks;
- all elementary and secondary schools;
- Cada Library;
- childcare centres; and
- mental health and addiction facilities.

It is the Town's position that the Registrar for the AGCO respect these minimum separation distances (500 meters) when authorizing cannabis retail store locations. Town staff providing municipal comments to an Application for a Proposed Retail Cannabis Store will promote these minimum distances for locations in the Town.

All written submissions on behalf of the Town to the AGCO can be submitted through the www.agco.ca website.

Effective Date

The Town of Tecumseh Cannabis Retail Stores Policy Statement is effective as of May 10, 2022.

Review Period

The Town of Tecumseh Cannabis Retail Stores Policy Statement is subject to review at the outset of a new Council term or as the Provincial regulatory framework for retail cannabis stores is amended from time to time.

Responsible Department

The Legislative & Clerk Services Department is responsible for the application, review and update of the Town of Tecumseh Cannabis Retail Stores Policy Statement.