

**CITY OF HAMILTON  
NOTICE OF MOTION**

**Planning Committee: September 4, 2018**

**MOVED BY COUNCILLOR J. PARTRIDGE.....**

**Private Retail Cannabis Stores**

WHEREAS recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS the Province has indicated that the new legislation will include some form of “opt out clause” that municipalities may exercise within a very limited time window;

WHEREAS it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and

WHEREAS there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt-out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outline options for Council’s consideration for the potential application of the Province’s proposed “opt-out” clause;

- (c) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City's position that the Province's approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
- separation distances from sensitive land uses such as parks, schools, daycares and healthcare facilities
  - over-concentration of dispensaries in one area of the city
  - the total number of dispensaries city-wide and within particular areas of the city
  - general issues of urban design such as location of entrances and transparency of facades
  - on-site advertising and signage
  - hours of operation
  - property standards compliance
  - ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.