

1 **BILL NO. 2018-**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND LVMC TITLES 6 AND 19 TO ADOPT PROVISIONS ESTABLISHING
4 A BUSINESS LICENSE CATEGORY AND LAND USE REGULATIONS FOR SOCIAL USE VENUES
(MARIJUANA), TOGETHER WITH ACCOMPANYING REQUIREMENTS AND LIMITATIONS;
5 AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC Titles 6 and 19 to
7 adopt provisions establishing a business license
category and land use regulations for social use
8 venues (marijuana), together with accompanying
requirements and limitations.

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
10 FOLLOWS:

11 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983
12 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 6.96, consisting of
13 Sections 10 to 110, inclusive, reading as follows:

14 **6.96.010:** As used in this Chapter:

15 "Marijuana" has the meaning ascribed to it in NRS Chapter 453D.

16 "Marijuana paraphernalia" has the meaning ascribed to it in NRS 453D.030 and means any
17 equipment, products, and materials of any kind which are used, intended for use, or designed for use in
18 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,
19 producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for
20 ingesting, inhaling, or otherwise introducing marijuana into the human body.

21 "Marijuana products" has the meaning ascribed to it in NRS 453D.030 and means products
22 comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or
23 consumption, such as, but not limited to, edible products, ointments, and tinctures.

24 "Social use venue" means a business which offers or allows, as part of its business activity, a
25 location and equipment for the consumption of marijuana or marijuana products.

26 "State regulating authority" means the Department of Taxation of the State of Nevada and/or any

1 other agency assigned to administer NRS 453D.

2 **6.96.020:** The City Council finds and declares that:

3 (A) It is an appropriate exercise of the licensing power to authorize the operation of
4 social use venues subject to appropriate limitations and conditions.

5 (B) Nothing in this Chapter is intended to limit the application of State law and
6 regulations governing marijuana products, drug paraphernalia, marijuana paraphernalia or substances that
7 are classified or to be classified as controlled substances under State law and regulations, including without
8 limitation NRS Chapters 453, 453A and 453D, and regulations adopted thereunder.

9 (C) Businesses subject to this Chapter are subject to compliance with State law and
10 regulations in accordance with the terms thereof, notwithstanding any provisions of the Chapter that pertain
11 specifically to and are an exercise of the City's licensing and regulatory powers and jurisdiction.

12 **6.96.030:** (A) No person shall engage in business as a social use venue within the City without
13 first obtaining a social use venue business license pursuant to this Chapter. The license shall be a
14 privileged license subject to the provisions of LVMC Chapter 6.06. In addition to any other condition that
15 may be imposed upon a business license pursuant to Title 6, the City Council may issue a time-limited
16 license or otherwise condition a license to a specified duration.

17 (B) Each licensee under this Chapter shall pay an annual license fee of five thousand
18 dollars.

19 (C) A social use venue is authorized to sell, provide or distribute marijuana
20 paraphernalia. Sales of such paraphernalia shall be subject to a general retail license, with license fees to
21 be based on gross sales pursuant to LVMC 6.04.005.

22 (D) If the applicant for a social use venue license under this Chapter is someone other
23 than the owner of the property on which the social use venue will be located, the applicant must provide, in
24 connection with the license application, written confirmation by the property owner that the owner is fully
25 aware of the property's intended use.

26 **6.96.040:** In addition to any other requirements for a license application that is subject to NRS

1 Chapter 6.06, the applicant for a social use venue license under this Chapter must submit the following:

2 (A) A written statement acknowledging that the applicant understands applicable
3 federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of
4 Nevada and the laws and regulations of the City applicable thereto concerning the operation of an
5 establishment. The written statement shall also acknowledge that any violation of any laws or regulations
6 of the State of Nevada or of the City, or any activity in violation of any guidance or directives issued by the
7 U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of
8 any legal proceeding relating to such establishment by federal authorities, may render the permit and such
9 license subject to immediate suspension or revocation.

10 (B) A written statement to the Director that the applicant will hold harmless,
11 indemnify, and defend the City against all claims and litigation arising from the issuance of a license,
12 including any claims and litigation arising from the establishment, operation, or ownership of the
13 establishment, and that a bond to secure such obligation in an amount required pursuant to LVMC 6.95.090
14 will be provided prior to the issuance of any license.

15 (C) Provide an acknowledgement that the applicant is seeking a privilege under LVMC
16 Chapter 6.06 and understands that each principal must be found suitable to hold such license by the City
17 Council prior to the issuance of any license; that the applicant understands and acknowledges that the
18 burden of proving qualifications to receive a license is at all times on the applicant; that the granting of a
19 license is at the discretion of the City Council; and that the applicant agrees to abide by the decision.

20 **6.96.050:** Before the issuance of a license pursuant to this Chapter, the applicant must submit:

21 (A) For approval by the Department, a security plan designed to ensure compliance
22 with this Chapter.

23 (B) For approval by the Department of Fire and Rescue, a fire safety plan designed to
24 ensure the safety of employees, patrons and the public.

25 **6.96.060:** Each employee of a social use venue must first obtain and maintain a valid work card
26 pursuant to LVMC Chapter 6.86.

1 **6.96.070:** It is unlawful for an employee or principal of a licensee to be intoxicated or under the
2 influence of alcohol, marijuana or marijuana products while working on the premises during business
3 hours.

4 **6.96.080:** During any time a social use venue business is in operation, whether or not another
5 business is being operated in the same location, it is unlawful for the social use venue business to:

6 (A) Employ a person under the age of twenty-one years (or allow such an employee) to
7 handle marijuana, marijuana products or marijuana paraphernalia.

8 (B) Allow any person under the age of twenty-one years inside the establishment.

9 (C) Sell, provide or distribute marijuana, marijuana products within or on the premises
10 of a social use venue.

11 (D) Allow the consumption of marijuana or marijuana products within the view of the
12 general public from outside the establishment.

13 (E) Allow the smoking of marijuana within any outdoor area.

14 (F) Allow within the establishment the use of any paraphernalia or equipment that
15 does not comply with the fire safety plan approved by the Department of Fire and Rescue.

16 (G) Allow the delivery to the establishment of marijuana or marijuana products except
17 in accordance with applicable requirements of the State regulating authority.

18 (H) Provide or allow on the premises the sale or consumption of alcoholic beverages,
19 except as permitted pursuant to LVMC 6.96.100.

20 (I) Store marijuana or marijuana products on the premises or allow such storage on
21 the premises.

22 (J) Allow any room to be used for the consumption of marijuana or marijuana
23 products that is not immediately accessible to law enforcement or any patron of the establishment.

24 **6.96.090:** Each social use venue shall:

25 (A) Comply with the odor control and disposal requirements that are set forth in
26 LVMC 6.95.130 and 6.95.180, respectively, regarding other marijuana-related establishments.

1 (B) Comply with the requirements of the security plan and fire safety plan approved
2 pursuant to LVMC 6.96.050.

3 (C) Be responsible for maintaining and conducting all activities upon, and providing
4 security and security measures for, the premises in accordance with applicable statutes, regulations,
5 ordinances, license conditions, and the approved security and fire safety plans.

6 (D) Not knowingly permit upon the premises any violation of applicable statutes,
7 regulations, ordinances, license conditions, or the approved security and fire safety plans, or permit
8 nuisances or other activities that endanger the health or safety of patrons, employees or the public.

9 (E) Ensure that at least one qualified person is on the premises at all times during the
10 hours of operation. For purposes of this subsection, "qualified person" means a principal or key employee
11 who has been approved for suitability pursuant to LVMC 6.06.060.

12 **6.96.100:** A social use venue may be operated in the same location and in conjunction with the
13 exercise of a beer and wine room license pursuant to LVMC 6.50.080, but only if the social use venue
14 license specifically authorizes the licensee to sell or serve beer or wine at the same location and time. The
15 issuance or approval of a social use venue license that authorizes the sale or service of beer or wine may be
16 conditioned upon reasonable conditions designed to protect health, safety and welfare, including without
17 limitation conditions that:

18 (A) Prohibit the sale or service of beverages with an alcohol content greater than
19 eleven percent; and

20 (B) Prohibit the sale or service of alcoholic beverages other than those that are
21 premixed and in their original container.

22 **6.96.110:** In addition to and independent of any other remedy available under this Title, the Director
23 or Metro may suspend a license immediately for a period not to exceed ten days under any of the following
24 circumstances:

25 (A) Alcoholic beverages have been sold or served or are found on the premises, except
26 as permitted pursuant to LVMC 6.96.100.

- 1 (B) Employees of the establishment are found in possession of illegal substances.
- 2 (C) Employees of the establishment have consumed marijuana or marijuana products
- 3 while working.
- 4 (D) Marijuana or marijuana products are being stored on the premises.

5 SECTION 2: Title 6, Chapter 86, Section 50, of the Municipal Code of the City of Las

6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.86.050:** Applicants for a work card for the following are subject to the provisions of Section

8 6.86.060:

- 9 (A) Employees of adult nightclub establishments licensed under Chapter 6.06B;
- 10 (B) Employees of erotic dance establishments licensed under Chapter 6.35; [and]
- 11 (C) Employees of medical marijuana establishments and marijuana establishments
- 12 licensed under Chapter 6.95[.]; and
- 13 (D) Employees of social use venues licensed under Chapter 6.96.

14 SECTION 3: Title 6, Chapter 50, Section 80, of the Municipal Code of the City of Las

15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.50.080:** A beer and wine room alcoholic beverage license authorizes the sale of beer and wine only

17 for consumption on the premises where the same are sold. Such a license may be issued in connection with

18 a social use venue, but only as authorized by and in accordance with LVMC 6.96.090.

19 SECTION 4: Ordinance No. 6289 and the Unified Development Code adopted as Title

20 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth

21 in Sections 4 and 5 of this Ordinance. The amendments in those Sections are deemed to be amendments to

22 both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

23 SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section

24 10, is hereby amended by providing that the use “Social Use Venue” is permitted by means of special use

25 permit in the C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the use “Social

26 Use Venue” shall be added at the appropriate location and the letter “S” shall be inserted in the box that

1 represents the intersection of the row for the use “Social Use Venue” and each of the columns for the C-1,
2 C-2, C-M and M Zoning Districts.

3 SECTION 6: Title 19, Chapter 12, Section 70, is hereby amended by adding thereto, at
4 the appropriate location, an entry for the use “Social Use Venue” to read as follows:

5 **Social Use Venue**

6 **Description:** A business which offers or allows, as part of its business activity, a location and equipment
7 for the consumption of marijuana or marijuana products.

8 **Minimum Special Use Permit Requirements:**

9 *1. Pursuant to its general authority to regulate the use of marijuana within business establishments, the
10 City Council declares that the public health, safety and general welfare of the City are best promoted and
11 protected by generally requiring a minimum separation between a social use venue and certain other uses
12 that should be protected from the impacts associated with a social use venue. Therefore, except as
13 otherwise provided below, no social use venue may be located within 1000 feet of any school, or within
14 300 feet of any of the following uses:

- 15 a. City park;
- 16 b. Church/house of worship;
- 17 c. Individual care - family home, individual care - group home, or individual care center (in each
18 case licensed for the care of children);
- 19 d. Community recreational facility (public); or
- 20 e. Any use whose primary function is to provide recreational opportunities to minors. Such uses
21 include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or
22 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

23 *2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest
24 distance between two property lines, one being the property line of the proposed social use venue which is
25 closest to the existing use to which the measurement pertains, and the other being the property line of that
26 existing use which is closest to the proposed social use venue. The distance shall be measured in a straight

1 line without regard to intervening obstacles.

2 *3. For the purpose of Requirement 2, and for that purpose only:

3 a. The “property line” of a protected use refers to the property line of a fee interest parcel that has
4 been created by an approved and recorded parcel map or subdivision map, and does not include the
5 property line of a leasehold parcel; and

6 b. The “property line” of a social use venue refers to:

7 i. The property line of a parcel that has been created by an approved and recorded parcel
8 map or commercial subdivision map; or

9 ii. The property line of a parcel that is located within an approved and recorded commercial
10 subdivision and that has been created by a record of survey or legal description, if:

11 A. Using the property line of that parcel for the purpose of measuring the distance
12 separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

13 B. The proposed social use venue will have direct access (both ingress and egress)
14 from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a
15 larger development but must be located within the property lines of the parcel on which the proposed social
16 use venue will be located;

17 C. All parking spaces required by this Section 19.12.070 for the marijuana
18 consumption lounge use will be located on the same parcel as the use; and

19 D. The owners of all parcels within the commercial subdivision, including the owner
20 of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress
21 and egress throughout the commercial subdivision.

22 *4. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist
23 and may be hereafter amended.

24 *5. Subject to the requirements of applicable building and fire codes, public access to the building shall
25 be from one point of entry and exit, with no other access to the interior of the building permitted.

26 *6. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding

1 90 days.

2 **On-site Parking Requirement:** No additional parking required beyond that which is required for the
3 principal use(s) on the site, if operated in conjunction with other such use(s). If operated as the sole or
4 principal use, one space for each 250 square feet of gross floor area.

5 SECTION 7: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010
6 and 19.12.070 are deemed to be subchapters rather than sections.

7 SECTION 8: The Department of Planning is authorized and directed to incorporate into
8 the Unified Development Code the amendments set forth in Sections 5 and 6 of this Ordinance.

9 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
11 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
13 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
14 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
15 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

16 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared to
17 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
18 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
19 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
20 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
21 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
22 of this ordinance shall constitute a separate offense.

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SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2018.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Date
Deputy City Attorney

DRAFT

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2018, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2018, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12 By _____

13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
17 City Clerk

DRAFT

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