

1 **FIRST AMENDMENT**

2 **BILL NO. 2018-61**

3 **ORDINANCE NO. _____**

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

8 Sponsored by: Councilman Bob Coffin

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

14 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
15 FOLLOWS:

16 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983
17 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 6.96, consisting of
18 Sections 10 to 100, inclusive, reading as follows:

19 **6.96.010:** As used in this Chapter:

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

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

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

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

1 “State regulating authority” means the Department of Taxation of the State of Nevada and/or any
2 other agency assigned to administer NRS 453D.

3 **6.96.020:** The City Council finds and declares that:

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

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

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

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

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

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

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

1 **6.96.035:** No license under this Chapter is available to any person other than the holder of a license for
2 a medical marijuana dispensary or a retail marijuana store that is located within the City.

3 **6.96.040:** In addition to any other requirements for a license application that is subject to LVMC
4 Chapter 6.06, the applicant for a social use venue license under this Chapter must submit the following:

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

13 (B) A written statement to the Director that the applicant will hold harmless, indemnify,
14 and defend the City against all claims and litigation arising from the issuance of a license, including any
15 claims and litigation arising from the establishment, operation, or ownership of the establishment.

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

21 **6.96.050:** Before the issuance of a license pursuant to this Chapter, the applicant must submit:

22 (A) For approval by the Department:

23 (1) A security plan designed to ensure compliance with this Chapter.

24 (2) A training plan by which employees and principals will receive and
25 successfully complete training regarding the effects of marijuana use, overconsumption, safety standards,
26 and sanitation standards, with such training to be provided by a properly licensed provider capable of

1 certifying the successful completion of training. The curriculum must consist of not fewer than two hours of
2 instruction and include, without limitation, instruction on the following topics:

- 3 (a) The clinical effects of marijuana on the human body;
- 4 (b) Methods of identifying intoxicated persons;
- 5 (c) Relevant provisions of State laws and City ordinances concerning
6 the selling and possession of marijuana;
- 7 (d) Proper sanitation with respect to the use of marijuana paraphernalia
8 and the consumption of edibles, to the extent not regulated by Southern Nevada Health District;
- 9 (e) Methods of preventing and halting fights and other disturbances of
10 the peace; and
- 11 (f) Methods of preventing the entry of minors into establishments.

12 (3) For social use venues that will allow smoking or vaping, or both, an air
13 quality plan that provides for the operation of an air purification system that is adequate to remove from the
14 ambient air any smoke or vapor that contains THC compounds so as to mitigate the impact of those
15 compounds on employees of the establishment.

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

18 **6.96.060:** Each employee of a social use venue must first obtain and maintain a valid work card
19 pursuant to LVMC Chapter 6.86.

20 **6.96.070:** It is unlawful for an employee or principal of a licensee to be intoxicated or under the
21 influence of alcohol, marijuana or marijuana products while working on the premises during business hours.

22 **6.96.080:** During any time a social use venue business is in operation, whether or not another business
23 is being operated in the same location, it is unlawful for the social use venue business to:

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

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

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

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

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

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

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

10 (H) Provide or allow on the premises the sale or consumption of alcoholic beverages.

11 (I) Store marijuana or marijuana products on the premises or allow such storage on the
12 premises.

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

15 **6.96.090:** Each social use venue shall:

16 (A) Comply with the odor control and disposal requirements that are set forth in LVMC
17 6.95.130 and 6.95.190, respectively, regarding other marijuana-related establishments.

18 (B) Comply, as applicable, with the requirements of the security plan, training plan, air
19 quality plan and fire safety plan approved pursuant to LVMC 6.96.050.

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

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

26 (E) Ensure that at least one qualified person is on the premises at all times during the

1 hours of operation. For purposes of this subsection, “qualified person” means a principal or key employee
2 who has been approved for suitability pursuant to LVMC 6.06.060.

3 **6.96.100:** In addition to and independent of any other remedy available under this Title, the Director
4 or Metro may suspend a license immediately for a period not to exceed ten days under any of the following
5 circumstances:

6 (A) Alcoholic beverages have been sold or served or are found on the premises.

7 (B) Employees of the establishment are found in possession of illegal substances.

8 (C) Employees of the establishment have consumed marijuana or marijuana products
9 while working.

10 (D) Marijuana or marijuana products are being stored on the premises.

11 SECTION 2: Title 6, Chapter 86, Section 50, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.86.050:** Applicants for a work card for the following are subject to the provisions of Section
14 6.86.060:

15 (A) Employees of adult nightclub establishments licensed under Chapter 6.06B;

16 (B) Employees of erotic dance establishments licensed under Chapter 6.35; [and]

17 (C) Employees of medical marijuana establishments and marijuana establishments
18 licensed under Chapter 6.95[.]; and

19 (D) Employees of social use venues licensed under Chapter 6.96.

20 SECTION 3: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
21 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
22 Sections 4 to 6, inclusive, of this Ordinance. The amendments in those Sections are deemed to be
23 amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

24 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10,
25 is hereby amended by providing that the use “Social Use Venue” is permitted by means of special use permit
26 in the C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the use “Social Use Venue”

1 shall be added at the appropriate location and the letter “S” shall be inserted in the box that represents the
2 intersection of the row for the use “Social Use Venue” and each of the columns for the C-1, C-2, C-M and
3 M Zoning Districts.

4 SECTION 5: Title 19, Chapter 12, Section 70, is hereby amended by adding thereto, at
5 the appropriate location, an entry for the use “Social Use Venue” to read as follows:

6 **Social Use Venue**

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

9 **Minimum Special Use Permit Requirements:**

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

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

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

1 existing use which is closest to the proposed social use venue. The distance shall be measured in a straight
2 line without regard to intervening obstacles.

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

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

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

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

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

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

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

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

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

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

25 *5. The Special Use Permit shall be void without further action if the use ceases for a period exceeding 90
26 days.

1 *6. No Special Use Permit for this use is available for any parcel that is located within 1000 feet of a parcel
2 on which nonrestricted gaming is conducted, measured as described in Minimum Special Use Permit
3 Requirement 2. The prohibition in the preceding sentence does not apply to any parcel regarding which a
4 Special Use Permit for a marijuana dispensary has been approved.

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

8 SECTION 6: Title 19, Chapter 18, Section 20, is hereby amended by adding thereto, at
9 the appropriate location, the following term and its corresponding definition:

10 **Social Use Venue.** A business which allows, as part of its business activity, a location and equipment for
11 the consumption of marijuana or marijuana products.

12 SECTION 7: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
13 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

14 SECTION 8: The Department of Planning is authorized and directed to incorporate into
15 the Unified Development Code the amendments set forth in Sections 4 to 6, inclusive, of this Ordinance.

16 SECTION 9: Unless extended by future ordinance, LVMC 6.96.035, as adopted by
17 Section 1 of this Ordinance, shall expire by limitation one year following the effective date of this Ordinance.

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

25 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared to
26 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

1 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
2 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
3 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
4 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
5 of this ordinance shall constitute a separate offense.

6 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
8 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2019.

10 APPROVED:

11 By _____
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

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

17 APPROVED AS TO FORM:

18 _____
19 Val Steed, Date
20 Deputy City Attorney

21
22
23
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2018, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2019, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk