

ORDINANCE NO. 2752

AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING SECTION 5.29.050 (LICENSE – APPLICATION CONTENTS), SUBSECTION (M) BY REMOVING THE REQUIREMENT FOR A SURETY BOND, CASH-IN-LIEU OF BOND, OR UNCONDITIONAL AND IRREVOCABLE LETTER OF CREDIT; AMENDING SECTION 5.29.070 (MEDICAL MARIJUANA ESTABLISHMENT - LICENSES), SUBSECTION (D) BY CHANGING ANNUAL REVIEW TO BIENNIAL REVIEW; AMENDING SECTION 5.29.070 (MEDICAL MARIJUANA ESTABLISHMENT - LICENSES), SUBSECTION (H) AND SUBSECTION (I) BY DELETING THE ENTIRE SUBSECTIONS REQUIRING A SURETY BOND, CASH-IN-LIEU OF BOND, OR UNCONDITIONAL AND IRREVOCABLE LETTER OF CREDIT; AMENDING SECTION 5.29.140 (MEDICAL MARIJUANA DISPENSARY – REQUIREMENTS AND LIMITATION), SUBSECTION (L) ALLOWING DISPENSARIES TO OBTAIN MEDICAL MARIJUANA PRODUCTS FROM ANY LICENSED MEDICAL MARIJUANA ESTABLISHMENTS LOCATED IN NEVADA; AMENDING SECTION 5.29.145 (ORIGINATION FEES AND LICENSE FEES) BY CLARIFYING THE SUBMITTAL OF GROSS REVENUE FEES; AMENDING SECTION 5.29.150 (ANNUAL REVIEW OF LICENSE) BY CHANGING ANNUAL REVIEW OF LICENSE TO BIENNIAL REVIEW OF LICENSE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of North Las Vegas is a growing community with a population over 233,000 residents; and

WHEREAS, one of the goals outlined in the City's Strategic Plan is creating a safe community; and

WHEREAS, one of the goals outlined in the City's Strategic Plan is a growing and diverse local economy; and

WHEREAS, the Council determines that this amendment will not adversely affect the health and general welfare of residents within the City.

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:
SECTION 1: Chapter 29, Section 050, Subsection M of Title 5 of the North Las Vegas

Municipal Code is hereby amended as follows:

M. A written statement to the director that the applicant will hold harmless, indemnify, and defend the city against all claims and litigation arising from the issuance of license, including any claims and litigation arising from the establishment, operation or ownership of the medical marijuana establishment.

SECTION 2: Chapter 29, Section 070, Subsection D of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

D. Licenses shall expire one year from the date of issuance, and a licensee must apply for biennial review pursuant to NLVMC 5.29.150.

SECTION 3: Chapter 29, Section 070, Subsection H and Subsection I of Title 5 of the North Las Vegas Municipal Code is hereby amended by deleting subsection H and I and relettering as appropriate:

SECTION 4: Chapter 29, Section 140, Subsection L of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

L. Medical marijuana, edible marijuana products and/or marijuana-infused products shall be obtained from licensed medical marijuana establishments located within Nevada.

SECTION 5: Chapter 29, Section 145 of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

Origination and License Fees

Origination Fees: Cultivation Facility (Apex Overlay District) - \$30,000

Production Facility (Apex Overlay District) - \$25,000

Testing Laboratory - \$10,000

License Fees: Cultivation Facility (Apex Overlay District) – 2% gross revenue fee (no annual fee)

Cultivation Facility - \$30,000 annual fee plus 3% gross revenue fee with a 1% increase every other year - 6% cap

Production Facility (Apex Overlay District) – 2% gross revenue fee (no annual fee)

Production Facility - \$25,000 annual fee plus 4% gross revenue fee with a 1% increase every other year - 6% cap
Dispensary - \$60,000 annual fee plus 5% gross revenue fee

Testing Laboratory - Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)

Cross Jurisdictional Medical Marijuana License - \$10,000 annual fee

Dispensary ancillary sales - Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)

All gross revenues will be calculated per percentages listed in this section with the exception of testing laboratories and dispensary ancillary sales.

All gross revenue fees will be collected on a quarterly basis on the last day of January, April, July, and October with the exception of testing laboratories and dispensary ancillary sales which will be collected per NLVMC 5.02.080.

For vertically integrated companies, cultivation gross revenue percentage fees will be calculated at fifty (50) percent of retail sales.

Annual fees are to be paid by January 31st of each year, the first year will be prorated on a per month basis.

SECTION 6: Chapter 29, Section 150 of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

5.29.150 - Biennial review of license.

SECTION 7: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 8: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 9: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 10: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 4th day of May, 2016.

AYES: Mayor Lee, Mayor Pro Tempore Goynes-Brown, Council Members Wood, Barron and Cherchio

NAYS: (None)

ABSTAIN: (None)

ABSENT: (None)

APPROVED:

/s/ JOHN J. LEE
JOHN J. LEE, MAYOR

ATTEST:

/s/ CATHERINE A. RAYNOR
CATHERINE A. RAYNOR, MMC, CITY CLERK