



BILL NO. 502
ORDINANCE NO. 502

INTRODUCTION OF BILL NO. 502 (MEDICAL MARIJUANA SEPARATION REQUIREMENTS) TO AMEND MESQUITE MUNICIPAL CODE SECTION 9-15-8 LOCATION RESTRICTIONS AND SECTION 9-8-8 SEPARATION REQUIREMENTS BY INSERTING LANGUAGE TO EXEMPT SCHOOLS, COMMUNITY FACILITIES, AND RESIDENTIAL ZONES, FROM THE SEPARATION REQUIREMENTS IF THEY KNOWINGLY CHOOSE TO LOCATE CLOSER TO EXISTING MEDICAL MARIJUANA ESTABLISHMENTS.

WHEREAS, it is reasonable and appropriate to amend the Mesquite Municipal Code from time to time; and

WHEREAS, the Nevada Legislature has granted to the governing body (City Council) authority to prepare and adopt business license regulations (NRS 268.095); and

WHEREAS, In November 2000, Nevada voters passed an initiative amending Article 4 of the Nevada Constitution to allow the use of marijuana for medical purposes; and

WHEREAS, Senate Bill 374, now codified in Nevada Revised Statutes 453A, which allows for the creation of medical marijuana establishments in Nevada was passed by the State Legislature during the 77th Legislative Session; and

WHEREAS, on August 5, 2014 the City Council adopted Ordinance 485 to provide access to medical marijuana to patients within the City of Mesquite consistent with the provisions of Nevada Revised Statutes 453A; and

WHEREAS, regulation and licensing of medical marijuana establishments is necessary to protect the safety and welfare of the patients and citizens of the city of Mesquite; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE AS FOLLOWS:

SECTION 1: Section 9-15-8 is hereby amended to modify location restrictions:

9-15-8: MEDICAL MARIJUANA ESTABLISHMENT LOCATION RESTRICTIONS:

A. All medical marijuana establishments must be located a distance of at least one thousand feet (1,000') from any of the following existing land uses:

1. Public or private schools (grades K-12).
2. Community facilities as defined in this chapter.
3. This distance limitation does not apply to any school or community facility ~~church or~~

~~synagogue that is located in an industrial zone~~ whose owners / operators sign a disclosure statement acknowledging that they are moving to a location within 1,000 feet of an existing Medical Marijuana Establishment.

- B. All medical marijuana dispensaries must be located a distance of at least three hundred feet (300') from the closest residential dwelling ~~a residential zone boundary line~~. The foregoing distance requirement may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the general intent of this code to protect the public health, safety, and general welfare of the citizens of the city.
- C. These separation requirements in subsections A and B of this section shall be measured by a straight line in all directions, without regard to intervening structures or objects, ~~from the nearest point on the property lines of the land use parcels in question~~ the entry door of the prospective medical marijuana establishment to the entry door of the nearest church, school, community facility, and residential dwelling. (Ord. 484, 8-5-2014, eff. 8-26-2014)

SECTION 2: Section 9-8-8 is hereby amended by adding separation requirements for Medical Marijuana Establishments:

9-8-8-1: PURPOSE AND INTENT OF SEPARATION AND DISTANCE REQUIREMENTS:

- A. The city council declares that this liquor license and medical marijuana license distance requirements section is an exercise of the regulatory powers delegated to the council by the state of Nevada pursuant to Nevada Revised Statutes 268.090, and Nevada Revised Statutes 453A inter alia.
- B. The public health, safety, morals and welfare of the inhabitants of the city require the regulation and control of all persons engaged in the businesses of alcoholic liquor and medical marijuana sales. All such persons as defined in [Title 2, Chapter 4](#) and Chapter 14 of this code shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the city and to safeguard the public. (Ord. 402, 7-8-2008, eff. 7-31-2008)

9-8-8-2: SEPARATION OF LICENSEES:

- A. No tavern or off-sale liquor license shall be issued in the city unless the entry door of the prospective business is located one thousand feet (1,000'), in a direct line, from the entry door of the nearest existing business holding a tavern license or off-sale license. This distance limitation does not apply to a resort hotel as defined in Nevada Revised Statutes 463.01865 or as may be amended or renumbered from time to time, and a commercial business containing thirty thousand (30,000) square feet or more of floor space.
- B. No tavern liquor license or medical marijuana dispensary license shall be issued in the city unless the entry door of the prospective business is located one thousand feet (1,000'), in a direct line, from the entry door of the nearest existing business holding a sexually oriented business license. (Ord. 402, 7-8-2008, eff. 7-31-2008)

9-8-8-3: SEPARATION OF LIQUOR LICENSE BUILDINGS FROM PUBLIC FACILITIES:

- A. No tavern or off-sale liquor license shall be issued in the city unless the entry door of the prospective liquor license building is located one thousand feet (1,000'), in a direct line, from the entry door of the nearest church or school. This liquor license distance limitation does not apply to a church that is located in a commercial or hotel/tourist zone.
- B. A liquor license business shall not be located in any zone classified residential. (Ord. 402, 7-8-2008, eff. 7-31-2008)

9-8-8-4: SEPARATION OF MEDICAL MARIJUANA ESTABLISHMENT LICENSE BUILDINGS FROM PUBLIC FACILITIES:

- A. No medical marijuana establishment license shall be issued in the city unless the entry door of the prospective medical marijuana license building is located one thousand feet (1,000'), in a direct line, from the entry door of the nearest church, school, or other community facility. This medical marijuana license distance limitation does not apply to any church, school or community facility whose owners / operators sign a disclosure statement acknowledging that they are moving to a location within 1,000 feet of an existing medical marijuana establishment.
- B. All medical marijuana dispensaries must be located at least three hundred (300) feet from the closest residential dwelling.

SECTION 3: 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 remaining provisions of this ordinance.

SECTION 4: All ordinances, parts of ordinances or chapters, sections or paragraphs contained in the Mesquite Municipal Code in conflict herewith are hereby repealed.

SECTION 5: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

SECTION 6: This ordinance shall become effective twenty (20) days after its publication once by title in a newspaper qualified pursuant to provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 7: The City Clerk shall cause this ordinance to be published once immediately following its adoption, by title, in a newspaper qualified pursuant to provisions of Chapter 238 of NRS, as amended from time to time.

PASSED, ADOPTED, AND APPROVED this 9th day of August, 2016.

By: _____
Allan S. Litman, Mayor

ATTEST:

BY: _____
Tracy Beck, City Clerk

AYE:

NAY:

ABSTAIN:

PUBLICATION DATE:

EFFECTIVE DATE:

Approved as to Form

By: _____
Robert Sweetin, City Attorney

