



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: April 10, 2018

DATE: March 1, 2018

TO: Board of County Commissioners

FROM: Bob Webb, Planning Manager, Planning and Building Division
Community Services Department, 328-3623, bwebb@washoecounty.us

THROUGH: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us

SUBJECT: Public hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 25 (Business License Ordinance), Chapter 53 (Miscellaneous Crimes), and Chapter 110 (Development Code) to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments (including cultivation facilities, distributors, product manufacturing facilities, testing facilities, and retail marijuana stores/medical dispensaries) which are licensed by the State of Nevada under NRS Chapter 453A and/or NRS Chapter 453D; to allow for all marijuana establishments in general commercial and industrial regulatory zones; to allow for retail marijuana stores/medical dispensaries in neighborhood commercial and tourist commercial regulatory zones as well; and, to address other matters necessarily connected therewith and pertaining thereto. The Board of County Commissioners introduced and conducted a first reading of the proposed ordinance on March 27, 2018. (All Commission Districts.)

SUMMARY

To conduct the second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapters 25, 53 and 110 to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments.

Washoe County Strategic Objective supported by this item: Proactive Economic Development and Diversification

PREVIOUS ACTION

On March 27, 2018 the Board of County Commissioners (Board) introduced and held a first reading of the proposed ordinance.

On December 19, 2017, the Board initiated an amendment to Washoe County Code (WCC) Chapter 25 (Business License Ordinance) to provide for the operation of

AGENDA ITEM # _____

marijuana establishments which are licensed by the State of Nevada under NRS Chapters 453A (medical marijuana) and 453D (recreational marijuana). During the meeting, the Board further directed staff to provide for single licensure for marijuana establishments.

On July 25, 2017, the Board amended WCC Chapter 25 to include new regulations on temporary marijuana establishment business licenses. These licenses expire on July 1, 2018, or on a later date if the State Department of Taxation extends its license expiration date for the quick start program.

On April 8, 2014, the Board amended WCC Chapter 25 to include new regulations on medical marijuana establishments.

BACKGROUND

The Board heard a presentation on the background for medical and legalized marijuana in the State and the County prior during their March 27, 2018 meeting. The background section of this staff report will not duplicate the information provided in that update.

The update provided information on the roles of the State and of the County in regulating both medical and legalized marijuana. Specific to County Code amendments, the County's role is limited to:

- Regulatory zoning, where a business can be located considering State Laws on zoning and distance separation from schools and community facilities.
- Business licensing, including fees, hours of operation, and the look and feel of retail businesses.
- Public safety, focusing on security requirements and local law enforcement.

As noted in the update, the Board approved three key components of the draft regulations on marijuana establishments to return to the Board. These three components will be referenced in this staff report and are:

1. Single licensure of medical and recreational facilities.
2. Institute a 3% license fee on marijuana establishments, recoup all costs for compliance inspections and licensing, and consider a separate application fee for marijuana during the review of fees for all businesses.
3. Prohibit public use lounges or other similar public facilities until more robust conversations occur at the state legislature and/or with local jurisdictions.

PROPOSED MARIJUANA ESTABLISHMENT REGULATIONS

Reflecting the County's regional leadership in regulating both medical and legalized marijuana, the Manager's Office formed a marijuana code working group in late 2017 to assist in the formulation and crafting of new marijuana establishment regulations. The working group is comprised of the following staff:

Manager's Office	Dave Solaro	Building	Steve LeCam
	Kate Thomas	Licensing	Bob Webb
	Sarah Tone	Planning	Chad Giesinger
	Jamie Rodriguez	TMFPD	Denise Reynolds
District Attorney	Leslie Admirand	NLTFPD	Mark Regan
	Nate Edwards		Jennifer Donahue
Treasurer's Office	Tammi Davis	Health District	Charlene Albee
Comptroller	Cathy Hill		Mike Wolf
Sheriff's Office	Corey Solferino		Chad Westom

The working group referenced the following areas in its work to craft the new regulations:

- Current marijuana establishment regulations as contained within WCC Chapter 25 (Business License Ordinance) and WCC Chapter 110 (Development Code);
- Current regulations on liquor establishments as found in WCC Chapter 30 (Liquor and Gaming License Ordinance) as a model for marijuana establishment regulations, following direction from the Board in December of 2017;
- NRS changes resulting from the 2016 legislative session (principally NRS Chapters 244, 453A and 453D), Nevada Administrative Code (NAC) for 453A and 453D (the latter in draft form); and,
- The Board's 2017 Marijuana Policy Areas (see attachment A).

The working group met every other week for the past five months and determined that three County Codes require amendment to conform to 2016 State Law changes and to regulate marijuana establishments within the unincorporated County:

1. *Business License Ordinance.* Marijuana establishments are principally regulated through business licensure, since the license is a revocable privilege and not a right. The bulk of medical and temporary marijuana establishment regulations are currently within WCC Chapter 25 and the recommendation is to retain the new single marijuana establishment regulations within this Chapter.
2. *WCC Chapter 53, Miscellaneous Crimes.* The 2016 voter approved initiative made the use of marijuana and marijuana products for adults over the age of 21 legal in the State of Nevada. WCC Chapter 53 requires amendments to reflect the voter initiative (and subsequent inclusion of the initiative into NRS Chapter 453D).
3. *Development Code.* WCC Chapter 110 currently regulates the regulatory zones within which medical marijuana establishments are allowed. Parking standards are also contained for these establishments within the Development Code. This Chapter will require updates to include the new single marijuana establishment terminology and to update parking requirements for retail marijuana stores.

The working group prepared the draft ordinance which includes the proposed amendments to all three Code chapters (see Attachment B). Highlights of the proposed amendments for each Chapter, with an emphasis on the Board's policy areas (shown in *text*), are outlined below. Section references in parenthesis are to the section number in the ordinance.

WCC Chapter 25, Business License Ordinance

As noted earlier, WCC Chapter 25 contains the bulk of current medical and temporary marijuana establishment regulations. The proposed ordinance deletes the current Code section in its entirety (Section 25.700) and replaces it with a series of Code sections to regulate marijuana establishments. The following are the highlights of the proposed amendments:

- A. ***Single licensure.*** The ordinance establishes a single license structure for marijuana establishments. The single license enables a marijuana establishment to operate as a medical establishment and/or as a recreational establishment. The only exception is for a retail marijuana store/medical dispensary. In order to operate as a retail marijuana store, the establishment must retain State licensure as a medical marijuana dispensary. In other words, the ordinance will prohibit stand-alone retail marijuana stores in unincorporated Washoe County. (section 7)
- B. ***Maximize revenue.*** The ordinance provides for a quarterly marijuana establishment license fee.
 - 1) The amount of that fee will be 3% of an establishment's reported quarterly gross revenue. The fee amount will be established in a resolution adopted by the Board on April 10, 2018 provided the Board adopts the proposed ordinance.
 - 2) ***Ensure accuracy with reporting.*** The ordinance requires the license fee to be paid not later than 15 calendar days after the start of each calendar quarter. Paying the fee after the start of the quarter enables a marijuana establishment to report actual (and not estimated) quarterly gross revenue. (section 12)
 - 3) The ordinance also sets penalties for late fee payment (25% of the license fee after 15 calendar days) and for an additional reinstatement fee (15% of the license fee after 60 calendar days and before 90 calendar days). Marijuana establishment licenses cannot be renewed if payment is not received within 90 calendar days from the start of the quarter. This penalty and reinstatement section mirrors regulations for liquor establishments within unincorporated Washoe County. (section 13)
 - 4) All marijuana establishment license fees (and penalties) will be deposited into a separate marijuana establishment account. Revenue from that account will be allocated first to Washoe County agencies to offset unbudgeted expenditures by the agency to address direct and indirect costs associated with the advent of legalized consumption and possession of marijuana in Washoe County. Any funds remaining within the marijuana establishment account will be secondarily distributed as a component of the General Fund and the adopted Washoe County budget.
- C. ***Maximize revenue.*** The ordinance will enable any County agency to cover costs associated with compliance inspections, review and other tasks directly from a marijuana establishment. Cost recovery must adhere to provisions established in NRS 453A.330. (section 23)
- D. ***Prohibit public use lounges.*** State Law makes public use of marijuana or marijuana products unlawful (specifically, NRS 453D.400 makes smoking or consumption of marijuana in a public place a misdemeanor criminal violation). The ordinance will make it unlawful for any licensed business, special event, or outdoor entertainment event to allow any public use or consumption of marijuana or marijuana products. . (section 6)

- E. ***Allow home delivery.*** The ordinance will allow delivery of marijuana and marijuana products by a retail marijuana store/medical dispensary directly to a consumer. This provision mirrors regulations in NRS and NAC Chapter 453D. (section 10)
- F. ***Regional parity.*** The ordinance sets the hours of operation for a retail marijuana store/medical dispensary from 8:00 a.m. to midnight¹. Current hours of operation for a medical marijuana dispensary are from 6:00 a.m. to 8:00 p.m. Discussions with marijuana industry representatives indicated support for the new hours of operation. The representatives also stated that the later hours of operation (until midnight) would most likely occur on weekend nights (i.e., Friday and Saturday) and not throughout the week. However, the ordinance will provide the time frame for each retail marijuana store/medical dispensary to set its own hours of operation (with prior approval by the County's license division). (section 20)
- G. ***Retain current distance restrictions.*** The ordinance retains the current distance restrictions for medical marijuana establishments (which are set forth in NRS 453A). NRS 453D retains these distance restrictions, and the ordinance mirrors State Law.
- 1) The distance restrictions are 1,000 feet from any public or private school and 300 feet from a community facility. (section 10) Community facility is defined within section 1 of the ordinance.
 - 2) Measurement of the distance conforms to the measurements set forth in NRS and NAC Chapters 453A and 453D.
 - 3) Currently licensed medical and temporary marijuana establishments are "grandfathered" (the school or community facility must have been in place prior to the establishment receiving its first County marijuana license). This "grandfathering" provision extends to currently licensed temporary marijuana establishments when they apply for a new marijuana establishment license under the provisions of this ordinance. If a school or community facility is opened after a currently licensed marijuana establishment received its County license, then the distance restrictions do not apply. (section 9)
- H. ***Efficiency of operations.*** The ordinance sets forth an expedited application process for currently licensed medical and/or temporary marijuana establishments to obtain a "new" marijuana establishment following the provisions of this ordinance. The application requirements will focus on any changes which have occurred since either the medical or temporary license was issued (e.g., changes or modifications to the interior of the building, changes of ownership, etc.). (section 9)
- I. ***Eliminate outdoor cultivation facilities.*** The ordinance prohibits outdoor cultivation by a marijuana cultivation facility. (section 10)

WCC Chapter 53, Miscellaneous Crimes

The only proposed amendment is to add text that prohibits the possession of one ounce or less of marijuana unlawful by persons under the age of 21. (section 1)

¹ Staff has been meeting monthly with Reno and Sparks staff to discuss marijuana establishment regulations in the context of striving for regional parity when possible. Reno is currently in the process of adopting its codes, and its hours of operation will likely be from 10 am to 11 pm. Sparks has adopted its codes, and hours of operation are from 8 am to 10 pm.

WCC Chapter 110, Development Code

Staff recommends that the current regulatory zone restrictions for medical marijuana establishments be retained for marijuana establishments (*single licensure*). This will mean that all marijuana establishments will be allowed in the General Commercial and Industrial regulatory zones, and retail marijuana stores/medical dispensaries will be allowed in the Neighborhood Commercial and Tourist Commercial regulatory zones. (section 1)

There are two areas of proposed amendments within the Development Code:

1. Modify the current definitions for medical marijuana establishments to match the definitions for marijuana establishments as proposed in the amendments to WCC Chapter 25. Add a definition for a marijuana distributor (new marijuana establishment within NRS Chapter 453D). (section 2)
2. Expand the parking requirements for a retail marijuana store/medical dispensary to capture increased customer traffic associated with a retail marijuana store as compared to a stand-alone dispensary. The parking requirements will only apply to new retail marijuana stores/medical dispensaries. (section 3)

PUBLIC REVIEW OF THE PROPOSED REGULATIONS

Public participation in the formation of the proposed ordinance was discussed during the update on medical and legalized marijuana provided on the March 27, 2018 Board agenda. This section of the staff report will highlight topics from that update.

The stakeholders meeting on February 1, 2018 was attended by 10 licensees and industry representatives. The public workshop on February 7, 2018 was attended by 13 public members. Commissioner Jung attended the workshop and participated in the discussion period. The workshop was also attended by representatives from the Cities of Reno and Sparks, and members of the working group. Both the stakeholders meeting and the workshop were structured to principally discuss the four areas identified by the Board for marijuana establishment regulations:

- Hours of operation;
- Public consumption lounges;
- Home delivery services; and,
- Business distance from school and facilities.

The working group evaluated input from both the stakeholders meeting and the public workshop and updated the draft ordinance and associated business license fee schedule to reflect discussions at the meeting and the workshop. Two examples are modifying the hours of operation (to extend to midnight) and allowing pre-payment of quarterly marijuana establishment license fees. The updated draft ordinance and fee schedule were posted on-line at www.washoecounty.us/mme on February 9, 2018.

FISCAL IMPACT

There are no fiscal impacts directly attributable to the proposed code amendments for WCC Chapters 25, 53, or 110. However, the amendments to WCC Chapter 25 enable a marijuana establishment license fee, the amount which is to be set by a resolution adopted by the Board. As noted earlier, that proposed fee is a 3% quarterly fee based on a marijuana establishment's reported quarterly gross revenue.

The NRS required Business Impact Statement for the proposed 3% quarterly marijuana establishment license fee was a separate agenda item for the Board' March 27, 2018 meeting. The resolution for the new fee is a separate agenda for the Board at this meeting to consider after the second reading and possible adoption of this ordinance.

RECOMMENDATION

It is recommended that the Board conduct a second reading and adopt an ordinance amending Washoe County Code Chapters 25 (Business License Ordinance), 53 (Miscellaneous Crimes), and 110 (Development Code) to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments (including cultivation facilities, distributors, product manufacturing facilities, testing facilities, and retail marijuana stores/medical dispensaries) which are licensed by the State of Nevada under NRS Chapter 453A and/or NRS Chapter 453D; to allow for all marijuana establishments in general commercial and industrial regulatory zones; and, to allow for retail marijuana stores/medical dispensaries in neighborhood commercial and tourist commercial regulatory zones as well.

If adopted, the Ordinance will be effective on April 20, 2018.

POSSIBLE MOTION

Should the Board agree with the recommendation, a possible motion would be:

“Move to introduce Ordinance Number [insert ordinance number as provided by the County Clerk].”

- Attachment: A. Board's 2017 Marijuana Policy Areas
 B. Proposed Ordinance, WCC Chapters 25, 53, and 110



2017 Marijuana Policy Areas

As provided for in State Law, Washoe County's responsibility for implementing legalized marijuana includes identifying the appropriate zoning and licensing locations for marijuana facilities that align with community vision and the Board's Strategic Plan. In unincorporated Washoe County, the licensing and review process for legalized marijuana parallels the business license process for other similar legal businesses.

Framed for the board's discussion are guiding principles for licensing and code amendments categorized by themes that arose from Board strategic planning retreats. The themes include the extent of marijuana use in unincorporated Washoe County, accountability, regional parity and equity, public participation and process efficiency.

Extent and impact of Legalized Marijuana in Unincorporated Washoe County

BCC Policy: Address traffic, public safety, visual, air quality and other direct impacts on neighborhood communities by *limiting the extent and impact of legalized marijuana* in unincorporated Washoe County,

Key Implementation Concerns:

- Total number of dispensaries/retail marijuana stores
- Location
- Operations: visual impacts, signage, limitation on store hours
- Home delivery
- Stand-alone retail stores
- Public use in lounges or other facilities (discussion point and possible direction)

Staff Recommendations:

- Maintain the look and feel of professional medical offices or pharmacy for dispensaries and retail marijuana stores (NRS 453A and current county codes)
- Create single license for medical and recreational marijuana facilities. This will limit facilities to commercial and industrial zones including neighborhood commercial. Single licenses eliminate stand-alone recreational marijuana stores.
- Consider regional parity for hours of operation of dispensaries/retail marijuana stores
- Eliminate outdoor cultivation facilities
- Allow Home Delivery, in conformance with State Laws, to reduce strain on enforcement and compliance personnel
- Provide direction if public use will be allowed in unincorporated Washoe County and monitor statewide discussion regarding public use at upcoming legislative sessions



2017 Marijuana Policy Areas

Accountability

BCC Policy: Acknowledge the role of State partners and local jurisdictions in the governance and enforcement of legalized marijuana and industry should pay for the direct and indirect costs of legalized marijuana.

Key Implementation Concerns:

- Fee structure for licensing
- Additional fees for relocation requests, investigations, and compliance inspections.
- Mitigation fees
- Staff training fees
- Additional application fee that is different from the business license fee

Staff Recommendations:

- Provide for 3% fee on marijuana facilities that is collected annually
- Allocate funds received from State based on NRS allocation and the 3% fee to recoup direct and indirect costs and programming associated with legalized marijuana industry
- Create a new fee for relocation requests that reflects staff review time
- Ensure fines and fees recoup compliance inspections and licensing/permitting costs
- Mitigation or remediation of environmental damage is already accounted for in current regulations.
- Do not establish a process to recoup training costs from industry.
- Recommend that partnering agencies standardize and collect fees for substantiated investigations.
- Consider an application fee for all businesses, including marijuana, that will be considered with current fee study.

Regional Parity and Equity

BCC Policy: Partner with local jurisdictions to ensure streamlined process, but consider unique needs of unincorporated Washoe County.

Key Implementation Concerns:

- Hours of Operation
- Location
- Licensing Process
- Fines and fees
- Enforcement



2017 Marijuana Policy Areas

Staff Recommendations

- Captured in other areas
- Education campaign to complement state education campaign
- Review hours of operation, fines and education in partnership with regional entities

Extent of Public Participation

BCC Policy: Ensure transparency and consideration for public feedback during the code review process and mimic other similar licenses (liquor)

Key Implementation Concerns:

- Use of neighborhood meetings for relocation requests for retail marijuana stores
- Guidelines for public review process
- Determine individuals who are directly affected

Staff Recommendations

- Model licensing and public review after similar business licenses in unincorporated Washoe County (ie. liquor, casinos)
- By internal policy, limit neighborhood meetings to the review of dispensary/retail marijuana store relocation requests. All relocation requests require a public hearing before the Board.
- Internal policies will outline notification for public hearings and neighborhood meetings based on most stringent public hearing noticing processes in land use codes.
- Work directly with State to partner on education initiatives.

Simplicity, streamline processes, streamline code

BCC Policy: Streamline and simplify processes to treat medical and recreational marijuana in the same manner and ensure clarity in the process

Key Implementation Concerns:

- State of Nevada is moving toward single licensure of medical and recreational marijuana following implementation of current recreational marijuana regulations
- Single licensure will limit retail marijuana (recreational) stores to commercial and industrial regulatory zones
- No stand-alone retail (recreational) marijuana stores
- Simplify marijuana related code into one location
- Clarify definitions



2017 Marijuana Policy Areas

Staff Recommendations

- Model licensing and agency review after similar business licenses in unincorporated Washoe County (ie. liquor)
- Simplify county code on medical marijuana and recreational marijuana into one location "marijuana establishments"
- Allow for single licensure of marijuana establishments
- Model requirements for recreational marijuana facilities after medical marijuana facilities

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: *Amends the Washoe County Code at Chapter 25 (Business License Ordinance), Chapter 53 (Miscellaneous Crimes), and Chapter 110 (Development Code) to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments.*

BILL NO. _____

ORDINANCE NO. _____

Title:

An Ordinance amending the Washoe County Code at Chapter 25 (Business License Ordinance), Chapter 53 (Miscellaneous Crimes), and Chapter 110 (Development Code) to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments (including cultivation facilities, distributors, product manufacturing facilities, testing facilities, and retail marijuana stores/medical dispensaries) which are licensed by the State of Nevada under NRS Chapter 453A and/or NRS Chapter 453D; to allow for all marijuana establishments in general commercial and industrial regulatory zones; to allow for retail marijuana stores/medical dispensaries in neighborhood commercial and tourist commercial regulatory zones as well; and, to address other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. The Constitution of the State of Nevada Article 4, Section 38 directs the Nevada Legislature to provide for, among other things, the authorization of appropriate methods of supply of marijuana to patients authorized to use marijuana for medical purposes; and,
- B. NRS was amended by the 2013 Nevada Legislature at NRS Chapters 372A (Tax on Controlled Substances) and Chapter 453A (Medical Use of Marijuana) to provide for exemption from criminal prosecution and the certification, taxation and regulation of medical marijuana; and,
- C. NRS was amended by a voter approved initiative at the 2016 General Election to add a new section entitled Chapter 453D, Regulation and Taxation of Marijuana to provide for marijuana establishments that can grow, produce, distribute and offer marijuana and marijuana products for sale and consumption by individuals over the age of 21 in the State of Nevada; and,
- D. The Nevada Tax Commission adopted amendments to NAC to create Chapter 453D to allow the regulation and licensing of marijuana establishments on January 16, 2018, and the Nevada Legislative Commission approved those amendments on February 27, 2018; and,
- E. To the extent that marijuana establishments, both medical and recreational, are registered or licensed, and authorized by the State of Nevada to operate in unincorporated Washoe County, this Board desires to provide for their licensing and regulation to protect the public health and safety and general welfare of the citizens of Washoe County; and,
- F. Since the use, cultivation, distribution, production, possession and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nevada and federal law, this Board does not have the authority to (and nothing in this Ordinance is intended to) authorize, promote, condone or aid the production, distribution or possession of marijuana in violation of any applicable law; and,
- G. As the operation of a marijuana establishment is a revocable privilege and there is no property right for an individual or business to operate a marijuana establishment in the County; and,

- F. This Board did initiate the amendments contained in this ordinance on December 19, 2017 following the provisions of Washoe County Code Sections 2.030 and 2.040; and,
- G. The amendments and this ordinance were drafted in concert with the District Attorney; and,
- H. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Board desires to adopt this Ordinance; and,
- I. Business Impact Statement. In accordance with NRS 239.080, on or about January 12, 2018, the proposed marijuana establishment license fee was provided to trade associations and business owners who will be affected by the proposed fee, with the invitation to provide written comments regarding whether the proposed ordinance would impose a direct and significant economic burden upon a business, or directly restrict the formation, operation or expansion of a business. The notice indicated that data and arguments should be sent to the Licensing Division not later than February 9, 2018, which is more than 15 days after the notice was sent. By the deadline indicated in the notice, one comment was received from the trade associations or business owners. A business impact statement was prepared in accordance with NRS 239.090 and was made available for public inspection prior to the time the agenda for the first reading proceeding was first posted. During the first reading proceeding, a public hearing was held and the business impact statement was considered and adopted by the Board. The Board determined that the proposed ordinance would not impose a direct and significant economic burden upon a business, or directly restrict the formation, operation, or expansion of a business.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 25.013 is hereby amended to read as follows:

25.013 Definitions. As used in this chapter, unless the context otherwise requires:

"Annual gross receipts" means the total of the gross receipts for the calendar or fiscal year, as determined by the licensee, prior to the expiration date of a license.

"Board" means the board of county commissioners.

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Breeding" means producing the offspring of dogs or cats, called a litter.

"Charitable organization" means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

"Community facility" has the meaning as defined in NRS 453A and 453D and includes:

1. A facility licensed by Washoe County or another jurisdiction to provide day care to children;
2. A public park;
3. A public playground associated with a public park, a school, or a licensed day care facility;
4. A public swimming pool as defined in NRS 444.065;
5. A center or facility licensed by Washoe County or another jurisdiction which provides recreational opportunities or services to children or adolescents either inside or on the property of the center or facility; or
6. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

"Contractor" means a person, except a licensed architect or a registered civil engineer acting solely in his professional capacity, who in any capacity (other than as the employee of another with wages as the sole compensation) undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

"Department" means the State Department of Taxation.

"Department license" means a license issued by the State Department of Taxation for a medical marijuana establishment pursuant to NRS 453A and NAC 453A, or for a marijuana establishment pursuant to NRS 453D and NAC 453D.

~~"Division to regulate medical marijuana" means the State Division of Public and Behavioral Health of the Department of Health and Human Services.~~

"Edible marijuana products" has the meaning as defined in NRS 453A and includes, but is not limited to, products that:

- ~~1. Contain marijuana or an extract thereof;~~
- ~~2. Are intended for human consumption by oral ingestion; and~~
- ~~3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.~~

"Employee" means a person or persons employed by or providing service to another person. The person or persons thus employed are usually paid in wages or salary, regardless of whether the compensation is paid directly to the employee or indirectly through another for the services performed.

"Excluded felony offense" has the meaning as defined in NRS 453A and NRS 453D.

~~"Facility for the production of edible marijuana products or marijuana infused products" has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.~~

"Garage and/or Yard Sale" means the sale of personal property from a property upon which is located a residential dwelling unit. Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period do not require a business license.

"Gross receipts" means the total sum of receipts for all business conducted in the unincorporated area of Washoe County, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, place of delivery of the property sold, interest paid or payable, losses or other expenses whatsoever. "Gross receipts" does not include:

- (a) Receipts from the sale of intoxicating liquor or receipts from the operation of a gambling game or device;
- (b) Receipts from the sale of motor vehicle fuel;
- (c) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
- (d) Cash discounts allowed on sales; or
- (e) The part of the sales price of any property previously sold and returned by the purchaser to the seller, which part is refunded by the seller by way of cash or credit allowances. The amounts set forth in subsections 8(b)(1) to 8(b)(5), inclusive,

may be deducted from the business's gross receipts in determining the gross receipts for purposes of this section.

"Gross revenue" means gross receipts, as defined in this section, for marijuana, marijuana products, and/or marijuana paraphernalia.

"Home-based business" means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

"Internal review board" means a board of at least three persons that is convened by the sheriff to hear and decide appeals of an action of the sheriff pursuant to section 25.0454.

"Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage," and includes the four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

"License" means a revocable, limited-term grant of permission to operate a business within the County.

"License division" means the business license staff and code enforcement personnel of the department of community development services.

"Litter" means live offspring from one birth of a cat or dog.

"Marijuana" has the meaning as defined in NRS 453D.

~~"Marijuana cultivation facility" has the meaning~~ **means a medical marijuana cultivation facility as defined in NRS 453A and/or a marijuana cultivation facility as defined in NRS 453D. The and includes a business must be** licensed by both the Department and the County.

~~"Marijuana distributor" is defined in NRS 453D. The and means a business must be licensed by both the Department and the Washoe County to transport marijuana from a marijuana establishment to another marijuana establishment.~~

~~"Marijuana establishment" has the meaning as defined in NRS 453D; and also includes any medical marijuana establishment as defined in NRS 453A.~~

"Marijuana-infused products" has the meaning as defined in NRS 453A.

~~"Marijuana product manufacturing facility" has the meaning~~ **means a facility for the production of edible marijuana products or marijuana-infused products as defined in NRS 453A and/or a marijuana product manufacturing facility as defined in NRS 453D and. The includes a business must be** licensed by both the Department and the County.

"Marijuana products" has the meaning as defined in NRS 453D.

"Marijuana paraphernalia" has the meaning as defined in NRS 453D.

"Marijuana testing facility" ~~has the meaning~~ **means a medical marijuana independent testing laboratory as defined in NRS 453A and/or a marijuana testing facility as defined in NRS 453D.** ~~The and includes a business~~ **must be** licensed by both the Department and the County.

"Medical Marijuana" has the meaning as defined in NRS 453A.

~~"Medical marijuana cultivation facility" has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.~~

~~"Medical marijuana dispensary" has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.~~

~~"Medical marijuana establishment" has the meaning as defined in NRS 453A.~~

~~"Medical marijuana independent testing laboratory" has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.~~

"Mobile business" means a business that is not operated from a permanent structure and remains in any one location to operate for a maximum of 4 hours, in any 24 hour period, before moving to another location. Examples of mobile businesses include, but are not limited to, caterers and food/drink vendors.

"Outdoor community event" means an assembly of more than 100 and less than 1000 persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

"Outdoor festival" means an assembly of 1,000 or more persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

"Paraphernalia" has the meaning as defined in NRS 453A.

"Registration card" means a revocable, limited-term clearance to work in certain occupations or capacities within the County, issued by the sheriff to a natural person.

"Residential dwelling unit" means any building or portion thereof used for residential purposes with living facilities which include provisions for sleeping eating, cooking and sanitation as required by NRS and/or County Code.

"Retail marijuana store/~~medical dispensary~~" ~~has the meaning~~ means a licensed medical marijuana dispensary as defined in NRS 453A that may also be licensed to operate as a retail marijuana store as defined in NRS 453D. ~~The and includes a~~ business must be licensed by both the Department and the County.

"Work permit" means a revocable, limited-term grant of permission to work in certain occupations within the County, issued by the sheriff to a natural person, and is synonymous with "work card."

"Working day" or "work day" means a day when the offices of the license division are open to the public, and does not include legal holidays as defined in NRS 236.015.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 632, 817, 827, 1014, 1015, 1099, 1138, 1228, 1260, 1336, 1422, 1527, 1599, **XXXX**]

SECTION 2. Section 25.025 is hereby amended to read as follows:

25.025 General business license penalties; terms; fees; renewal; financial data.

1. Upon receiving an application for a business license, unless in the judgment of the license division the failure to pay was beyond the applicant's control, the license division shall add to the fees due under this chapter a penalty equal to 100 percent of the license fee due if:

(a) The applicant has commenced business prior to being issued a license; or

(b) Within the year prior to making the application, the applicant possessed a business license for the business which is the subject of the application and the applicant continued to conduct that business without timely renewing the former license within the maximum time limits set forth in section 25.0265.

2. Any license which is subject to the penalty provided in subsection 1 shall be effective on the date the applicant commenced business (if the penalty was imposed under subsection 1(a)) or on the date the previous business license expired (if the penalty was imposed under subsection 1(b)), and shall have a term of 1 year after that effective date.

3. All licenses shall have a term that expires on the anniversary date established in section 25.029 or on a specific date established in the license itself.

4. Except as provided in section 25.0255 for temporary businesses and as provided in sections 25.500 to 25.505, inclusive, all fees and charges for licenses shall be paid in advance in lawful money of the United States of America at the time application therefor is made to the license division.

5. Except as provided in sections 25.0255, 25.500 to 25.505, inclusive, and 25.026, every person who engages in, conducts or maintains any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, shall pay for and obtain a license to carry on such business according to the master business license fee schedule adopted by resolution by the Board.

6. A new business subject to the fees set forth in subsection 5 which has not completed its first fiscal year shall pay a fixed annual license fee of ~~\$75~~ **\$77.75, which includes the Regional Technology Fee established by resolution of the Board.** After the business has completed its first fiscal year, the business shall pay the fees set forth in subsection 5.

7. An applicant for renewal of a business license which is subject to a fee based on annual gross receipts must submit to the license division financial data indicating the annual gross receipts of the business in a form and manner and at a date acceptable to the license division. All financial data so submitted is hereby declared to be confidential and not a public record. This subsection does not restrict the license division, the sheriff or the county from using or disseminating such financial data in any criminal investigation or judicial or administrative proceeding.

~~8. As used in this section:~~

~~(a) "Annual gross receipts" means the sum of the gross receipts for the applicant's most recent fiscal year prior to the quarter for which the application is made.~~

~~(b) "Gross receipts" means the total sum of receipts for all business conducted in the unincorporated area of Washoe County, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, place of delivery of the property sold, interest paid or payable, losses or other expenses whatsoever. "Gross receipts" does not include:~~

~~(1) Receipts from the sale of intoxicating liquor or receipts from the operation of a gambling game or device;~~

~~(2) Receipts from the sale of motor vehicle fuel;~~

~~(3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;~~

~~(4) Cash discounts allowed on sales; or~~

~~(5) The part of the sales price of any property previously sold and returned by the purchaser to the seller, which part is refunded by the seller by way of cash or credit allowances. The amounts set forth in subsections 8(b)(1) to 8(b)(5), inclusive, may be deducted from the business's gross receipts in determining the gross receipts for purposes of this section.~~

9 8. In the case of a contractor or other person providing services, or a combination of goods and service, "gross receipts" includes **the total sum of** all receipts for goods and services sold or provided within the unincorporated area of Washoe County, but does not include the gross receipts of a subcontractor who is licensed under this chapter to do business in the unincorporated area of Washoe County. The amount of receipts of such a subcontractor may be subtracted from the contractor's gross receipts for purposes of this section if the contractor furnishes to the license division the name and address of each subcontractor and the amounts paid each subcontractor.

10 9. It is unlawful for any person to knowingly submit false financial data to the license division for purposes of obtaining a reduction of a business license fee.

[§7, Ord. No. 306; A Ord. Nos. 419, 522, 566, 575, 607, 629, 789, 817, 827, 1125, 1138, 1208, **XXXX**]

SECTION 3. Section 25.0267 is hereby amended to read as follows:

25.0267 Refunds.

1. Except where specifically prohibited pursuant to chapter 25 or 30, the license division may, upon receipt of a written request by an applicant or licensee, refund the license fee, less a service charge of \$25 and the amount of any penalties imposed under section 25.0265 **and, for a marijuana establishment licensed pursuant to sections 25.700 through and including 25.792 of this Chapter, any additional penalties imposed under section 25.732 of this Chapter, as follows:**

(a) If the application is withdrawn by the applicant.

(b) Except for a license issued pursuant to sections 25.4340 to 25.4347, inclusive, sections 30.101 to 30.330, inclusive, and sections 30.335 to 30.430, inclusive, of this code, if the licensee permanently ceases operation and surrenders the license within 45 days of receipt of an initial license or within 90 days of renewing a license.

(c) If the **licensee** ~~applicant~~ overestimated the license fee based on gross receipts **or, for a marijuana establishment licensed pursuant to sections 25.700 through and including 25.792 of this Chapter, the licensee overestimated the marijuana establishment license fee based on quarterly gross revenue.**

(d) As provided for in subsection 3 of section 25.3703.

2. The license division shall not process a request for a refund received more than 90 **calendar** days after the imposition of the fee. **For a marijuana establishment licensed pursuant to**

sections 25.700 through and including 25.792 of this Chapter, the license division shall not process a request for a refund received more than 60 calendar days after the imposition of the fee.

[§18, Ord. No. 1138; A ord. No. **XXXX**]

SECTION 4. Section 53.185 is hereby amended to read as follows:

53.185 Possession of one ounce or less of marijuana by persons under the age of 21 prohibited; penalties.

1. As used in this section:

(a) Marijuana has the meaning ascribed to it in NRS 453.096.

(b) Court means a justice court in Washoe County in which a fine is imposed for a violation of subsection 2 of this section.

2. A person **under the age of 21** shall not knowingly or intentionally possess one ounce or less of marijuana unless the marijuana was obtained directly from, or pursuant to, a prescription of a physician, osteopathic physicians assistant, physicians assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

3. A person who violates the provisions of subsection 2 of this section is guilty of a misdemeanor and upon conviction shall be punished:

(a) For the first offense:

(1) By a fine of not more than \$600.00; or,

(2) Shall be examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense:

(1) By a fine of not more than \$1,000.00 or

(2) Shall be assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

4. Fines imposed by a court pursuant to subsection 3 of this section shall be remitted monthly to the County Treasurer and shall be placed in a special account. Money in the account may only be disbursed when requested by the court and must be evenly allocated by the Treasurer among:

(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and

(c) Local law enforcement agencies, in a manner determined by the court.

[§1, Ord. No. 1306 eff. 7-7-06; A ord. No. **XXXX**]

SECTION 5. Table 110.302.05.3 is hereby amended to read as follows:

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products Marijuana Product Manufacturing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory Marijuana Testing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary Retail Marijuana Store / Medical Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Marijuana Distributor	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		

Convenience	--	--	--	S ₂	A	A	A	A	--	--	--	--	--						
Specialty Stores	--	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

SECTION 6. Section 110.304.25 is hereby amended to read as follows:

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

- (a) Administrative Offices. Administrative offices use type refers to offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including travel, secretarial services, telephone answering, photocopying and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
- (b) Adult Characterized Business. Adult characterized business use type refers to uses defined in Washoe County Code, Chapter 25.
- (c) Animal Sales and Services. Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 330, Domestic Pets and Livestock. The following are animal sales and services use types:
 - (1) Commercial Kennels. Commercial kennels refers to kennel services for dogs, cats and similar animals. Typical uses include commercial animal breeding with four (4) or more animals (dogs), boarding kennels, pet

motels, or dog training centers. Commercial kennels require a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located.

- (2) Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.
 - (3) Grooming and Pet Stores. Grooming and pet stores refers to grooming or selling of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, or pet stores and shops.
 - (4) Pet Cemeteries. Pet cemeteries refers to services involving the preparation of dead animals for burial and the keeping of animal bodies on cemetery grounds as well as cremation of dead animals. Regardless of the regulatory zone in which it is located, a pet cemetery must be located on a parcel at least two-and-one-half (2.5) acres in size. Cremation of dead animals shall take place in an area designated only for the cremation of pets and which complies with any applicable federal or state statute or regulation or local ordinance.
 - (5) Veterinary Services, Agricultural. Veterinary services, agricultural refers to veterinary services specializing in the care and treatment of large animals. Veterinary services for small animals including pet clinics, dog and cat hospitals, or animal hospitals may be included to provide full veterinary services. Veterinary services, agriculture requires a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located. Typical uses include veterinary offices for livestock.
 - (6) Veterinary Services, Pets. Veterinary services, pets refers to veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.
 - (7) Dog Training Services. Dog training services use type means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training classes.
- (d) Automotive and Equipment. Automotive and equipment use type refers to establishments or places of business

primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

- (1) Automotive Repair. Automotive repair refers to repair of automobiles and the sale, installation and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages or automobile glass shops.
- (2) Automotive Sales and Rentals. Automotive sales and rentals refers to on-site sales and/or rentals of automobiles, non-commercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.
- (3) Cleaning. Cleaning refers to washing and polishing of automobiles. Typical uses include automobile laundries or car washes.
- (4) Commercial Parking. Commercial parking refers to parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Commercial parking is that which is not designated for any identified use. Typical uses include commercial parking lots or garages.
- (5) Equipment Repair and Sales. Equipment repair and sales refers to repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc.; the sale, installation and servicing of automobile equipment and parts; and body repair, painting and steam cleaning. Typical uses include truck transmission shops, body shops, storage of manufactured homes, motor freight maintenance groups or agricultural equipment sales.
- (6) Fabricated Housing Sales. Fabricated housing sales refers to the sales of new and used modular housing, manufactured homes and/or mobile homes; and ancillary minor repair of modular housing, manufactured homes and/or mobile homes sold from the same location as the new or used units. Typical uses include mobile homes sales lots and minor repairs of units sold on site that do not include changes in walls and do not include changes in undercarriage plumbing or support systems.
- (7) Storage of Operable Vehicles. Storage of operable vehicles refers to storage of operable vehicles, recreational vehicles and boat trailers. Typical uses

include storage areas within personal storage facilities and storage yards for commercial vehicles.

- (8) Truck Stops. Truck stops refers to businesses engaged in the sale of fuel and lubricants primarily for trucks, routine repair and maintenance of trucks, and associated uses such as selling food and truck accessories.
- (e) Building Maintenance Services. Building maintenance services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.
- (f) Commercial Centers. Commercial centers use type refers to a group of unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit. The following are commercial center use types:
- (1) Neighborhood Centers. Neighborhood centers refers to sales of convenience goods (foods, drugs and sundries) and personal services, those which meet the daily needs of an immediate neighborhood trade area. A neighborhood center typically includes convenience retail and services a population of 2,500 to 40,000 people, typically has a service area radius of one-half to one-and-one-half miles, and has a typical range of 15,000 to 50,000 square feet of gross leasable area.
- (2) Community Centers. Community centers refers to shopping establishments containing some services of the neighborhood center plus other services providing a greater depth and range of merchandise than contained in the neighborhood center. A community center may be built around a department store or a variety store as the major tenant. A community center generally serves a trade area population of 40,000 to 50,000 people, typically has a service area radius of one to three miles, and has a typical range of 50,000 to 150,000 square feet of gross leasable area.
- (3) Regional Centers. Regional centers refers to centers that provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. They usually are built around more than one department store. Typical design uses the pedestrian mall, either open or enclosed, as a connector between major anchor stores. A regional center serves as a major commercial center for the

entire region and typically has more than 150,000 square feet of gross leasable area.

- (g) Commercial Educational Services. Commercial educational services use type refers to educational services provided by private institutions or individuals with the primary purpose of preparing students for jobs in trade or profession. Typical uses include business and vocational schools, music schools and hair styling schools.
- (h) Commercial Recreation. Commercial recreation use type refers to commercial establishments or places of business primarily engaged in the provision of sports, entertainment or recreation for participants or spectators. The following are commercial recreation use types:
- (1) Commercial Campground Facilities/RV Park. Commercial campground facilities/RV park refers to areas and services for two (2) or more campsites, accommodating camping vehicles and tents, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.
 - (2) Destination Resorts. Destination resorts refers to commercial enterprises for recreation that can include lodging. Typical uses include ski resorts, dude ranches, and hunting and fishing lodges.
 - (3) Indoor Entertainment. Indoor entertainment refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
 - (4) Indoor Sports and Recreation. Indoor sports and recreation refers to predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts and athletic clubs.
 - (5) Limited Gaming Facilities. Limited gaming facilities refers to establishments which contains no more than fifteen (15) slot machines (and no other game or gaming device) where the operation of the slot machine is incidental to the primary business of the establishment.
 - (6) Marinas. Marinas refers to docking, storage, rental and minor repair of recreational and fishing boats. Typical uses include recreational boat marinas and boat rental establishments.

- (7) Outdoor Entertainment. Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.
- (8) Outdoor Sports and Recreation. Outdoor sports and recreation refers to predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools and tennis courts.
- (9) Outdoor Sports Club. Outdoor sports club refers to sports clubs using agricultural land or open space for hunting, shooting or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges.
- (10) Unlimited Gaming Facilities. Unlimited gaming facilities refers to an establishment which contains fifteen (15) or more electronic gaming devices or operation of other gaming devices as authorized by the State of Nevada.
- (i) Communication Facilities. Communication facilities use type refers to establishments primarily engaged in the transmission and/or receiving of electromagnetic waves. Typical uses include television stations, radio stations, satellite dishes, antennas and wireless communication facilities. Refer to Article 324, Communication Facilities, for subcategories of communication facilities.
- (j) Construction Sales and Services. Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.
- (k) Continuum of Care Facilities, Seniors. Continuum of care facilities for seniors use type refers to establishments that provide range housing, activities and health services to allow for adults to age in place. Residential density and parking standards shall be determined in the special use permit process; all other development standards shall apply. Facilities may include independent living, assisted living, nursing care, and hospice care as well as accessory

housing for staff, and medical facilities and services for residents.

- (l) Convention and Meeting Facilities. Convention and meeting facilities use type refers to establishments which primarily provide convention and meeting facilities. Typical uses include convention facilities and wedding chapels.
- (m) Data Center. Data Center use type refers to establishments or places of business primarily engaged in the storage/housing of equipment, such as computers, servers, switches, routers, data storage devices, and related equipment for the purpose of storing, managing, processing, and exchanging of digital data and information.
- (n) Eating and Drinking Establishments. Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:
 - (1) Convenience. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and beverages, have a short customer turnover rate (typically less than one hour), and may include sales of alcoholic beverages. Typical uses include drive-in and fast-food restaurants, ice cream parlors, sandwich shops and delicatessens.
 - (2) Full Service. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.
- (o) Financial Services. Financial services use type refers to establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and check cashing facilities.
- (p) Funeral and Interment Services. Funeral and interment services use type refers to provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:
 - (1) Cemeteries. Cemeteries refers to undertaking services and services involving the keeping of bodies provided

on cemetery grounds. Typical uses include crematoriums, mausoleums and columbariums.

- (2) Undertaking. Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (q) Gasoline Sales and Service Stations. Gasoline sales and service stations use type refers to retail sales of petroleum products from the premises of the establishment and incidental sale of tires, batteries, replacement items, lubricating services and minor repair services. Typical uses include automobile service stations.
- (r) Helicopter Services. Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:
- (1) Heliport. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings, and open space.
- (2) Helistop. Helistop refers to areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.
- (s) Liquor Manufacturing. Liquor manufacturing refers to the brewing, distillation, making, and/or manufacture of intoxicating liquors on the premises of the establishment. The resulting liquor products may be sold at retail to the public for on-site consumption and/or for off-site consumption. The liquor products may also be sold to licensed importer and/or wholesaler liquor dealers, with or without sales to the public. Liquor manufacturing may be in conjunction with another commercial use type, such as a full service eating and drinking establishment. Typical uses include brew pubs, breweries, craft distilleries, and wine makers.
- (t) Liquor Sales. Liquor sales use type refers to retail sales of alcoholic beverages, as defined in Chapter 30 of County Code (Intoxicating Liquor and Gaming Licenses and Regulations), to the public. The following are liquor sales use types:

- (1) Off-Premises. Off-premises refers to the retail sale of alcoholic beverages to the public for off-site consumption, but excludes uses classified under the retail sales use type. Typical uses include stores that sell packaged liquor.
- (2) On-Premises. On-premises refers to the retail sale of alcoholic beverages to the public for on-site consumption, but excludes uses classified under the eating and drinking establishments use type. Typical uses include bars, taverns, cabarets, and casino service bars.
- (u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:
 - (1) Bed and Breakfast Inns. Bed and breakfast inns refers to single family dwellings with guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.
 - (2) Condominium Hotel. Condominium hotel refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing, and when the hotel rooms are owned as separate real estate; and the remainder of the property including amenities, open space, etc. is either owned in common by the hotel room owners and managed by an association, or owned by a separate entity in which a fee for use of the amenities, open space, etc. may or may not be charged the hotel room owners.
 - (3) Hostels. Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.
 - (4) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.
 - (5) Vacation Time Shares. Vacation time shares refers to real properties that are subject to a time share program.
- (v) ~~Medical Marijuana Establishments.~~ ~~Medical~~ **A** marijuana establishment ~~use type~~, as defined **and authorized** by NRS

453A and NRS 453D, refers to commercial establishments, facilities, or places of business primarily engaged in the cultivation, production, acquisition, **testing**, supply, sale or distribution of ~~medical~~ marijuana products and related supplies and services, **either for medical or adult recreational use**. All ~~medical~~ marijuana establishments must be ~~registered and/or certified with the State Division of Public and Behavioral Health of the Department of Health and Human Services "Division"~~ **licensed by the Department of Taxation ("Department")**. A business may ~~register~~ **be licensed** with the ~~Division~~ **Department** to act as more than one of the ~~medical~~ marijuana establishment use types listed below in subsections one (1) through ~~four (4)~~ **Five (5)**. The following are ~~medical~~ marijuana establishment use types:

- (1) ~~Medical Marijuana Cultivation Facility.~~ **Medical A** ~~marijuana cultivation facility, as defined by NRS 453A and/or 453D, refers to a business that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to medical marijuana dispensaries, facilities for the production of edible marijuana products or marijuana infused products, or other cultivation facilities licensed as either a medical marijuana cultivation facility or as a marijuana cultivation facility, or both, which is authorized to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.~~
- (2) ~~Facility for the Production of Edible Marijuana Products or Marijuana infused Products~~ **Marijuana Product Manufacturing Facility.** ~~Facility for the production of edible marijuana products or marijuana-infused products~~ **A marijuana product manufacturing facility,** as defined by NRS 453A and/or 453D, refers to a business that acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible ~~marijuana products or marijuana infused products to medical marijuana dispensaries~~ **licensed as a facility for the production of edible marijuana products or marijuana-infused products, and/or as a marijuana product manufacturing facility, which is authorized to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.**

- (3) ~~Independent Testing Laboratory~~ **Marijuana Testing Facility.** ~~Independent testing laboratory~~ **A marijuana testing facility,** as defined by NRS 453A and/or 453D, refers to ~~private, and independent testing laboratories to test marijuana, edible marijuana products and marijuana infused products that are to be sold in the State of Nevada~~ **a business licensed as a medical marijuana independent testing laboratory and/or as a marijuana testing facility,** which is authorized to test marijuana and marijuana products, including for potency and contaminants.
- (4) ~~Medical Retail Marijuana Store / Medical Dispensary.~~ **Medical A retail marijuana store / medical dispensary,** as defined by NRS 453A and/or 453D, refers to a business that ~~acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card issued by the Division~~ **licensed as either a medical marijuana dispensary or as a retail marijuana store, or both,** which is authorized to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers. In order to operate as a retail marijuana store / medical dispensary for adult recreational use, the business must retain State licensure as a medical marijuana dispensary to continue business operations in the unincorporated County.
- (5) **Marijuana Distributor.** A marijuana distributor, as defined by NRS 453D and WCC 25.708(2), refers to a business licensed to transport marijuana from a marijuana establishment to another marijuana establishment. A marijuana distributor license provides for the transport of both medical and recreational (adult use) marijuana, marijuana products and/or marijuana paraphernalia to marijuana establishments located within the unincorporated County.
- (a) A retail marijuana store / medical dispensary is not required to obtain a marijuana distributor license to transport marijuana or marijuana products directly to consumers.
- (b) Marijuana distributors will only transport marijuana, marijuana products and/or marijuana paraphernalia following the provisions of NRS Chapter 453D and NAC Chapter 453D.

- (c) Wholesale intoxicating liquor dealers licensed pursuant to NRS Chapter 369 applying for a marijuana distributor license must possess a valid and current County Importer / Wholesaler intoxicating liquor license.
- (d) A marijuana distributor business is not allowed as a home-based business.
- (w) Medical Services. Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.
- (x) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:
- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
 - (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.
- (y) Personal Services. Personal services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.
- (z) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.
- (aa) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.

- (bb) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
- (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (cc) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (dd) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
- (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.

- (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (ee) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.
- (ff) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.
- (gg) Winery. The Winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass, on its premises, wine produced, blended, or aged on site by the winery subject to any limitations set forth in NRS 597.240.

A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Wine making in the urban, commercial or industrial regulatory zones, or in conjunction with the manufacture of other types of intoxicating liquor, is classified as Liquor Manufacturing, a separate Commercial Use Type. Any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30 of this Code. The business license application process for an allowed winery shall include the noticing of all adjacent property owners within 500 feet of the subject parcel, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division which have an interest in the subject parcel, and any properties that share a privately maintained access

road to the subject parcel. Review and approval of a business license application to establish a winery shall include, at a minimum, review by the Washoe County Health District, the fire department of jurisdiction, and any General Improvement District with jurisdiction.

Winery with Special Events. Except in the Suburban Residential regulatory zone, a winery approved through an Administrative Permit may include, as part of the Administrative Permit application, provisions for conducting recurring special events as ancillary uses to the principal Winery use. "Special event" means an assembly of less than 100 persons on any one day of the event. Such recurring special events may include, but are not limited to, weddings, tours, promotional events, entertainment (indoor or outdoor), wine and food pairings, and craft fairs. Recurring special events proposed in conjunction with a Winery use must be included in the Administrative Permit application authorizing the Winery use. New or amended proposals for special events shall require either an amendment to the existing Administrative Permit (i.e. Amendment of Conditions) or a separate application for a Temporary Special Event Business License pursuant to Chapter 25 of this Code through the Business License division.

SECTION 7. Table 110.410.10.3 is hereby amended to read as follows:

Table 110.410.10.3 (continued)

OFF-STREET PARKING SPACE REQUIREMENTS (Commercial Use Types)
(See Section 110.410.10 for explanation)

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Lodging Services			
Bed and Breakfast Inns		1	1 per room
Hostels		1	.25 per bed
Hotels and Motels		1	1 per room
Vacation Time Shares			1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport

Medical Marijuana Establishments			
Medical Marijuana Cultivation Facility		1	
Facility for the Production of Edible or Infused Marijuana Products Marijuana Product Manufacturing Facility		1	
Independent Testing Laboratory Marijuana Testing Facility		1	
Medical Retail Marijuana Store / Medical Dispensary	35	1	
Medical Services	5	1	
Nursery Sales			
Retail	3	1	
Wholesale	3	1	
Personal Services	4		
Personal Storage		1	1 loading space per unit, internal access drives may be used
Professional Services	4	1	
Recycle Center			
Full Service Recycle Center	3	1	
Remote Collection Facility			3 spaces per collective device
Residential Hazardous Substance Recycle Center	3	1	
Repair Services, Consumer	2.5	1	
Retail Sales			
Comparison Shopping Centers	3	1	
Convenience	5	1	
Specialty Stores	3	1	
Secondhand Sales	2.5	1	
Transportation Services		1	

SECTION 8. Section 25.700, Medical marijuana establishments, as previously adopted, is hereby repealed and proposed for replacement in its entirety by the text provided in Sections 3 through 26 of this Ordinance.

SECTION 9. Section 25.700 of the Washoe County Code is hereby added to read as follows:

Marijuana Establishments

25.700 Purpose and limitations.

1. Sections 25.700 through and including 25.792 shall be known, collectively, as the Washoe County Marijuana Establishments ("ME") Code. This ME Code is meant to implement the provisions of NRS Chapters 453A and 453D. This ME Code shall be interpreted consistently with NRS Chapters 453A and 453D; and, to the extent of any conflicts between NRS Chapters 453A and 453D and this ME Code, NRS Chapters 453A and 453D controls.

2. Nevada Constitution Article 4, Section 38 requires the State of Nevada legislature to authorize the use of medical marijuana by a patient, upon the advice of their physician, and to authorize appropriate methods for the supply of medical marijuana to patients authorized to use it. NRS Chapter 453A was amended by the 2013 Nevada legislature to provide for the licensing, taxation and regulation of medical marijuana establishments.

3. NRS Chapter 453D, Regulation and Taxation of Marijuana, was added to State Law by an initiative petition and approved by the voters at the 2016 Nevada State General Election. This NRS Chapter provides for licensing, taxation and regulation of adult use (recreational) marijuana establishments in the State of Nevada.

4. Department licenses are authorized in NRS Chapter 453A and regulated within NAC Chapter 453A for medical marijuana establishments. Department licenses are likewise authorized in NRS Chapter 453D and regulated within NAC Chapter 453D for marijuana establishments.

5. To the extent that marijuana establishments are certified or licensed, and authorized, by the State, the purpose of this ME Code is to license and regulate them in unincorporated Washoe County to protect the public health and safety and general welfare of the citizens of Washoe County.

6. The use, cultivation, distribution, production, possession and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nevada and federal law. Nothing in this ME Code is intended to authorize, promote, condone or aid the production, distribution, or possession in violation of any applicable law. The issuance of a marijuana establishment license does not imply that operating a marijuana establishment

is legal under other applicable laws; nor does it authorize or sanction the violation of any applicable law.

7. This ME Code is to be construed to protect the public interests over marijuana business interests. Operation of a marijuana establishment is a revocable privilege (NRS 453A.320) and not a right in the County. There is no property right for an individual or business to have marijuana within the County. Any operator of a marijuana establishment assumes full risk of the revocation of the privilege pursuant to applicable law, regardless of any investment-backed expectations or other expenditures of time or resources by the operator prior to or during operation of the business.

[\$9, Ord. No. XXXX]

SECTION 10. Section 25.704 of the Washoe County Code is hereby added to read as follows:

25.704 License required; separate license for other business activities; unlawful for public consumption or use in any business or at an event; giving away marijuana without remuneration; separate business license required; other license or permit requirements.

1. It shall be unlawful for any person to operate a marijuana establishment in the unincorporated portions of Washoe County without first obtaining a license to operate pursuant to the requirements of this chapter. Each marijuana establishment must have a separate license to operate as required under this ME Code.

2. It shall be unlawful for any business to permit or allow any public use or consumption of marijuana or marijuana products on or within any business licensed pursuant to Chapters 25 and/or 30 of this code.

3. It shall be unlawful for any license holder to permit or allow any public use or consumption of marijuana or marijuana products on or at any special event or outdoor entertainment event licensed or permitted pursuant to Chapter 25 or Chapter 110 of this code.

4. To the extent provided in NRS 453D.110, it shall be lawful under this chapter to give away or otherwise deliver without remuneration an ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana, to a person 21 years of age or older provided that the transaction is not advertised or promoted to the public. Giving away or otherwise delivering marijuana without remuneration means that no value is exchanged between or for the benefit of the person or entity giving away or otherwise

delivering the marijuana and the person or entity receiving the marijuana in connection with or in any way related to the marijuana. This includes but is not limited to 'disguised' or 'delayed' exchanges in which marijuana is purportedly given away or otherwise delivered in connection with or in any way related to the exchange of value of any kind for other goods or services.

5. Any other business activities at a marijuana establishment require a separate business license, and the payment of the associated license fees, as set forth in this chapter.

6. The license requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

7. A license issued pursuant to this ME Code does not provide any exception, defense or immunity from other laws, nor does it create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana.

[\$10, Ord. No. XXXX]

SECTION 11. Section 25.708 of the Washoe County Code is hereby added to read as follows:

25.708 Types of marijuana establishment licenses. There are five types of marijuana establishment licenses as authorized in this ME Code. Each type is defined in Section 25.013 of this chapter and is listed below as follows:

1. Marijuana cultivation facility. A marijuana cultivation facility may be licensed as a medical marijuana cultivation facility and/or as a marijuana cultivation facility.

2. Marijuana distributor. A marijuana distributor license provides for the transport of both medical and recreational (adult use) marijuana, marijuana products and/or marijuana paraphernalia to marijuana establishments located within the unincorporated County.

(a) A retail marijuana store/medical dispensary is not required to obtain a marijuana distributor license to transport or deliver marijuana or marijuana products directly to consumers.

(b) Marijuana distributors will only transport marijuana, marijuana products and/or marijuana paraphernalia following the provisions of NRS Chapter 453D and NAC Chapter 453D.

(c) Wholesale intoxicating liquor dealers licensed pursuant to NRS Chapter 369 applying for a marijuana distributor license

must possess a valid and current County Importer/Wholesaler intoxicating liquor license pursuant to Chapter 30 of this code.

(d) A marijuana distributor business is not allowed as a home-based business as enabled by sections 25.4421 through 25.4426 of this Chapter.

3. Marijuana product manufacturing facility. A marijuana product manufacturing facility may be licensed as a facility for the production of edible marijuana products or marijuana-infused products and/or as a marijuana product manufacturing facility.

4. Marijuana testing facility. A marijuana testing facility may be licensed as a medical marijuana independent testing laboratory and/or as a marijuana testing facility.

5. Retail marijuana store/medical dispensary. A retail marijuana store/medical dispensary is a licensed medical marijuana dispensary that may also be licensed as a retail marijuana store. In order to operate as a retail marijuana store/medical dispensary, the business must retain State licensure as a medical marijuana dispensary to continue business operations in the unincorporated County.

[\$11, Ord. No. XXXX]

SECTION 12. Section 25.712 of the Washoe County Code is hereby added to read as follows:

25.712 Application requirements. In addition to the requirements of sections 25.017 and 25.0251 of this chapter, each application for a marijuana establishment license shall include:

1. The marijuana establishment license application fee as set forth in the master business license fee schedule adopted by the Board. Fees for inspections required as part of the license issuance process shall be paid to the appropriate agency. Each type of marijuana establishment requires a separate application.

2. A copy of the current and valid Department provisional or issued license, as appropriate, for a medical marijuana establishment and/or a marijuana establishment

3. A copy of the application submitted to the Department for the medical marijuana establishment; and/or, the application submitted to the Department for the marijuana establishment. The application or applications must be for the same type of marijuana establishment as submitted to the County. The following elements, subsections (a) through (e) inclusive, are not required to be submitted to the County:

(a) Documentation from a financial institution demonstrating the amount and source of liquid assets;

(b) Evidence of taxes or other beneficial financial contributions made to the State of Nevada or its political subdivisions;

(c) A narrative demonstrating past experience working with government agencies, community involvement, operating other businesses or non-profit organizations, and knowledge or experience with respect to the compassionate use of marijuana;

(d) Resumes; and

(e) A financial plan, including resources of the applicant, sources of funds, amount of funds available, and detailed budgets.

4. A description of the premises proposed to be licensed, stating the street and number, assessor's parcel number, and portion of the building to be occupied.

5. The type of marijuana establishment that the applicant proposes to carry on, conduct or operate on the described premises.

6. If the application is for a marijuana distributor license:

(1) The location of the business office where business records, to include transportation records as required by the Department, will be kept;

(2) The location where the business will store delivery vehicles; such location may require additional County permits if the vehicles are stored on property within the unincorporated County; and,

(3) The location where undelivered marijuana, marijuana products and/or marijuana paraphernalia will be stored.

Applications for marijuana distributor business office locations outside of the unincorporated County do not need to provide the site plan information required in subsection 10.

7. A consent form signed by the applicant authorizing the release to (1) any agencies performing any components of the review of the application, and (2) except for the security plan and any and all personal identifying information and other information specifically made confidential by law, the public upon request, and acknowledging that except as otherwise provided by law all application information and information on any future Washoe County marijuana establishment licenses issued to, or renewed by, the marijuana establishment will remain a public record.

8. The name or names of on-site managers who will be contacted in case of emergencies or required inspections.

9. A list of persons associated with the marijuana establishment who have received, or will request, a marijuana establishment agent registration card from the Department.

10. A site plan with the following:

(a) Name of the marijuana establishment.

- (b) Site address and assessor's parcel number.
- (c) The Washoe County regulatory zone for the parcel.
- (d) Proposed employee, public and business vehicles parking plan (as appropriate).
- (e) For a retail marijuana store/medical dispensary only, elevation drawings or photographs of the proposed building which demonstrate that the building is consistent with the traditional style of pharmacies and medical offices of the adjacent community.
- (f) A certificate, signed by the applicant and attested, that demonstrates the distance requirements of Section 25.720 of this ME Code have been met. The certificate shall state the physical address and assessor's parcel number of each lot and the use or uses within each building, or the use of a parcel if there is no building, within 1,000 feet of the building containing the proposed marijuana establishment.

The Washoe County planning program shall determine compliance with County Codes for subsections (c), (d), (e), and (f).

11. A plan that complies with existing Washoe County health district regulations governing air quality for the marijuana establishment that prevents or controls any dust, fumes, vapors, or odor of marijuana off the premises of the establishment.

12. If the applicant is not the property owner, a copy of the lease, rental agreement, license, or authorization letter from the property owner acknowledging and giving permission for the proposed use of the property as a marijuana establishment, and the name, mailing address, physical business address, and business telephone number of the property owner.

13. A security plan, including but not limited to, the following matters:

- (a) A safety plan detailing safety measures and actions to be taken for the public and/or employees in the case of emergencies or criminal activity. The safety plan shall include, at a minimum, the appropriate safety provisions from the most recently adopted International Fire Code.

- (b) Information detailing the location and handling of the storage, loading and unloading, and disposal of marijuana and marijuana products.

- (c) Hours of operation for public access to the retail marijuana store/medical dispensary, if applicable. Hours of operation cannot exceed the limitations established in Section 25.760 of this ME Code.

- (d) A plan for how employees and customers enter, exit and move within the building, to include entrances and/or exits which are secured for employee use only.

- (e) A plan on the handling and storage of money in the physical form of currency, such as banknotes and coins.

(f) A statement describing what business and marijuana related activities will occur on the site. If the application is for a retail marijuana store/medical dispensary, a description of the products and/or services to be provided to the public.

(g) For an existing building, any physical changes to the interior or the exterior of the building. No proposed physical changes to the building are allowed until approved by the appropriate County departments or other public agencies.

(h) A description of all toxic, flammable or other materials regulated by a federal, state or local government with authority over the business that will be used or kept at the marijuana establishment, the location of such materials, how such materials will be stored, and how such materials will be used. The Truckee Meadows Fire Protection District or the North Lake Tahoe Fire Protection District Fire Marshall shall review the application submission, as applicable, for compliance with local, state and federal regulations.

(i) The name and location of any off-site medical marijuana cultivation facilities, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products, and/or marijuana product manufacturing facilities providing the marijuana, if applicable. The name and location of the medical marijuana independent testing laboratory and/or marijuana testing facility providing laboratory service, if applicable.

Except as otherwise required by law, the security plan as submitted to the County is deemed to be a confidential document for sole use by the licensing division and reviewing agencies as set forth in section 25.740 of this ME Code, and is not a public record.

[\$12, Ord. No. XXXX]

SECTION 13. Section 25.716 of the Washoe County Code is hereby added to read as follows:

25.716 Application requirements for a licensed medical marijuana establishment and/or temporary marijuana establishment.

1. A marijuana establishment possessing a valid and current Washoe County medical marijuana establishment and/or temporary marijuana establishment license and applying for a marijuana establishment license pursuant to this ME Code shall provide the following:

(a) A copy of the current Washoe County medical marijuana establishment and/or temporary marijuana establishment license; and,

(b) A copy of the most recent permanent and provisional marijuana establishment licenses issued by the Department pursuant to NRS Chapter 453D; and,

(c) A copy of the most recent Department inspections of the marijuana establishment; and,

(d) A complete and detailed description of any changes or modifications made to the interior and/or exterior of the building containing the marijuana establishment since the issuance of the Washoe County medical marijuana establishment license.

2. The application shall not include the requirements outlined in section 25.712 of this ME Code.

(a) If the property ownership has changed since the original issuance of the Washoe County medical marijuana establishment and/or temporary marijuana establishment license, then each new property owner, partner, officer, director, shareholder, manager, or other natural person having some form of ownership and control of the property shall undergo a criminal history inquiry pursuant to section 25.724 of this ME Code.

3. The distance restrictions included in section 25.720 of this ME Code are determined as of the date when the marijuana establishment first received a Washoe County medical marijuana establishment license or Washoe County temporary marijuana establishment license, whichever date is earlier.

4. The license division shall coordinate a review of the application following the provisions of section 25.740 of this ME Code. Reviewing County departments and other public agencies shall, at a minimum, conduct such inspections as required, to include operational inspections, to validate that the marijuana establishment meets the requirements of this ME Code and of all public health and safety and other applicable requirements.

5. The license division may issue the marijuana establishment license after all the provisions of section 25.740, and of this ME Code as applicable, are satisfied.

[\$13, Ord. No. XXXX]

SECTION 14. Section 25.720 of the Washoe County Code is hereby added to read as follows:

25.720 Location; distance restrictions; location in a permanent building; delivery to a consumer; outdoor cultivation prohibited.

1. Marijuana establishments may be located in the unincorporated County in conformance with Article 302 of Chapter 110 of this Code.

2. A marijuana establishment may not be located:

(a) Within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12, or

(b) Within 300 feet of a community facility.

(c) For purposes of this ME Code, the distance restrictions for the uses enumerated in subsections (a) and (b) apply as follows:

(1) For a marijuana establishment possessing a valid and current Washoe County medical marijuana establishment and/or a temporary marijuana establishment license prior to April 20, 2018, the use must have been established prior to the date when the marijuana establishment first received a Washoe County medical marijuana establishment license or Washoe County temporary marijuana establishment license, whichever date is earlier.

(2) For applications for new marijuana establishment licenses received by the County after April 20, 2018, the use must have been established prior the date on which the application for the proposed marijuana establishment was submitted to the County.

(d) For purposes of this ME Code, the measurement between the marijuana establishment and the uses enumerated in subsections (a) and (b) above shall be measured by a straight line from the front door of the proposed marijuana establishment to the closest point of the property line of a school or community facility.

3. A marijuana establishment shall be located in a permanent building that meets Washoe County code for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.

4. Delivery of marijuana or marijuana products directly to a consumer by a retail marijuana store/medical dispensary must adhere to the provisions of NRS Chapter 453D and NAC Chapter 453D regulating such delivery.

5. Outdoor cultivation is prohibited within the unincorporated portions of the County.

[\$14, Ord. No. XXXX]

SECTION 15. Section 25.724 of the Washoe County Code is hereby added to read as follows:

25.724 Criminal history inquiries of property owners and related fees.

1. In conjunction with a marijuana establishment license application, each partner, officer, director, shareholder, manager, or other natural person having some form of ownership and control over the property on which the marijuana establishment will be located, and who is not an applicant for the license, must undergo a criminal history inquiry as allowed by law. Within 14 calendar days of filing a complete marijuana establishment license application with the license division, each person required to undergo a criminal history inquiry shall present himself to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the license as may be required by the sheriff or the license division. Such questions shall include social security number and date of birth.

2. Each person required to undergo a criminal history inquiry shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for an FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine if a criminal history record exists for the person.

3. The sheriff may charge a reasonable fee or service charge, which must be paid in advance, for the criminal history inquiry or local police records review done by the sheriff pursuant to this ME Code. Additional fees or service charges may be charged where circumstances mandate a more extensive inquiry than is normally required. A list of fees set by the sheriff for criminal background inquiries shall be posted by the sheriff in a place of clear public view.

4. The sheriff's officer or employee charged with the duty of making the inquiry shall determine whether the person undergoing the criminal history inquiry has any criminal convictions that would disqualify an applicant for a Department license for a medical marijuana establishment pursuant to NRS 453A and/or for a marijuana establishment pursuant to NRS 453D, as amended, and this ME Code, and make a report thereon to the license division.

5. No marijuana establishment license application can be approved until the criminal history inquiry results required from this section are reported to the license division. An application may be denied if a partner, officer, director, shareholder, manager, or other natural person having some form

of ownership and control over the property on which the marijuana establishment is located has been convicted of an excluded felony offense.

[\$15, Ord. No. XXXX]

SECTION 16. Section 25.728 of the Washoe County Code is hereby added to read as follows:

25.728 Fees; submission of financial data to license division; unlawful to submit false data; fee deemed a debt due to the County; refunds.

1. Except as otherwise provided in this ME Code, marijuana establishment license fees are payable in full no later than 15 calendar days after the start of each calendar quarter in an amount equal to the fees and payment schedule set forth in the master business license fee schedule as adopted by the board.

2. The cost recovery fee established in section 25.772 of this ME Code is deemed a fee within this section and subject to collection, debt due and refunds of this section.

3. The failure to submit the financial data required by this ME Code or the submission of false financial data is grounds for denial, revocation, or nonrenewal of a marijuana establishment license.

4. It is unlawful for any person to knowingly submit false financial data to the license division.

5. The marijuana establishment license fee imposed by the Board is deemed a debt due the County from and against any person who commences, carries on, engages in or conducts the business of a marijuana establishment for which such a license is required, and such person is liable in a civil action in the name of the County as plaintiff, in any court of competent jurisdiction, for the recovery of the amount of the license fee, penalties and for the cost of suit.

6. The refund provisions of section 25.0267 of this chapter apply to marijuana establishment licenses issued pursuant to this ME Code.

[\$16, Ord. No. XXXX]

SECTION 17. Section 25.732 of the Washoe County Code is hereby added to read as follows:

25.732 Penalties for delinquent license fees; revocation after lapse of 60 calendar days if payment not received; no reinstatement after lapse of 90 calendar days. All marijuana

establishment licenses become delinquent if not paid in full within 60 calendar days after the quarterly due date.

1. If payment is made after 15 calendar days and before 60 calendar days after the quarterly due date, then 25 percent of the license fee owed shall be additionally assessed as a penalty charge.

2. All marijuana establishment licenses for which the license fees have not been paid within 60 calendar days after the quarterly due date shall be deemed revoked.

(a) Any such revoked license shall not be reinstated until the 25 percent penalty fee from subsection 1 and a reinstatement fee of 15 percent of the license fee owed have been paid in addition to the regular license fee.

(b) Any such revoked license shall not be reinstated if payment, to include penalty and reinstatement fees, is received more than 90 calendar days after the quarterly due date.

(c) After 90 calendar days, the holder of a revoked license shall be required to apply for a new marijuana establishment license.

[\$17, Ord. No. XXXX]

SECTION 18. Section 25.736 of the Washoe County Code is hereby added to read as follows:

25.736 Records to be kept of a marijuana establishment licensee; examination by license division; failure to keep records is grounds for denial or revocation of license; unlawful to enter false financial data.

1. Every person who holds a marijuana establishment license in the unincorporated County shall keep records, receipts, invoices and other pertinent papers reflecting those sales.

2. The license division may examine the books, papers, and records of any person who is licensed as a marijuana establishment in the unincorporated County.

3. Failure to keep the records required by this ME Code is grounds for denial, revocation, or nonrenewal of a marijuana establishment license.

4. It is unlawful for any person to knowingly enter false financial data into the books, records, or other papers required to be kept by this ME Code.

[\$18, Ord. No. XXXX]

SECTION 19. Section 25.740 of the Washoe County Code is hereby added to read as follows:

25.740 Review of application; license conditions; approval and issuance of license; term of license; receipt of Department license.

1. The license division shall coordinate a review of the application and required physical inspections by the appropriate County departments and other public agencies to determine whether the proposed business will comply with all public health and safety and other applicable requirements including, without limitation, air quality, building, fire, health, sewer, sheriff, water, and zoning requirements.

(a) Each reviewing County department or public agency shall provide a recommendation on the application to the license division after its review and after applicable physical inspections are completed.

(b) Each reviewing County department or other public agency may include conditions for the operation of the marijuana establishment with its recommendation. Any such conditions shall automatically become a condition on the license pursuant to section 25.0263 of this chapter.

2. The license division shall verify that the licensee has valid State certificate(s), license(s) and/or other approval(s) and/or valid County license(s) or permit(s), as required, prior to issuing any license.

3. After determining that the proposed marijuana establishment business will be conducted in compliance with law, the license division may issue the license as specified in the application.

4. The term of any marijuana establishment license is one calendar quarter. The calendar quarter periods for each year are as follows:

- (a) The first quarter begins on January 1.
- (b) The second quarter begins on April 1.
- (c) The third quarter begins on July 1.
- (d) The fourth quarter begins on October 1.

5. Within 10 calendar days of receipt of the final Department license for a medical marijuana establishment or marijuana establishment, as applicable, the applicant shall submit a copy of the license to the license division.

[\$19, Ord. No. XXXX]

SECTION 20. Section 25.744 of the Washoe County Code is hereby added to read as follows:

25.744 Notification of closing or action by Department on license; automatic termination of license.

1. The holder of a marijuana establishment license shall notify the license division within 15 calendar days of the closing of the establishment, or of any action by the Department to suspend, revoke or terminate the establishment's Department license.

2. If the holder of marijuana establishment license discontinues business for more than 30 calendar days without the specific approval of the license division, such license shall terminate automatically without action by the license division or Board.

[\$20, Ord. No. XXXX]

SECTION 21. Section 25.748 of the Washoe County Code is hereby added to read as follows:

25.748 Renewal of business license; notification of fee due date; requirement to pay quarterly license fee, changes in location, ownership and fictitious name; transfers not allowed; annual report.

1. All licensees required to have a marijuana establishment license under the provisions of this ME Code who desire to renew an existing valid County marijuana establishment license are required to pay the quarterly license fees established by the Board in the master business license fee schedule.

2. As a courtesy only, the license division may attempt to notify each licensee of the due date of any fees required in this chapter. However, neither the license division's failure to attempt such notification nor the failure of the licensee to actually receive such notice excuses the licensee from a timely tender of such fees.

3. A marijuana establishment license issued pursuant to the provisions of this ME Code is a quarterly license. The license may be renewed, subject to the provisions of this section of this ME Code, provided that the marijuana establishment has paid in full the required quarterly license fee.

(a) No marijuana establishment license may be renewed for a new physical location of the establishment until a County marijuana establishment relocation application has been approved by the Board.

(b) The license division must be notified of any changes to a marijuana establishment's ownership as part of the renewal for a

license. The licensee shall provide proof that the Department has approved the ownership change.

(c) If the licensee engages in business under a fictitious name, the licensee must notify the license division if the fictitious name is changed as part of the renewal for the license. The licensee shall provide a copy of an updated fictitious name certificate issued by the County Clerk.

4. Marijuana establishment licenses issued under this chapter are issued only to the applicant and may not be transferred to another person.

5. Each licensee shall provide the license division an annual report, due no later than December 31 of each year, which contains the following:

(a) A copy of the most recent Department license for a medical marijuana establishment and/or a marijuana establishment; and,

(b) A copy of the Department's most recent inspection of the marijuana establishment.

[\$21, Ord. No. XXXX]

SECTION 22. Section 25.752 of the Washoe County Code is hereby added to read as follows:

25.752 Denial of application, application for renewal; or relocation request. In addition to the provisions of 25.018 of this chapter, a marijuana establishment license application, an application for renewal of a marijuana establishment license, or a marijuana establishment relocation application may be denied upon one or more of the following:

1. Determination by the license division that the application or the establishment is not in compliance with the provisions of NRS 453A, NRS 453D or this chapter.

2. An owner, officer, board member, shareholder, manager, or other natural person having some form of ownership or control over the business provides false or misleading information to the County.

3. The failure to pay any fees required by this Chapter, by this ME Code, and/or by the master business license fee schedule adopted by resolution of the Board.

4. The failure or refusal of an applicant, or of a licensed marijuana establishment, to comply with any of the provisions of NRS 453A, NRS 453D or this chapter.

5. The failure or refusal of a licensed marijuana establishment to carry out the policies and procedures or comply with the statements provided to the County with the application for the marijuana establishment.

6. The failure or refusal to cooperate fully with an investigation or inspection by the County.

7. The failure to comply with the provisions of NRS 372A and NAC 372A governing the imposition of an excise tax on marijuana establishments.

8. The failure to provide a valid and current Department license for a medical marijuana establishment and/or a marijuana establishment with the annual report required by section 25.748 of this ME Code.

[\$22, Ord. No. XXXX]

SECTION 23. Section 25.756 of the Washoe County Code is hereby added to read as follows:

25.756 Onsite use prohibited; waste disposal; graffiti removal; display of licenses.

1. No marijuana shall be smoked, eaten or otherwise consumed on the premises of a marijuana establishment.

2. Marijuana remnants, marijuana-infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner approved by the Department and the sheriff's office. Any portion of the marijuana remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the establishment's exterior refuse containers.

3. Any graffiti that may appear on the marijuana establishment shall be removed or covered within 48 hours, upon discovery or when notice is given by the sheriff's office, whichever occurs earlier.

4. A marijuana establishment shall post its Department license or licenses, County marijuana establishment license and any other authorization to conduct business in a conspicuous place within the establishment.

[\$23, Ord. No. XXXX]

SECTION 24. Section 25.760 of the Washoe County Code is hereby added to read as follows:

25.760 Retail marijuana store/medical dispensary; age limitations; warning signs; public access; paraphernalia; display of merchandise.

1. No person under 21 years of age shall be in a retail marijuana store/medical dispensary unless the person is

accompanied by a parent or guardian for the purpose of acquiring medical marijuana with a valid State identification card or letter.

2. The license division may require any reasonable warning signs to be posted in a conspicuous location in each retail marijuana store/medical dispensary.

3. Public access to a retail marijuana store/medical dispensary is limited to the hours of operation not earlier than 8:00 A.M. and not later than midnight. Hours of operation must be posted in a visible location that can be seen by persons entering the retail marijuana store/medical dispensary. Changes to the hours of operation must be approved in advance by the license division.

4. Selling, giving, or providing paraphernalia or other supplies related to the administration of medical marijuana to a patient may only be made to a patient holding a valid identification card or letter, or to the designated primary caregiver of such a patient.

5. No marijuana or associated paraphernalia shall be displayed or kept in a marijuana establishment so as to be visible from outside the licensed premises.

[\$24, Ord. No. XXXX]

SECTION 25. Section 25.764 of the Washoe County Code is hereby added to read as follows:

25.764 Registration Cards.

1. All agents, employees, and volunteers working at a marijuana establishment shall obtain a registration card issued by the sheriff in conformance with sections 25.0451 through 25.0459, inclusive, of this chapter. To obtain the registration card, a copy of the marijuana establishment agent registration card issued by the Department and personal histories shall be required on forms provided by the sheriff.

2. The sheriff's office shall note the applicant's role in the marijuana establishment on the registration card. Agents, employees, and volunteers shall display on their person the registration card at all times when working in a marijuana establishment. Registration cards may be denied, revoked, suspended or not renewed when a person:

- a. Has been convicted of an excluded felony offense;
- b. Is less than 21 years of age;
- c. Previously had a Department marijuana establishment agent registration card revoked;
- d. No longer has a valid Department marijuana establishment agent registration card;

- e. Is no longer employed by the marijuana establishment;
- f. Provides false or misleading information to the County; or
- g. Knowingly violates any provision of NRS 453A, NRS 453D or this chapter.

[\$25, Ord. No. XXXX]

SECTION 26. Section 25.768 of the Washoe County Code is hereby added to read as follows:

25.768 Permission for entry and reasonable inspection.

1. Submission and subsequent approval of an application for a marijuana establishment license constitutes permission for entry to and reasonable inspection of the establishment by the license division, sheriff, fire marshal, or the health district officer, or their designees, with or without notice. Such inspection may require more than one visit to the marijuana establishment.

2. The license division, sheriff, fire marshal, or the health district officer, or their designees, may, upon receipt of a complaint against a marijuana establishment, except for a complaint concerning the cost of services, conduct an investigation, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that establishment or any other establishment which may have information pertinent to the complaint.

3. The license division, sheriff, fire marshal, or the health district officer, or their designees, may enter and inspect at least annually, with or without notice, each building or the premises of a marijuana establishment to ensure compliance with standards and regulations for business licenses, safety, health, and sanitation.

[\$26, Ord. No. XXXX]

SECTION 27. Section 25.772 of the Washoe County Code is hereby added to read as follows:

25.772 Recovery of costs for compliance inspections, reviews and other tasks. Each County department or public agency which performs inspections, reviews or other tasks related to ensuring that a marijuana establishment is in compliance with this ME Code may recover the costs directly associated with the inspections, reviews or other tasks directly from the marijuana establishment following the provisions outlined in NRS 453A.330, as amended.

1. Such costs are identified as cost recovery fees and deemed a fee pursuant to section 25.728 of this ME Code. The penalties for non-payment of reported cost recovery fees by a marijuana establishment as established in NRS 453A.330, as amended, are a debt due to the County.

2. Costs may include the hours the department or public agency's employees spend performing inspections, reviews and tasks; the rate of pay of each such employee; and, the share of any costs for equipment for the department or public agency which is directly attributable to the marijuana establishment.

3. Appeals by a marijuana establishment of any imposed cost recovery fees shall follow the provisions of NRS 453A.330, as amended, and shall be made to the Board. The Board shall follow the provisions of this chapter and of NRS 453A.330, as amended, as appropriate in determining the outcome of the appeal.

[\$27, Ord. No. XXXX]

SECTION 28. Section 25.776 of the Washoe County Code is hereby added to read as follows:

25.776 Revocation of license, Board hearing. In addition to the provisions of sections 25.018 and 25.037 of this chapter, a marijuana establishment license may be revoked if one or more of the following events occur. Revocation shall follow the provisions of sections 25.0380 through 25.0387, inclusive, of this Chapter and, except as otherwise provided, shall include a hearing before the Board. The Department shall be notified by the license division in the event of a revocation.

1. Failure to comply with any provisions of this Chapter.
2. Misrepresentations or material misstatements of the licensee, its agents or employees.
3. Selling, serving, giving away or dispensing medical marijuana to any person without a valid identification card or letter, or a patient's designated primary caregiver.
4. Selling, serving, giving away or dispensing marijuana to any person less than 21 years of age.
5. Employing or using an agent, employee, or volunteer in a marijuana establishment who:
 - a. Does not possess a valid marijuana establishment agent registration card issued by the Department and a valid County registration card;
 - b. Has been convicted of an excluded felony offense; or
 - c. Is less than 21 years of age.
6. An owner, officer, board member, shareholder, manager, or other natural person having some form of ownership or control of the marijuana establishment, or the property owner on which the

establishment is located, has been convicted of an excluded felony offense.

7. Acquiring usable marijuana or mature marijuana plants from any person other than those persons authorized pursuant to NRS 453A or NRS 453D.

8. Failure to allow inspectors from the license division, sheriff, fire, building and safety, or the health district to conduct required inspections or to investigate complaints received, or failure to issue visitor identification badges to the same.

[\$28, Ord. No. XXXX]

SECTION 29. Section 25.780 of the Washoe County Code is hereby added to read as follows:

25.780 Actions upon suspension or revocation. A license may be suspended or revoked in accordance with this ME Code. If the County revokes or suspends a marijuana establishment license, the establishment may not remove any marijuana from the premises except under the supervision of the sheriff's office and must dispose of it in a manner and location approved by the Department and/or the sheriff's office.

[\$29, Ord. No. XXXX]

SECTION 30. Section 25.784 of the Washoe County Code is hereby added to read as follows:

25.784 Immediate revocation of license, no Board hearing. In addition to the provisions of sections 25.018 and 25.037 of this chapter, a marijuana establishment license shall be immediately revoked upon one or more of the following events occurring. There is no hearing before the Board for immediate revocation pursuant to this subsection. Immediate revocation pursuant to this subsection is a final order subject to judicial review.

(a) Notification to the license division that the Department has revoked the Department license for a medical marijuana establishment or a marijuana establishment; or,

(b) Failure to maintain a valid and current Department license.

[\$30, Ord. No. XXXX]

SECTION 31. Section 25.788 of the Washoe County Code is hereby added to read as follows:

25.788 Restriction on County employees.

1. No County employee responsible for implementing or enforcing the provisions of the ME Code, NRS 453A or NRS 453D may have a direct or indirect financial interest in a marijuana establishment, or be employed by or be a volunteer at a marijuana establishment.

[\$31, Ord. No. XXXX]

SECTION 32. Section 25.792 of the Washoe County Code is hereby added to read as follows:

25.792 No County liability, indemnification.

(a) By accepting a marijuana establishment license issued pursuant to this ME Code, the licensee waives and releases the County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a marijuana establishment license issued pursuant to this ME Code, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the County, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana establishment that is the subject of the license.

[\$32, Ord. No. XXXX]

SECTION 33. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or

appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2018.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2018.

Vote:

Ayes:

Nays:

Absent:

Marsha Berkgigler, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the 20th day of the month of April of the year 2018.