

AN ORDINANCE AMENDING TITLE 20 OF THE SPARKS MUNICIPAL CODE (SECTIONS 20.03.25, 20.03.26 AND 20.08.002) TO: PERMIT LICENSED MEDICAL MARIJUANA DISPENSARIES TO SELL OR DISPENSE MARIJUANA, EDIBLE MARIJUANA PRODUCTS AND MARIJUANA-INFUSED PRODUCTS AT RETAIL; TO PERMIT LICENSED INDEPENDENT TESTING LABORATORIES AND MEDICAL MARIJUANA PRODUCTION AND CULTIVATION FACILITIES TO TEST, PRODUCE AND CULTIVATE MARIJUANA, EDIBLE MARIJUANA PRODUCTS AND MARIJUANA-INFUSED PRODUCTS AT RETAIL; AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 20.03.025 - Medical marijuana dispensary.

~~The Nevada State State law governing medical marijuana dispensaries limits the number permitted to operate in the City of Sparks. The City's intent is to maintain sufficient distance between dispensaries to facilitate access for patients. If the City receives multiple applications for dispensaries, it will take into account the respective locations of the proposed facilities.~~

- A. **Applicability.** This section applies to any medical marijuana dispensary.
- B. **Administrative Review** is required.
- C. **Standards.**
 - 1. In the I (Industrial) zoning district, medical marijuana dispensaries shall only be located in buildings for which public access point to be used in conjunction with the medical marijuana dispensary is readily visible from the arterial upon which it is situated. Some portion of the parcel on which the medical marijuana dispensary is to be located must be within 1,000 feet measured from the center of the following intersections: McCarran Boulevard and Glendale Boulevard; McCarran Boulevard and Greg Street; and Rock Boulevard and Glendale Avenue.
 - 2. The applicant must receive an administrative review approval for this use prior to establishment and issuance of a business license.
 - 3. Medical marijuana dispensaries shall not be located within 1,000 feet of a Nevada licensed substance abuse treatment center measured from the front door of the dispensary to the closest property line.
 - 4. The medical marijuana dispensary must comply with the location criteria listed in Nevada ~~S~~state laws.
 - 5. A medical marijuana dispensary may not apply for major deviation to reduce the minimum separation distances.
 - 6. The maximum size of patient access area of a medical marijuana dispensary shall be 2,500 square feet. Patient access area is defined as the portion of the dispensary building accessible to persons with a medical marijuana card.
 - 7. The medical marijuana dispensary must comply with the operating standards in Nevada ~~S~~state laws and Regulations of the Division.

8. The medical marijuana dispensary shall be located within a building complying with regulations in Nevada ~~State laws and Regulations of the Division~~.
9. The medical marijuana dispensary shall be located in a permanent building that meets City of Sparks building and fire codes for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.
10. The dispensary must provide for secure delivery of ~~medical marijuana and products~~ or any other items associated with operations to the establishment, to the approval of City.
11. Loading and unloading of ~~medical~~ marijuana or any other items associated with operations shall only occur between the hours of 7:00 a.m. and 6:00 p.m.
12. A medical marijuana dispensary shall not be open to the public before or after the hours of:
 - a. Located in "C2" or "MUD(MU-C)" zoning—8:00 a.m. to 9:00 p.m.
 - b. Located in "I" zoning—8:00 a.m. to 7:00 p.m.
13. Drive-through windows are not permitted.
14. The medical marijuana dispensary shall have a single secure customer entrance to the approval of City.
15. ~~Medical m~~Medical marijuana remnants, ~~medical~~ 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 Division~~ both the State of Nevada and ~~subject to the~~ City approval.
16. The applicant must provide a written public safety plan, subject to City approval.
17. No ~~medical~~ marijuana shall be smoked, eaten or otherwise consumed on the premises of the medical marijuana dispensary. There shall be no outdoor seating area, vending machines nor loitering on the property.
18. No ~~medical~~ marijuana shall be displayed or kept in a medical marijuana dispensary so as to be visible from the outside of the premises.
19. An approved administrative review shall expire in 18 months from the date of issuance of the registration certificate issued by the ~~Division~~ state if it is not fully operational.
20. In the event, a medical marijuana dispensary loses ~~their~~ its ~~state of Nevada~~ issued certification or registration, ~~the~~ any administrative review shall become null and void.
21. If a marijuana dispensary is closing, the manager of the establishment must notify the City of Sparks of the closing at least 15 days before the closure.

D. Retail Sale of Marijuana Allowed. An approved medical marijuana dispensary may sell or dispense marijuana at retail as allowed by state laws if the medical marijuana dispensary is licensed or otherwise approved by the State of Nevada as a retail marijuana establishment and first obtains a retail marijuana license from the City of Sparks. The administrative review approval of the medical marijuana dispensary, and any conditions imposed in connection therewith, shall apply to any retail component of a medical marijuana dispensary.

(Ord. 2512, § 1(Exh. A), Add. 08/24/2015)

Section 20.03.026 - Medical marijuana production, testing or cultivation.

~~The Nevada State law governing medical marijuana production, testing or cultivation does not limit the number of establishments permitted to operate in the City of Sparks, however the City of Sparks has limited the use to the "I" (Industrial) zoning district.~~

A. **Applicability.** This section applies to any independent testing laboratory, ~~medical marijuana production or cultivation~~ facility for the testing and production of edible marijuana or marijuana-infused products.

B. **Standards.**

1. The applicant must receive administrative review approval for this use prior to establishment.
2. In the ~~case~~ event a medical marijuana establishment loses ~~their~~ its state of Nevada issued certification or registration the administrative review shall be revoked.
3. The medical marijuana cultivation facility, testing laboratory ~~and or production facility~~ for production of edible marijuana or marijuana-infused products shall be located within a building complying with ~~regulations in Nevada State laws and Regulations of the Division~~ state law.
4. The medical marijuana cultivation facility, testing laboratory ~~and or production facility~~ for production of edible marijuana or marijuana-infused products must comply with the location criteria listed in ~~Nevada State laws.~~
5. The medical marijuana cultivation facility, testing laboratory ~~and or production facility~~ for production of edible marijuana or marijuana-infused products shall be located in a permanent building that meets City of Sparks building and fire codes for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.
6. The medical marijuana cultivation facility, testing laboratory ~~and or production facility~~ for production of edible marijuana or marijuana-infused products must have restricted access to the site and building (e.g., gated, limited number of driveways, controlled entrance, etc.), subject to City approval.
7. The loading or unloading of ~~medical marijuana or~~ any other items associated with operations shall, if feasible, be within the building of the permitted medical marijuana cultivation facility, testing laboratory and ~~production facility~~ for production of edible marijuana or marijuana-infused products or have a secured area to the approval of City.
8. Loading and unloading of ~~medical marijuana or~~ any other items associated with operations shall only occur between the hours of 6:00 a.m. and 5:00 p.m.
9. Medical marijuana cultivation facility, testing laboratory ~~and or production facility~~ for production of edible marijuana or marijuana-infused products must comply with the operating standards in ~~Nevada State laws and Regulations of the Division.~~
10. ~~Medical m~~Medical marijuana remnants, ~~medical~~ medical 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 Division and subject to~~ both the State of Nevada and City approval.
11. The applicant must provide a written public safety plan, subject to City approval.
12. An approved administrative review shall expire in eighteen (18) months from the date of issuance of the registration certificate issued by the ~~Division~~ state if it is not fully operational.
13. If a medical marijuana cultivation facility, ~~independent~~ testing laboratory ~~and or~~ facility for the production of edible marijuana products or marijuana-infused products is closing, the manager of the establishment must notify the City of Sparks of the closing at least 15 days before the closure.
14. Emission of dust, fumes, vapors or odors into the environment from the premise must comply with Washoe County District Health regulations.

- 15. No ~~medical~~ marijuana shall be smoked, eaten or otherwise consumed on the premises of the medical marijuana cultivation facility, testing laboratory and ~~or production~~ facility for production of edible marijuana or marijuana-infused products.
- 16. No medical marijuana shall be displayed or kept in a medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products so as to be visible from the outside of the premises.

C. Retail Marijuana Allowed Use. An approved medical marijuana cultivation facility, testing laboratory or facility for the production of edible marijuana products or marijuana-infused products may operate at retail if allowed by state law provided that the medical marijuana cultivation facility, testing laboratory or facility for the production of edible marijuana products or marijuana-infused products is licensed or otherwise approved by the State of Nevada as a retail marijuana establishment and first obtains a retail marijuana license from the City of Sparks. The administrative review approval of the medical marijuana cultivation facility, testing laboratory or facility for the production of edible marijuana products or marijuana-infused products, and any conditions imposed in connection therewith, shall apply to any retail component of the medical marijuana cultivation facility, testing laboratory or facility for the production of edible marijuana products or marijuana-infused products.

(Ord. 2512, § 1(Exh. A), Add. 08/24/2015)

New Definition

Section 20.08.002 Definitions

Retail marijuana (at retail) Marijuana cultivated, produced and processed into edible or marijuana-infused products, tested or sold for consumption by adults over the age 21 without the benefit of a medical marijuana card in accordance with Nevada Revised Statutes Chapter 453D.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney