

MARIJUANA ESTABLISHMENT
DISTANCE SEPARATION ANALYSIS
CITY OF HENDERSON – DISCLAIMER

Each owner, operator, or board member must initial each disclaimer and sign this document.

I, _____, the undersigned representing: _____, acknowledge that I have obtained and examined a copy of Section 18.01.030 of the Henderson Municipal Code – Fees for Applications and Services, Marijuana Establishments. I have also obtained and examined a copy of Title 19 of the Henderson Municipal Code as it pertains to Marijuana Establishments. I agree to abide by and conform to all of the conditions of these and all other relevant provisions of the Henderson Municipal Code.

_____ I understand that compliance with all the applicable provisions of Nevada Revised Statutes 453A, 453D, and amendments thereto, enacted by the State of Nevada is also required.

_____ I acknowledge and understand that submittal of this distance separation analysis application for a marijuana establishment, does not grant, guarantee, or otherwise extend approval of a conditional use permit or a business license from the City of Henderson for a marijuana establishment.

_____ I understand that this application is subject to Community Development staff review of the distance separation analysis application and suitability approval from City of Henderson Business License as described in Chapter 4 of the Henderson Municipal Code. This distance separation analysis is to be utilized for the ranking by the State of Nevada pursuant to applicable requirements of the Nevada Administrative Code. I also understand that this distance separation analysis does not account for other Marijuana Establishment distance separations as specified by Title 19 of the Henderson Municipal Code. The distance separation from another marijuana establishment will not be determined until the first conditional use permit is approved.

_____ I further understand that distance separation analysis fee is non-refundable under any circumstance whatsoever.

_____ I hereby authorize the release of any and all information of a confidential or privileged nature submitted to satisfy the requirements of this distance separation analysis to the City of Henderson, the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services, Department of Taxation and the agents of each respective entity.

_____ I understand and acknowledge that any information provided to the City of Henderson may be subject to the public records provisions in Chapter 239 of the Nevada Revised Statutes. I hereby release the City of Henderson, its officers, elected officials, employees, attorneys, agents, and assigns from any liability or damages that may result from furnishing the information if requested.

_____ I certify that the information contained within this application and accompanying documents are true and correct. I understand that any falsification, misrepresentation, or deliberate omission is grounds for a preliminary finding of unsuitability pursuant to Chapter 4.116 of the Henderson Municipal Code.

_____ I understand and acknowledge that this preliminary review shall in no way permit any activity contrary to, or in violation of the Henderson Municipal Code or any applicable state law.

_____ I understand that the Controlled Substances Act, 21 U.S.C. section 841(a)(1) makes it unlawful to manufacture, distribute, dispense or possess marijuana and therefore the owners, operators and employees of the marijuana establishment may be subject to federal prosecution.

_____ I understand that the City of Henderson assumes no legal liability in connection with the approval and subsequent operation of the proposed marijuana establishment.

_____ I understand that the City of Henderson distance separation analysis will be performed in conjunction with a City of Henderson preliminary review and does not preclude an owner of a proposed marijuana establishment from applying with the Nevada Department of Taxation for a provisional certificate pursuant to NRS 453A, 453D, nor does this distance separation analysis or business license preliminary review guarantee that the State of Nevada will grant a marijuana establishment registration certificate or that the City of Henderson will issue a conditional use permit or privileged business license to the owner of the proposed marijuana establishment.

_____ I understand that by submitting this distance separation analysis application and attached documents pursuant to Title 19 of the Henderson Municipal

Code, the owners and operators of the proposed marijuana establishment agree to unconditionally discharge and release the City of Henderson, its officers, elected officials, employees, attorneys, agents and assigns from any liability for injuries, damages, or liabilities of any kind that result from any seizure of business assets or arrest or prosecution of business owners, operators, employees, clients or customers for any alleged violation of state or federal laws, rules or regulations.

_____ I understand that by submitting this distance separation analysis application and business license review form and attached documents pursuant to Title 4 and Title 19 of the Henderson Municipal Code, the owners and operators of the proposed marijuana establishment, jointly and severally if more than one, agree to indemnify and defend the City of Henderson, its officers, elected officials, employees, attorneys, agents, assigns, insurers, and self-insurance pool agents against all liability, claims, and demands, on account of 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, which arise out of or are in any manner connected with the operation of the marijuana establishment that is subject to this preliminary review. The owners and operators of the proposed marijuana establishment further agree to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

_____ I acknowledge that I have obtained and examined a copy of Chapter 2.40 of the Henderson Municipal Code – Ethical Standards for Public Servants, and agree to abide by and conform to the provisions of this Chapter.

_____ I acknowledge that I have obtained and examined a copy of Chapter 2.100 of the Henderson Municipal Code – Registration and Regulation of Lobbyists, and agree to abide by and conform to the provisions of this Chapter.

By signing below, _____ hereby represents and warrants he or she is a duly authorized representative of the proposed marijuana establishment, and as such, has the legal capacity to bind the proposed marijuana establishment to the terms and conditions of this disclaimer.

(Print or Type Name)

(Signature)

(Title)

(Date)

(Must be signed by an owner, officer or board member of the proposed Marijuana Establishment having the authority to sign for such Marijuana Establishment.)

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, _____, a Notary Public in and for Clark County, in the State of Nevada, do hereby certify that _____ appeared before me this day in person and acknowledged that she/he signed this instrument as her/his free and voluntary act in the capacity, and for the use and purposes, herein set forth.

Given under my hand and official seal this _____ day of _____, 2014.

Notary Public

My Commission Expires: _____