

SUMMARY: Prohibits recreational marijuana establishments in any zoning district in the unincorporated areas and the unincorporated towns in Elko County

BILL NO. D

ORDINANCE NO. 2017-04

AN ORDINANCE ADDING A NEW SECTION 17 TO TITLE 4, CHAPTER 8 OF THE ELKO COUNTY CODE TO PROHIBIT THE PERMITTING OF RECREATIONAL MARIJUANA ESTABLISHMENTS WITHIN ANY ZONING DISTRICT IN THE UNINCORPORATED AREAS AND THE UNINCORPORATED TOWNS IN ELKO COUNTY, AND ALL OTHER MATTERS RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELKO DOES ORDAIN:

WHEREAS, the voters of Nevada passed Question 2 in 2016, allowing for the recreational use of marijuana in Nevada; and

WHEREAS, the Nevada Legislature codified Question 2 in Nevada Revised Statutes Chapter 453D; and

WHEREAS, marijuana is still outlawed by the federal government;

WHEREAS, the land area of Elko County is more than 80% controlled by the federal government;

WHEREAS, Elko County is the fourth largest county geographically in the lower 48 states;

WHEREAS, the Elko County Sheriff's Department is responsible for patrolling more than 17,000 square miles;

WHEREAS, the Elko County Sheriff's Department does not have the personnel to patrol and protect recreational marijuana facilities in the unincorporated areas and unincorporated towns in Elko County;

WHEREAS, recreational marijuana establishments operate on a cash basis due to federal banking regulations. All cash businesses are more attractive to theft and robbery;

WHEREAS, Nevada Revised Statutes Chapter 453D.110 allows residents 21 years of age or older who live more than 25 miles from a recreational marijuana establishment to grow marijuana for personal use;

WHEREAS, there are four incorporated cities in Elko County, which can decide whether or not to allow recreational marijuana within their city limits;

Section 1: That a new Title 4-8-17 is added to the Elko County Code as follows:

- (A) PURPOSE: Notwithstanding any other provision of this code, recreational marijuana establishments are not allowed, and shall be unlawful as a permitted use, conditional use or accessory use in any zoning district within the unincorporated areas of Elko County, including the unincorporated towns.

(B) DEFINITION: "Recreational marijuana establishment" shall have the same definition as Nevada Revised Statutes Chapter 453D.030(11).

(C) PRIVATE USE: This land use prohibition is not intended to interfere with the rights of individuals to use or grow marijuana at their private residences as permitted by NRS 453D.110.

(D) CONFLICT: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

(E) SEVERABILITY: If any paragraph, clause or provision of this section shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, or unenforceability of such paragraph, clause or provision shall not affect any remaining provisions of this section.

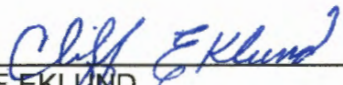
Proposed this 6th day of September, 2017, by a motion from Elko County Commissioner Demar Dahl and seconded by Elko County Commissioner Delmo Andreozzi.

Passed and adopted this 6th day of September, 2017.

Vote: Ayes: Delmo Andreozzi
Demar Dahl
Cliff Eklund


Nays: Jon Karr
Rex Steninger

Absent: None



CLIFF EKLUND
Chair of the Board of Commissioners

ATTEST:



CAROL FOSMO
Elko County Clerk

This Ordinance shall be in full force and effect from and after the 28th day of September, 2017, after required publication.