

Summary: An ordinance amending Title 10 to regulate marijuana in White Pine County.

TITLE:

PROPOSED ORDINANCE REGULATING MARIJUANA IN WHITE PINE COUNTY

Whereas, NRS 244.137 establishes the County’s authority to regulate matters of local concern;

Whereas, NRS 453D.100(2)(d) establishes the County’s authority to adopt and enforce local marijuana control measures pertaining to zoning and land use for marijuana establishments; now,

Therefore, the Board of County Commissioners of the County of White Pine, State of Nevada, does AMEND and otherwise ordain that the specified section of Title 10, Chapter 10, Section 62 (Marijuana) shall read as follows:

10.62.010. Definitions:

The terms used in this section shall have the meanings provided to them by the Nevada Revised Statutes and the Nevada Administrative Code as amended by and contained in the State of Nevada Department of Taxation Revised Proposed Adult-Use Marijuana Regulation – LCB File No. R092-17 (adopted January 10, 2018), and the White Pine County Code.

10.62.020. General Restrictions:

No marijuana establishment may operate within White Pine County, but outside the incorporated Ely city limits, unless it complies with applicable State law, code, or regulation, and the White Pine County Code.

10.62.030. Specific Restrictions:

1.

A marijuana establishment shall not be considered a “home occupation” within the

meaning of Chapter 17.72 of the White Pine County Code.

2.

A marijuana establishment shall prohibit the use or consumption of marijuana on its premises.

3.

A marijuana establishment shall prohibit anyone under the age of eighteen (18) on its premises.

4.

A marijuana establishment shall prohibit marijuana activities including, without limitation, cultivating, growing, processing, storage, displaying, or selling from being conducted outdoors.

5.

A marijuana establishment shall provide to the County annually and upon demand, proof of its gross sales for purposes of complying with Chapter 4 of the White Pine County Code.

6.

A person who possesses, cultivates, processes, or transports marijuana plants or marijuana produced by such plants for personal use in excess of the amount permitted by NRS 453D.110(2) shall be subject to a \$1000.00 fine for each plant or each plant's produced marijuana for each day the person possesses, cultivates, processes, or transports such marijuana plants or marijuana produced by such plants.

7.

A person who possesses, uses, consumes, purchases, obtains, processes, or transports more than one ounce of marijuana other than concentrated marijuana, or more than one-eighth of an ounce of concentrated marijuana not regulated by NRS 453D.110(2), shall be subject to a \$1000.00 fine for each ounce of marijuana other than concentrated marijuana, or each one-eighth of an ounce of concentrated marijuana in excess of the amount allowed by law for each day the person possesses, uses, consumes, purchases, obtains, processes, or transports such marijuana or concentrated marijuana.

8.

A marijuana retail store shall operate only between the hours of 8:00 a.m. and 10:00 p.m. daily.

9.

A marijuana establishment shall install and maintain an air filtration system sufficient to ensure that the smell of marijuana and/or of any byproduct created by the establishment's operation does not radiate beyond the establishment's boundaries.

10.

A marijuana establishment must post signage at the establishment which is readily visible to the public stating:

- A. That the use, cultivation, or distribution of marijuana is a violation of federal law.
- B. That consumption of marijuana on the premises is prohibited.
- C. That no one under the age of eighteen (18) years is permitted on the premises.

10.62.040. Zoning:

A.

A marijuana establishment may operate only pursuant to special use permit in districts designated Industrial Park(I-P-1).

B.

In addition, all marijuana establishments must be located a distance of at least one thousand feet (1,000') from any property line of a parcel that has an established public or private school, and shall not be located within three hundred feet (300') of any property line of a parcel that has any other established community hospital, facility or clinic at the time of commencement of operation of the marijuana establishment.

10.62.050. Inspection:

A.

Submission of an application for a business license to operate a marijuana establishment within White Pine County, but outside the incorporated Ely city limits, pursuant to Chapter 4 of the White Pine County Code, constitutes permission for entry to and reasonable inspection of a marijuana establishment by the County with or without notice.

B.

The County, acting through its agents such as the Sheriff, the Building Inspector, the Public Health Officer, or any other agent so designated by the County, may enter and inspect any building or premises at any time, with or without notice, to:

(1) Ensure or secure compliance with any provision of the White Pine County Code or State law, code or regulation;

(2) Prevent a violation of any provision of the White Pine County Code or State law, code or regulation or;

(3) Conduct an unannounced inspection of a marijuana establishment in response to an allegation of noncompliance with the White Pine County Code or State law, code or regulation.

C.

The County and its agents may:

(1) Inspect and examine all premises wherein marijuana is manufactured, sold, tested, or distributed;

(2) Inspect all product, equipment, supplies or documents or records in any form, in, upon or about such premises;

(3) Summarily seize and remove from such premises any marijuana or marijuana products, and impound any equipment, supplies, documents or records in any form, for the purpose of examination and inspection;

(4) Demand access to and inspect, examine, photocopy and audit all papers, books and documents or records in any form of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, respecting the gross income produced by any marijuana establishment, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of the White Pine County Code or State law, code or regulation and;

(5) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the County knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the premises of the affiliate or another location, as practicable, and in the presence of the affiliate or its agent.

10.62.060. Prevention of Unauthorized Access to Marijuana at Marijuana Establishment:

A.

A marijuana establishment operating within White Pine County, but outside the incorporated Ely city limits, must have security procedures, systems and equipment in place consistent with State law, code or regulation.

B.

A marijuana establishment operating within White Pine County, but outside the incorporated Ely city limits, shall provide the White Pine County Sheriff's Office with real-time security monitoring of its facility and shall provide the White Pine County Sheriff's Office with copies of stored security information for review upon request, consistent with State law, code or regulation .

10.62.060. Disposal of Waste:

A.

A marijuana establishment operating within White Pine County, but outside the incorporated Ely city limits, shall:

- (1) Store, manage and dispose of all solid and liquid waste and wastewater generated during the processing of marijuana or production or sale of marijuana products in accordance with State and local laws and regulations; and
- (2) Render waste containing marijuana unusable before the waste leaves the marijuana establishment.

B.

An applicant for a marijuana establishment business license pursuant to Chapter 4 of the White Pine County Code, shall submit a plan showing the proposed method and procedures of marijuana waste disposal for consideration by the Board of County

Commissioners, prior to issuance of the initial business license. A marijuana establishment shall thereafter submit an annual report regarding marijuana waste disposal to the Board of County Commissioners.

10.62.070. Criminal Penalty:

Any person who fails to comply with or violates any provision of this title shall be deemed guilty of a misdemeanor, punishable up to 6 months in the county jail and/or a \$1,000.00 fine for each violation.

10.62.080. Civil Penalty:

In addition to any criminal punishment as may be imposed by this Chapter, any violation of the White Pine County Code or State law, code, or regulation, may result in the revocation of any license issued pursuant to this Title and may result in the forfeiture of any and all property to the extent permitted by State law. The civil penalties provided for in this Chapter are intended to be cumulative and in addition to any criminal fines or punishments imposed.

10.62.090. Severability:

If any provision of this Ordinance or amendments thereto, or the application of this Ordinance to any person, thing, or circumstance is held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall continue to be in full force and effect.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the 28th day of February, 2018.

PROPOSED by District Attorney, Mike Wheable.

PASSED on the 28th day of March, 2018.

Votes:

Yay: Richard He
John M. [unclear]
Carol O. McKenzie

Nay: _____

Absent: _____

Richard He

CHAIRMAN OF THE BOARD

ATTEST:

[Signature]
COUNTY CLERK