

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 10:00 a.m.		July 16, 2019
Contact: Brett Waggoner		Phone: 775-751-4249
		Continued from meeting of:
Return to: Brett Waggoner	Location: Pahrump	Phone:

Action requested: (Include what, with whom, when, where, why, how much (\$ and terms)

Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-06: A Bill proposing to amend Title 8 of the Nye County Code by repealing Chapter 8.42, thereby removing the Chapter regarding Medical Marijuana; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Staff recommends adoption of the Bill with an effective date of August 5, 2019.

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

Expenditure Impact by FY(s): (Provide detail on Financial Form)

No financial impact

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda

ITEM # 16

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Meeting Date: April 16, 2019

AGENDA ITEMS

For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-06: A Bill proposing to amend Title 8 of the Nye County Code by repealing Chapter 8.42, thereby removing the Chapter regarding Medical Marijuana; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

GENERAL INFORMATION SUMMARY

Staff recommends setting the public hearing for the Pahrump meeting, May 21, 2019 at 10:00 AM.

Since the State of Nevada has legalized the use of recreational marijuana, Nye County Code Chapter 8.42 pertaining to the medical use of marijuana, is no longer applicable or necessary.

Attached is the proposed Bill.

RPC MINUTES

N/A.

RECOMMENDATION

Recommended BOCC Motion: "I motion to set the public hearing on Bill 2019-06 for May 21, 2019 at 10:00 AM or soon thereafter, in Pahrump, NV."

BILL NO. 2019 – 06
NYE COUNTY ORDINANCE NO. _____

SUMMARY: A BILL PROPOSING TO AMEND TITLE 8 OF THE NYE COUNTY CODE BY REPEALING CHAPTER 8.42, THEREBY REMOVING THE CHAPTER REGARDING MEDICAL MARIJUANA; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: A BILL PROPOSING TO AMEND TITLE 8 OF THE NYE COUNTY CODE BY REPEALING CHAPTER 8.42, THEREBY REMOVING THE CHAPTER REGARDING MEDICAL MARIJUANA; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Nye County Board of County Commissioners (Board) is empowered, pursuant to the provisions of Chapter 244.119 of the Nevada Revised Statutes, to amend the Nye County Code;

WHEREAS, the State of Nevada legalized the use of cannabis for recreational use effective January 1, 2017;

and

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith the following ordinances:

1. CHAPTER 8.42 OF THE NYE COUNTY CODE, TITLED “MEDICAL MARIJUANA” IS HEREBY REPEALED IN ITS ENTIRETY.
2. **SEVERABILITY.** If any provision of this chapter or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of this chapter or amendments thereto which can be given effect without the invalid provision or application, and to this end the provisions of this chapter and amendments thereto are declared to be severable.

3. **CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

4. **EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

PROPOSED on the _____ day of _____, 2019.

PROPOSED by COMMISSIONER _____.

PASSED on the _____ day of _____, 2019.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTIONS: _____

BOARD OF COUNTY COMMISSIONERS
COUNTY OF NYE, STATE OF NEVADA

By: _____
JOHN KOENIG, Chair

ATTEST:

SANDRA L. MERLINO, County Clerk
and Ex-Officio Clerk of the Board

This ordinance shall be in force and effect from and after the _____ day of the month
of _____ of the year 2019.