

Summary: An ordinance to declare a moratorium on hemp cultivation in Carson City.

BILL NO. \_\_\_\_\_

ORDINANCE NO. 2020 - \_\_\_\_\_

AN ORDINANCE DECLARING A MORATORIUM, FOR A PERIOD OF UP TO 180 DAYS WITH THE ABILITY TO EXTEND IT BY RESOLUTION FOR UP TO AN ADDITIONAL 60 DAYS, ON THE ACCEPTANCE AND PROCESSING OF PLANNING OR OTHER APPLICATIONS FOR THE CULTIVATION OF HEMP IN CARSON CITY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

Notwithstanding any other provision of CCMC, a moratorium is hereby declared on the acceptance and processing of planning or other applications, including land use applications, business license applications, building permit applications or any other application or request for the cultivation of hemp, including, without limitation, the drying of harvested hemp plant materials, in Carson City.

SECTION II:

**This moratorium:**

1. Applies to any application for a business license or permit relating to the cultivation of hemp, including, without limitation, the drying of harvested hemp or hemp plant materials, that was received by the Business Licensing Division of the Community Development Department and is pending denial or approval on the effective date of this ordinance.

2. Does not apply to any application for the renewal of a business license or permit.

SECTION III:

This moratorium shall commence upon the adoption of this ordinance by the Carson City Board of Supervisors, and shall terminate at the close of business 180 calendar days from the date of the effective date of this ordinance and commencement of the moratorium, unless: 1) earlier terminated by the Carson City Board of Supervisors; or 2) an extension of this moratorium is approved by the Carson City Board of Supervisors at a public meeting; or the moratorium shall terminate upon the adoption of an ordinance providing for regulations of hemp cultivation. One extension, of a period of no greater

than 60 days, is contemplated hereby and such an extension may be accomplished by a resolution with a simple majority vote of the Carson City Board of Supervisors, without the need for adopting a new ordinance.

SECTION IV:

1. The Carson City Board of Supervisors declares this moratorium for the following reasons:
2. Carson City Municipal Code Section 18.02.120 (Moratorium) allows the Board of Supervisors by resolution to initiate the process for declaring a moratorium on the acceptance and processing of planning and zoning applications and permits for specific types of applications; and
3. The 2014 U.S. Farm Bill, P.L. 113-79, section 7606, 7 U.S.C. section 5940, authorized institutions of higher education or state departments of agriculture in states that have legalized hemp cultivation to conduct research and pilot programs; and
4. The Farm Bill defined hemp as the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis; and
5. The 2015 Nevada legislature adopted Senate Bill 305 which legalized the cultivation of hemp for research and pilot projects and implemented the regulations from the 2014 Farm Bill; and
6. On December 20, 2018, the Agriculture Improvement Act of 2018 ("the 2018 Farm Bill") was signed into law allowing hemp cultivation far more broadly than the previously allowed pilot programs under the 2014 Farm Bill. The 2018 Farm Bill also removed hemp from the federal list of controlled substances and directed the U.S. Department of Agriculture to develop standards for commercial hemp production; and
7. The 2019 Nevada legislature adopted Senate Bill 209 which expanded the legalized cultivation of hemp beyond research and directed the State Department of Health and Human Services to adopt regulations for the testing and labeling of hemp products; and
8. Hemp and cannabis are derivatives of the same plant, *Cannabis Sativa* L., and the appearance of hemp and cannabis are virtually indistinguishable. Absent a laboratory performed chemical analysis for THC content, the two plants often cannot be distinguished. This would make it difficult for law enforcement to independently distinguish between a hemp plant and a cannabis plant without collecting samples for testing, thereby hampering civil and criminal enforcement of current cannabis cultivation regulations; and

9. Hemp cultivation creates a pungent seasonal odor that is similar in type and intensity to the pungent seasonal odor created by cannabis cultivation. Failure to prohibit hemp or to regulate the location and size of industrial hemp cultivation sites is likely to result in nuisance odors impacting neighbors and neighborhoods; and

10. Allowing the cultivation of hemp, particularly prior to the adoption of reasonable regulations, if any, may interfere with the City's ability to effectively regulate land use, and may be harmful to the welfare of the City and its residents, create a public nuisance, and threaten existing agricultural and other land uses and nearby property owners.

SECTION V:

No other provisions of the CCMC are hereby affected.

PROPOSED on \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2020.

VOTE:

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
ROBERT L. CROWELL, Mayor

ATTEST:

\_\_\_\_\_  
AUBREY ROWLATT, Clerk-Recorder