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**A 2016 FOOD REGULATORY ROAD MAP OF THE WESTERN
NEVADA DEVELOPMENT DISTRICT**



UNIVERSITY OF NEVADA, RENO

A 2016 FOOD REGULATORY ROAD MAP OF THE WESTERN NEVADA DEVELOPMENT DISTRICT

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1.0 Introduction

Overview

The Western Nevada Development District consists of nine separate counties, including Carson City, Churchill, Douglas, Humboldt, Lyon, Mineral, Pershing, Storey, and Washoe counties, located in the north-western portion of the state of Nevada. According to the U.S. Bureau of Labor and Statistics, Crop and Animal Production, as a distinct economic sector within the Western Nevada Development District, accounted for approximately \$482.4 million in total exports in 2013, or just 1.2 percent of total exports from the District. Accommodation and Food Service generated approximately \$2.2 billion in total exports in 2013, accounting for 5.5 percent of total exports from the District in 2013. Between 2005 and 2015, the Crop and Animal Production economic sector, according to the U.S. Bureau of Labor and Statistics, saw a net increase of 332 new jobs, increasing from 3,838 total jobs in 2005 to 4,170 total jobs in 2015, a percentage increase of 8.65 percent between 2005 and 2015. Meanwhile, Accommodation and Food Services saw a net decline of approximately 3,281 total jobs between 2005 and 2015, declining from a total of 47,347 total jobs in 2005 to a total of just 44,066 total jobs in 2015, a percentage decrease of 6.93 percent between 2005 and 2015.

Local food movements, including the locally produced and locally consumed food movement, the farm to fork movement, and the cottage foods industry movement, have continued to grow in relative economic importance to the District's continued economic diversification efforts. Adopted during the 2013 Nevada State Legislative session and signed by Governor Sandoval, Nevada's first comprehensive cottage food legislation, Nevada Senate Bill 206 and filed under Nevada Revised Statute Chapter 446 Section 866, has also grown in relative economic importance throughout the Western Nevada Development District.

Individual agricultural producers, distributors and consumers continue to drive the continued growth of the Western Nevada Development District's agricultural and food production and distribution system. However, despite the District's adoption of a Comprehensive Economic Development Strategy in 2014 which outlined a series of agribusiness goals, objectives and strategies, the regulatory landscape that governs the production and distribution of agricultural products remains fragmented and, in some cases, contradictory across the various county and municipal boundaries that currently exist within the Western Nevada Development District.

This University Center for Economic Development technical report outlines a food regulatory roadmap for agricultural and food producers, distributors and consumers that operate within the Western Nevada Development District. This food regulatory roadmap has been designed to provide the Western Nevada Development District with a clear understanding of the food regulatory landscape currently operating throughout the entire District in order to shape policy, further implement the Western Nevada Development District's 2014 Comprehensive Economic

Development Strategy, and to provide large scale, medium sized, and individual start-up and entrepreneurial food producers, distributors, and retailers located through the District with accurate information regarding the regulatory environment they face in order to better develop their business strategy and ensure continued growth of the agricultural sector within the District.

The food regulatory roadmap outlined in this University Center for Economic Development technical report identifies the various regulations food producers, distributors and retailers face while operating an existing business or starting a new business within the Western Nevada Development District. A general outline of the obtaining the proper licenses for operating a business within the Western Nevada Development District is presented. A county-by-county discussion is also presented regarding the various regulatory conditions that food producers, distributors, and retailers may have to address when operating an existing business or starting a new business within the District.

The information presented in this University Center for Economic Development technical report was largely gathered from online sources maintained by various federal and state government agencies and local county and municipal governments. Appendix A lists each of these sources by federal and state government agency and local county and municipal government. A new or existing food producer, distributor, and retailer should contact the appropriate federal and state regulatory body and local government agency with jurisdiction to regulate their business within the specific jurisdiction within the jurisdiction the new or existing business will operate or currently operates in.

2.0 General Processes and Business Regulatory Standards

Regardless of the local county or municipality a producer, distributor, or retailer may choose to operate in within the Western Nevada Development District, there are several federal and state regulations that an individual producer, distributor, or retailer should consider. This chapter outlines some of the general regulatory standards, which exist at both the federal and state level, which food producers, distributors, and retailers should consider.

2.1 General Processes: The Business License

Regardless of the type of business a new start-up or existing business may decide to operate, be it a food-based business, a manufacturer, retailer, or automobile dealership, any lawful business operating within the state of Nevada or in any county or municipality located within the Western Nevada Development District must obtain a business license. Regardless of the jurisdiction, a new business must complete six general steps to obtain a new business license. First, the new business must create a corporation, a partnership, or a sole proprietorship and file the company's legal structure with the Nevada Secretary of State's office and the appropriate regulatory body, for example a business license department, in the local county and/or municipality the business will operate within, and second, the new business must obtain, complete, and file a fictitious company name certificate (Doing Business As) in the local county and/or municipality the business will operate within.

Once the new business has created their business structure, a corporation, a partnership, or sole proprietorship, and filed the appropriate fictitious company name certificate with the appropriate jurisdiction, the firm must then, third, obtain a state business license with the Nevada Secretary of State's Office. According to the Nevada Secretary of State's Office, the state business license fee is \$500 for a corporation and \$200 for all other types of firms including partnerships and sole proprietorship. However, nonprofit corporations, formed under the governing sections of Nevada Revised Statute Chapter 82 and Sole Corporations formed under the governing sections of Nevada Revised Statute Chapter 84, are exempt from having to obtain a state business license from the Nevada Secretary of State's Office. Other business types and firms that are exempt from the new state business license fee but *must still submit the appropriate new state business license form* with the Nevada Secretary of State's Office include:

- A governmental entity as defined by Chapter 76 of the Nevada Administrative Code.
- A nonprofit religious, charitable, fraternal, or other organization that qualifies as a tax-exempt organization as defined by Chapter 26 Section 501(c) of the United States Code.

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- A natural person who operates a business from his or her home as defined by Chapter 76 of the Nevada Administrative Code whose net earnings from that business are not more than 66.66 percent of the average annual wage as computed for the preceding calendar year as outlined in Nevada Revised Statutes Chapter 612 and rounded to the nearest hundred dollars.
 - A natural person whose sole business is the rental of four or fewer dwelling units to others.
 - A business whose primary purpose is to create or produce motion pictures as defined by Nevada Revised Statute Chapter 231 Section 020 and who is registered with the Nevada Division of Motion Pictures.
 - An insurance company holding a current license or certificate of authority as defined by Nevada Revised Statute Chapter 680B Section 020.

Fourth, the business must then obtain a retail sales permit or exemption from the retail sales permit from the Nevada Secretary of State's Office after consulting the local jurisdiction, county or municipality, the new business will operate within. Fifth, once the new business has completed and properly obtained the new state business license from the Nevada Secretary of State's Office, the new business must then obtain a local business license in the county, counties, or municipalities within the jurisdiction the business will operate within. Sixth, if the new business is a food establishment, the new business will be required to obtain a food establishment permit from the local county or municipal health department located within the jurisdiction the new business will operate within. Individually, a new food establishment may have to complete a Food Establishment Plan Review Application, complete an Application for Permit to Operate, and be subject to annual and random inspections from the local county and/or municipal health department.

The following sections outline the business license and specific food establishment regulatory process for each independent and lawful governing jurisdiction located within the Western Nevada Development District.

2.1.1 Carson City

Carson City is a consolidated municipality and, in practice, functions as a city-county government. According to the U.S. Census Bureau's 2010 Decennial Census, Carson City's residential population in 2010 was 55,274 individuals.

Carson City provides a detailed checklist a new business is expected to follow in order to obtain a new business license online. This checklist, including additional business license fee structure information, is available online at: <http://carson.org/home/showdocument?id=14862>.

Carson City has developed seven different business types, including Home-Based Business, Out-of-Town Business, Hobby Business, Short-Term Business, Independent Contractor, Contractor, and Commercial Location, used to develop the City’s fee structure for new business licenses. Table 2.1 summarizes the various business types and the fee structure based on the general structure and activity of the new business seeking a new business license from Carson City.

Table 2.1 New Business License Fees – Carson City, Nevada	
Type of Business	Annual Fee
Home-Based Business	\$63.85
Out-of-Town Business	\$79.70
Hobby Business (Home-Based or Income Under \$3,500 per year)	\$26.60
Short-Term Business (Expected to be in operation for 60 days or less)	\$22.70 per day or \$113.50 per month
Independent Contractor	\$42.60
Contractor (Home-Based Business or Out-of-Town Business)	\$78.75
Commercial Location (Base Fee plus additional fees for Commercial Locations)	\$63.85

Source: <http://carson.org/home/showdocument?id=14862>

Table 2.2 presents the additional fees that a Commercial Location type business located within Carson City may have to pay. These fees are based on the total square footage of the Commercial Location operation.

Table 2.2 Commercial Location Business License Fees based on Total Square Footage – Carson City, Nevada	
Total Square Footage	Annual Fee
0 sq. ft. to 1,999 sq. ft.	\$13.00
2,000 sq. ft. to 2,499 sq. ft.	\$32.25
2,500 sq. ft. to 4,999 sq. ft.	\$64.70
5,000 sq. ft. to 7,499 sq. ft.	\$96.90
7,500 sq. ft. to 9,999 sq. ft.	\$129.45
10,000 sq. ft. to 24,999 sq. ft.	\$194.65
25,000 sq. ft. or More	\$259.20

Source: <http://carson.org/home/showdocument?id=14862>

Individual business license applicants in Carson City may also be charged an annual fee based upon the total number of employees employed by the firm. These fees are charged to the individual basis on a per employee basis. Table 2.3 presents the additional fees that any business, regardless of type, may be charged by Carson City when applying for a new business license or renewing an existing business license.

Table 2.3 Fees Charged to New and Existing Businesses based on Number of Employees Employed Annually – Carson City, Nevada	
Total Number of Employees	Annual Fee
1 to 100 Total Employees	\$6.15 per employee
101 or More Total Employees	\$2.85 per employee

Source: <http://carson.org/home/showdocument?id=14862>

Business licenses in Carson City are also prorated based on the month the business is started in and the month in which the business is granted a new business license or renews an existing business license. Table 2.4 summarizes Carson City’s business license prorated fee structure. This structure is based on a fiscal year beginning July 1 and ending June 30.

Table 2.4 Business License Monthly Prorated Fee Structure – Carson City, Nevada	
Month	Prorated Business License Fee Structure
July	100.0%
August	92.0%
September	83.0%
October	75.0%
November	67.0%
December	58.0%
January	50.0%
February	42.0%
March	33.0%
April	25.0%
May	17.0%
June	8.0%

Source: <http://carson.org/home/showdocument?id=14862>

2.1.2 Churchill County

Churchill County is a county government with one incorporated city, the City of Fallon. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, Churchill County’s total residential population was 24,877 individuals.

Churchill County’s fee structure for a new business is relatively straightforward. New and existing business licenses are issued and a fee structure developed based on the desire of the new or existing business to be licensed and charged annually or quarterly. More information about Churchill County Planning Department’s Fee Schedule for new and existing businesses is available online at: <http://www.churchillcounty.org/DocumentCenter/View/623>.

Table 2.5 outlines the various business license fees for new or existing businesses based on the annual or quarter licensing structure.

Table 2.5 Annual or Quarterly Business License Fee Structure – Churchill County, Nevada	
Annual or Quarterly	Fee
Annual	\$125.00 per year
Quarterly	\$50.00 per quarter

Source: <http://www.churchillcounty.org/DocumentCenter/View/623>

It is important to note that when a new or existing business license is issued in conjunction with a Special Use Permit or Conditional Use Permit granted by the Churchill County Planning Commission, the business license may be issued without a fee for *a home occupation or service occupation from a home* that meets the following conditions:

- The applicant must be a sole proprietor.
- The applicant must have no employees, contractors, or subcontractors in addition to themselves as the business owner.
- The applicant must have no customer traffic to their home.
- The applicant must have no displayed signage indicating the presence of a home occupation or service occupation from the home.

2.1.3 City of Fallon (Churchill County)

The City of Fallon is an incorporated city located in Churchill County and serves as the county-seat. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, Churchill County’s total residential population was 8,606 individuals. As of the publishing of this University Center for Economic Development technical report, there was no information regarding the business licensing process published online on the City of Fallon’s website. However, an applicant business can obtain a business license application form by contacting the City of Fallon’s City Clerk’s Office. The City of Fallon’s business license application fee is based upon the amount of anticipated annual gross receipts with a minimum cost of \$50.00.

2.1.4 Douglas County

Douglas County is a county government with no incorporated cities. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, Douglas County's total residential population was 46,997 individuals.

New and existing business license permit applications are processed by the Douglas County Department of Economic Development and Vitality. Information on business licenses, development permits, health permits for food establishments, home-based businesses, liquor licenses, outdoor festival permits, and sign permits are available on the Department of Economic Development and Vitality's website, available online at:

<http://www.douglascountynv.gov/299/Business-Licenses-Permits>.

In Douglas County, business permits are generally not required for new or existing businesses. However, a new firm must complete and submit a Fictitious Firm Name/New Business Packet available from the Douglas County Clerk-Treasurer's Office in accordance with Nevada Revised Statute Chapter 602. The resulting Certificate of Business, issued by Douglas County and the Douglas County Clerk-Treasurer's Office, must be renewed every five years pursuant to Douglas County Ordinance Number 2001-985. The Certificate of Business must contain the following information:

- The name of the business.
- The physical address of the business.
- The type of business to be conducted.
- The name or names of the corporation or person or persons conducting the business and the address or addressees of the corporation or person or persons conducting the business.

The Certificate of Business must be signed by an officer of the corporation or by each person interested in, conducting, or carrying on such business. All names listed as interested persons must have their signatures acknowledged before an officer authorized to do so such as a Notary Public or a Deputy Clerk of the Douglas County Clerk-Treasurer's Office. A sample Certificate of Business application packet is available online at: https://cltr.douglasnv.us/wp-content/uploads/2015/10/ffn_packet.pdf.

2.1.5 Humboldt County

Humboldt County is a county government with one incorporated city, the City of Winnemucca. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, Humboldt County's total residential population was 16,528 individuals.

As of the publishing of this University Center for Economic Development technical report, there was no information regarding the business licensing process published online on Humboldt County's website.

2.1.6 City of Winnemucca (Humboldt County)

The City of Winnemucca is an incorporated city located in Humboldt County and serves as the county-seat. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, the City of Winnemucca's total residential population was 7,174 individuals.

Wholesalers, retailers, services, and contractors may be assessed a business license fee based on their annual gross income. Table 2.6 summarizes the various business license fees that may be applied to a business license applicant who is a wholesaler, retailer, service provider or contractor.

Table 2.6 Business License Fee Structure for Wholesalers, Retailers, Service Providers, or Contractors – City of Winnemucca, Nevada	
Annual Gross Receipts	Fee
Less than \$5,000	\$0
\$5,000 to \$59,999	\$75
\$60,000 to \$79,999	\$90
\$80,000 to \$99,999	\$105
\$100,000 to \$119,999	\$120
\$120,000 to \$139,999	\$135
\$140,000 to \$159,999	\$150
\$160,000 to \$199,999	\$165
\$200,000 to \$239,999	\$180
\$240,000 to \$319,999	\$195
\$320,000 to \$399,999	\$210
\$400,000 to \$499,999	\$242.50
\$500,000 to \$999,999	\$242.50 + \$0.20 for each additional \$1,000 or fraction thereof 1,000,000.
\$1,000,000 or More	\$342.50 + \$0.16 for each additional \$1,000 or fraction thereof

Source:

https://www.municode.com/library/nv/winnemucca/codes/code_of_ordinances?nodeId=TIT5BU_LIRE

Information regarding the business license process in the City of Winnemucca is available on the city's website at: <http://www.winnemuccacity.org/BusinessLicenseForms.cfm>. Applicants for a new or existing business license must complete the following steps with the City of Winnemucca:

- The business license applicant must complete a review of the business license applicant if necessary in person at the City Clerk's Office in order to be directed to the appropriate municipal department or departments and/or any other government regulatory agencies for any required inspection or inspections and/or approval or approvals.

- A business license fee will be assessed and levied and may vary based on the business category and/or annual gross income of the applicant business. The City of Winnemucca’s business license fee will be assessed by the City Clerk’s Office as determined through the applicable guidelines in the City of Winnemucca’s municipal code.

The City of Winnemucca’s Municipal Code Title 5 (Business Licensing) is available on the city’s website at: https://www.municode.com/library/nv/winnemucca/codes/code_of_ordinances. For a standard business license, for wholesalers, retailers, service providers, or contractors, there are nine separate forms required by the City of Winnemucca in order to be eligible for a new business license. These forms include an Application Form, a Summary-Basic Information Form, a Nevada State Business License, a Child Support Form (only if the applicant business is not a corporation), a State of Nevada Division of Industrial Relations Industrial Insurance Compliance Form, a Building Survey Form, an Emergency Contacts Form from the Humboldt County Sheriff’s Office, and a State of Business Equipment, Assets, and Personal Property Form from the Humboldt County Assessor’s Office.

2.1.7 Lyon County

Lyon County is a county government with two incorporated cities, the City of Fernley and the City of Yerington. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, Lyon County’s total residential population was 51,980 people.

Information on Lyon County’s business license application process is available online on the county’s website at: <http://www.lyon-county.org/DocumentCenter/Home/View/202>. In general, Lyon County’s business license fee is based on the total number of employees the new or existing business will or is currently employing. Table 2.7 summarizes the various business license fees that may be applied to a business license applicant based on the total number of employees employed by the business.

Table 2.7 Business License Fee Structure for New and Existing Businesses – Lyon County, Nevada	
Total Number of Employees	Fee
1 to 3 Employees	\$150 Annually
4 to 15 Employees	\$188 Annually or \$47 Quarterly
16 to 50 Employees	\$338 Annually or \$84.50 Quarterly
51 or More Employees	\$900 Annually or \$225 Quarterly

Source: <http://www.lyon-county.org/DocumentCenter/Home/View/202>

Before applying for a Lyon County business license, the applicant business must complete the following steps and submit the required paperwork to the Lyon County Planning Department:

- Complete a Lyon County Business License Application form with the applicable sign-offs as required by Lyon County.

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- Provide a copy of the Nevada State Business License or a letter of exemption from the Nevada Secretary of State's Office.
 - Provide a copy of the Sales and Use Tax Permit or a letter of exemption from the Nevada Secretary of State's Office.
 - Complete a Lyon County Fictitious Firm Name (Doing Business As) form if applicable. This form should list all owners, corporate officers, or Limited Liability Company members. An additional \$20.00 fee is required for filing a completed Lyon County Fictitious Firm Name form.
 - Complete the State Industrial Insurance form if applicable.
 - Complete the applicable Child Support form if applicable.
 - Complete the Emergency Responder form provided by the Lyon County Sheriff's Office if the applicant business is a commercial or industrial business.
 - Complete the Home Occupation form if the business is a home-based firm.
 - Provide a copy of any Special Use Permit, if applicable, approved by the Lyon County Planning Commission and issued by Lyon County.
 - Provide a copy of any supporting documents including, if applicable, any required additional licenses and certifications.

A prorated business license fee may be assessed if the license is issued and the business begins operation after October 1 of the current fiscal year.

2.1.8 City of Fernley (Lyon County)

The City of Fernley is an incorporated city located in Lyon County. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, the City of Fernley's total residential population was 19,368 individuals.

Information regarding the City of Fernley's business license process is available online on the city's website at: <http://www.cityoffernley.org/index.aspx?nid=94>. The City of Fernley offers four separate types of business licenses including a Commercial Business License, a Home Occupation License, an In-Home Child Care License, and an Out of Town License. Definitions and the appropriate business license form for each of these business license types are available online on the city's website. Each type of business license has a different fee structure.

Table 2.8 summarizes the business license fee structure for the Commercial Business License for the City of Fernley. The fee structure for the Commercial Business License is based on the total number of employees employed by the firm on an annual basis.

Table 2.8 Business License Fee Structure for Commercial Business License Applicants – City of Fernley, Nevada	
Total Number of Employees	Fee
1 to 3 Employees	\$100
4 to 24 Employees	\$275
25 to 49 Employees	\$350
50 to 99 Employees	\$500
100 to 199 Employees	\$1,000
200 to 499 Employees	\$1,500
500 to 999 Employees	\$2,000

Source: <http://www.cityoffernley.org/index.aspx?NID=581>

All Home Occupation Business License applicants are charged a flat fee of \$75 annually. This fee does not change regardless of the total number of employees employed by the business or the total amount of gross or net annual earnings earned by the firm on an annual basis. However, based on the total number of employees employed or based on the total amount of gross or net annual earnings earned by the firm on an annual basis, the firm may no longer be eligible to apply for a Home Occupation Business License and may have to apply for a Commercial Business License or other business license type.

In-Home Child Care Business License fees are assessed based on the total number of children cared for on an annual basis. In-Home Child Care Business License applicants with one to four children must pay a \$50 annual fee. In-Home Child Care Business License applicants with five to six children must pay a \$75 annual fee. Once the number of children cared for increases beyond six children, the firm may have to apply for a Commercial Business License or other business license type.

Out of Town Business License fees are assessed based on the total number of employees employed by the firm on an annual basis. An Out of Town Business License applicant employing between one and 50 total employees must pay a \$150 annual fee. An Out of Town Business License applicant employing 51 or more total employees must pay a \$250 annual fee.

2.1.9 City of Yerington (Lyon County)

The City of Yerington is an incorporated city located in Lyon County and serves as the county-seat. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, the City of Yerington's total residential population was 3,048 individuals.

Information regarding the City of Yerington's business licensing process, including a copy of the required City of Yerington's Business License Applicant Packet, is available online on the City

of Yerington's website at: <http://nv-yerington.civiccities.com/DocumentCenter/View/1159>. The City of Yerington's Business License Applicant Packet provides a checklist of the required forms and documentation the applicant business must complete or provide. These requirements include:

- Completion of the Business License Applicant Packet Application Page
- Completion of the required Business License Applicant Packet Signature Page and completion of any required inspections. For food related businesses, either mobile or stationary, the applicant business must obtain inspections from the city's Health Department, Building Department, and Fire Department.
- Provide a list of additional applicants.
- Completion of the City of Yerington's Fictitious Firm Name (Doing Business As) form provided in the city's Business License Applicant Packet.
- Provide a copy of the applicant business's Nevada State Business License issued by the Nevada Secretary of State's Office.
- Provide a copy of any supplementation information or licensing requirements required by the Nevada Department of Taxation.
- Complete the Nevada Division of Industrial Relations form with a copy of the applicant business's current Workman's Compensation Certificate.
- Complete, if applicable, the required Child Support Information form.
- Complete the Policy Department Security Check form.

The City of Yerington's business license fee structure is assessed and billed quarterly. Business license fees are also assessed based on the total number of employees employed by the firm and further assessed based upon the type of business, as defined by the city's existing municipal code as defined in Title 3 Business and License Regulations. These definitions are available online on the City of Yerington's website available at:

http://www.sterlingcodifiers.com/codebook/index.php?book_id=410.

Table 2.9 summarizes the business license fee structure for all business license applicants for the City of Yerington. These fees are based on the total number of employees employed by the applicant business and the type of business the business will be assessed under using the city's existing municipal code. In addition to the fee structure listed in Table 2.9, the City of Yerington may charge a flat \$20.00 application fee. The City of Yerington may also charge a flat short-term project rate of \$50.00 for any project that will be completed within 30 days or a flat single project rate of \$50.00 for a single job that will be completed within one year.

Table 2.9 Business License Fee Structure Based on Total Number of Employees Employed – City of Yerington, Nevada				
Business Category	1 Total Employee	2 to 4 Total Employees	5 to 10 Total Employees	11 or More Employees
A	\$15.00	\$30.00	\$60.00	\$120.00
B	\$30.00	\$60.00	\$120.00	\$240.00
C	\$50.00	\$100.00	\$200.00	\$300.00

Source: <http://nv-yeirington.civiccities.com/DocumentCenter/View/1159>

2.1.10 Mineral County

Mineral County is a county government with no incorporated cities. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, Mineral County’s total residential population was 4,772 people.

Mineral County has developed a business license application packet available online on the county’s website available at: http://cloud.snappages.com/90bf44c37660bea50201044989c9dd0a930c0d88/Mineral%20County%20Business%20License%20Ap_1.pdf. Mineral County requires that a business license applicant complete six separate forms as part of the business license process, including:

- The Mineral County Business License Application form.
- The Mineral County Sheriff’s Office Supplemental Form and Questionnaire.
- Signature Sheet for Appropriate Officers of the company and business license applicant firm.
- Certificate of Business: Fictitious Firm Name form.
- Application of License.
- Copy of the applicant’s Nevada State Business License as required by the Nevada Secretary of State’s office.

Additional forms and proof of license or certification may be required by the business license applicant. Business license applicants should make an appointment with the Mineral County Sheriff’s Office to determine if additional forms and/or proof of license or certification are required before the business license applicant completes and submits the required forms listed above.

Mineral County’s business license fee structure is based on the total number of employees employed by the firm and working within Mineral County. The business license fee are prorated on a quarterly basis and Mineral County uses a fiscal year beginning July 1 and ending June 30.

The required fees, as listed in Table 2.10, are reduced by 25 percent for each quarter in the fiscal year. For the first quarter (July, August, and September), fees are 100 percent of the fees listed in Table 2.10. For the second quarter (October, November, and December), fees are 75 percent of the fees listed in Table 2.10. For the third quarter (January, February, and March), fees are 50 percent of the fees listed in Table 2.10. For the fourth quarter (April, May, and June), fees are 25 percent of the fees listed in Table 2.10. Regardless of the prorated structure and the number of employees employed by the firm, the business license fee will never be less than \$20.00.

Table 2.10 summarizes the business license fee structure, based on the total amount of employees the business license applicant will or currently employes in Mineral County, for Mineral County.

Table 2.10 Business License Fee Structure Based on Total Number of Employees Employed – Mineral County, Nevada	
Total Number of Employees	Fee
Self Employed (No Employees)	\$40
One Employee, One Partner	\$80
Two to Four Employees	\$120
Five to Six Employees	\$200
Seven to Eight Employees	\$240
Nine to 20 Employees	\$280
21 to 50 Employees	\$340
51 to 150 Employees	\$800
151 or More Employees	\$1,200

Source:

http://cloud.snappages.com/90bf44c37660bea50201044989c9dd0a930c0d88/Mineral%20County%20Business%20License%20Ap_1.pdf

2.1.11 Pershing County

Pershing County is a county government with one incorporated city, the City of Lovelock. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, Pershing County’s total residential population was 6,753 individuals.

As of the publishing of this University Center for Economic Development technical report, there was no information regarding the business licensing process published online on Pershing County’s website.

2.2.12 City of Lovelock (Pershing County)

The City of Lovelock is an incorporated city located in Pershing County and serves as the county-seat. In 2010, according to the U.S. Census Bureau’s 2010 Decennial Census, the City of Lovelock’s total residential population was 1,894 individuals.

Information regarding the City of Lovelock's business licensing processes, including a copy of the required City of Lovelock business license application form, is available online on the City of Lovelock's website at:

<http://www.cityoflovelock.com/sites/default/files/Business%20License%20packet.pdf>. The City of Lovelock provides a checklist of the required forms and documentation the applicant business must complete or provide. For business licenses issued by the City of Lovelock, applicants are encouraged to contact the Lovelock City Clerk's Office. For business licenses issued by Pershing County, applicants are encouraged to contact the Pershing County Sheriff's Office.

For special licenses and permits, including liquor, food, and motel licenses, the applicant business must receive clearance from the Nevada Bureau of Health Protection Services Winnemucca Office located in neighboring Humboldt County. In addition to this clearance, if the applicant business is applying for a liquor license, the applicant business may be subject to the following additional requirements:

- A \$50.00 applicant fee.
- The applicant business must be fingerprinted by the Pershing County Sheriff's Office and the recorded fingerprints must be attached the City of Lovelock's liquor license application.
- The liquor license application must be notarized.
- Each applicant must then make an appointment with the City of Lovelock's Policy Department for a background check.
- The applicant business and the issuance of a liquor license is subject to approval by the City of Lovelock's City Council.
- Upon approval by the City of Lovelock's City Council, the liquor license fee is \$200.00 per six months.

Home based businesses wishing to operate within the City of Lovelock must receive a Home Occupation Special Use Permit from the City of Lovelock's Planning Department. The fee for the application is \$175.00 if the home is located in a residentially zoned district. The purpose of the Home Occupation Special Use Permit is to ensure the compatibility of the home-based operation with other uses permitted in the residential districts, to maintain and preserve the character of the residential neighborhoods, to promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were intended rather than to commercial uses, and to allow a residence to be used as a location for a small developing business which, in time, may be relocated to a commercially zoned site. A home-based occupation is exempt from having to receive a Home Occupation Special Use Permit if the home-based occupation is a composer, writer, babysitter (for less than three children), or any other activity that fits the definition of a home-based business and does not

require a business license. Any business or commercial use or activity that draws customer or client traffic beyond the normal traffic associated with the residential district or any business or commercial use or activity that requires storage of equipment or inventory that cannot be stored within a dwelling is prohibited by the City of Lovelock

For all applicant businesses seeking a general City of Lovelock business license, the applicant business must complete the following steps in order to receive a business license from the City of Lovelock:

- Register the business's name with the City of Lovelock and pay a \$20.00 filing fee with the Pershing County Clerk's Office *if* the name of the business is other than the name filing the application or the legal corporation's name. A Fictitious Firm Name filing is not required to obtain a City of Lovelock business license but may be necessary for other business matters.
- File and receive an unemployment compensation identification number with the Nevada Employment Security Division if required.
- If the applicant business is to employ individuals other than the owner/operator of the business, the application business must apply for and receive proof of workman's compensation insurance with the Employers Insurance Company of Nevada.
- Receive clearance and approval of any required registration or licensing with the Nevada Department of Taxation.
- Apply for and successfully receive a state business license from the Nevada Secretary of State or proof of exemption. The City of Lovelock requires that this license or exemption be renewed annually on the anniversary of receiving the state business license or exemption.

2.2.13 Storey County

Storey County is a county government with no incorporated cities. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, Storey County's total residential population was 4,010 individuals.

Storey County has developed a business license application packet available online on the county's website available at: <https://www.storeycounty.org/DocumentCenter/View/5974>. The Storey County business license application packet includes an overview of the business license fee structure, a copy of the Storey County business license application form, a copy of the Storey County dispatch center information form, a list of the Storey County Fire and Life Safety in-county business license application requirements, and a general outline of the in-county business application inspection requirements.

For in-county only application businesses, the applicant business may use the total number of employees employed by the business on an annual basis or the total square footage of the

physical location of the business to determine the annual business license fee. Regardless of the additional amount the applicant business must pay for a new business license or to renew an existing license, the applicant in-county only business must pay a base fee of \$75.00 plus the additional fees listed below in Table 2.11 and Table 2.12.

Table 2.11 Business License Fee Structure Based on Total Number of Employees Employed – Storey County, Nevada	
Total Number of Employees	Fee
One to Five Employees	\$25
Six to Ten Employees	\$40
11 to 25 Employees	\$75
26 to 50 Employees	\$125
51 or More Employees	\$125 plus \$2.00 for Each Additional Employee

Source: <https://www.storeycounty.org/DocumentCenter/View/5974>

Table 2.12 Business License Fee Structure Based on Total Square Footage of the Business – Storey County, Nevada	
Total Square Footage	Fee
1 to 1,999 Square Feet	\$15
2,000 to 2,999 Square Feet	\$31
3,000 to 4,999 Square Feet	\$63
5,000 to 7,499 Square Feet	\$94
7,500 to 9,999 Square Feet	\$125
10,000 to 24,999 Square Feet	\$188
25,000 to 99,999 Square Feet	\$250
100,000 to 499,999 Square Feet	\$500
500,000 or More Square Feet	\$1,000

Source: <https://www.storeycounty.org/DocumentCenter/View/5974>

Brothels, cabarets, fortunetelling, special events, independent contractors, home occupations, and out-of-county operations are exempt from the business licensing fee structure listed above in Table 2.11 and Table 2.12. New business license fees and annual renewal fees for these and other specifically identified businesses are listed below:

- Fortunetelling, Palmistry: \$700.00 per year.
- Home Business: \$100.00 per year.
- Contractors: \$100.00 per year.

-
- Massage and Therapeutic Services: \$135.00 per year.
 - Mining, Excavation, and Earth-Moving and Processing: \$475.00 per year.
 - Non-Profit: \$0.00 with proof of 501c(x) status.
 - Out-of-County Only Business: \$75.00 per year.
 - Pawn: \$250.00 per year.
 - Subdivision (Sales, Commercial): \$475.00 per year.
 - Transportation Companies: \$100.00 per year.

For each of these business types listed above, additional documentation from either the state government or Storey County may be required before a new business license can either be issued or an existing business license renewed.

2.2.14 Washoe County

Washoe County is a county government. The City of Reno and the City of Sparks are the two largest incorporated cities in Washoe County. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, Washoe County's total residential population was 421,407 individuals. It is the largest county jurisdiction within the Western Nevada Development District.

General business licenses are issued and general business license fees are collected only for those businesses conducting business in or within unincorporated Washoe County. For businesses operating within the City of Reno and the City of Sparks, business license applicants must apply for and receive a business license from either the City of Reno or the City of Sparks. All Washoe County business licenses are valid for one year from the date of issue and are renewed annually. In Washoe County, the county's Department of Community Development is responsible for reviewing all business license applicants, issuing new business licenses, and approving renewals for existing businesses.

Washoe County has developed a ten step business license application outline and the outline is available online on Washoe County's website available at: https://www.washoecounty.us/csd/planning_and_development/business_license/business_license_files/ten_steps.pdf. A more detailed outline of the Washoe County business license application process is also available online on Washoe County's website at: https://www.washoecounty.us/csd/planning_and_development/business_license/business_license_files/ten_steps.pdf.

Washoe County's ten step business license application process includes:

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1. Determine the Licensing Requirements of the Application Business: a new business must obtain a Washoe County general business license if the business location address is in the unincorporated area of Washoe County, and, if the business is mobile, if the business will be doing business in the unincorporated area of Washoe County.
 2. Obtain and Complete a Washoe County Business License Application: the Washoe County business license application form is available in person (at the Washoe County Administrative Complex located at 1001 E Ninth Street, Reno, Nevada), by mail or by requesting that a business license application form be mailed to the applicant business, or online through the county's website.
 3. Document the Applicant Business Name: if a corporation, the applicant business must provide Washoe County with a copy of the firm's Articles of Incorporation and a list of all current corporate officers; if doing business under a name other than the applicant business owner's name, complete and file a Fictitious Firm Name certificate with Washoe County.
 4. Register with the Nevada Secretary of State and Receive a Nevada State Business License.
 5. Register with the Nevada Department of Taxation: if required, complete a sales and use tax permit registration with the Nevada Department of Taxation.
 6. Obtain Workers Compensation from the Applicant Business's Insurance Company of Choice: if required, submit the completed State Industrial Insurance Compliance form.
 7. Obtain and Provide Documentation of all Applicable Federal and State Licenses.
 8. Complete and Submit a Washoe County General Business License Application Form: this should be done through the Washoe County Department of Community Development.
 9. Provide all Additional Required Supporting Documents: the Washoe County Department of Community Development will be able to provide the applicant business with a list of additional required supporting documents based upon the type of business the applicant business will engage in.
 10. Complete all Additional 'Sign-Offs' from Appropriate Washoe County Departments: if the applicant business is a commercial business or a non-home based business from the business's property, additional approval from various other Washoe County Departments may be needed; the Washoe County Department of Community Development will be able to provide the applicant business with a list of additional county departments the applicant business should contact if required.

For new business license applicants, Washoe County charges a flat fee of \$75.00. For renewing a business license, applicant businesses will be charged based on total gross receipts after the first year of operation and for every year after the initial new business license has been issued. Table 2.13 lists the fee by total gross receipts charged by Washoe County for existing business license annual renewals.

Table 2.13 Annual Renewal Business License Fee Structure Based on Total Gross Receipts – Washoe County, Nevada	
Total Gross Receipts	Fee
\$25,000 and Under	\$55
\$25,001 to \$50,000	\$65
\$50,001 to \$100,000	\$115
\$100,001 to \$300,000	\$140
\$300,001 to \$500,000	\$235
\$500,001 to \$1,000,000	\$345
\$1,000,001 to \$2,500,000	\$600
\$2,500,001 to \$5,000,000	\$630
\$500,000,001 or More	\$655

Source:

https://www.washoecounty.us/csd/planning_and_development/business_license/business_license_files/Business_License_Fees_April2014.pdf

For any business renting, leasing, or sub-leasing any commercial or industrial property, or three or more residential units on one parcel, the applicant business will pay a flat fee of \$75.00 for their first year of operation. After the first year of operation, and for every year in which the applicant business applies to renew their business license, a business license renewal fee will be assessed based upon the applicant business’s annual total gross receipts. For any renewing applicant business with annual total gross receipts of \$100,000 or less, the fee will be \$55.00. For any renewing applicant business renting, leasing, or sub-leasing any commercial or industrial property, or three or more residential units on one parcel, with annual total gross receipts of \$100,001 or more, the schedule outlined above in Table 2.13 beginning at \$100,001 to \$300,000 with a fee of \$140 will be used.

Washoe County has identified a number of special business types and fees. Additional background checks for adult characterized businesses, a locksmith or safe mechanic business, a massage business, outdoor festival or outdoor community event, a pawnbroker or second hand store business, or a peddler, solicitor, or traveling merchant may be required. Additional types of businesses, including a solicitor for a charitable organization, for conducting a flea market, and for operating a carnival, circus, tent show or theme park, may be required to obtain a registration card from the Washoe County Sheriff’s Office before a business license can be issued. Each of these special business types, as well as other special business types as determined by the Washoe County Department of Community Development, may be subject to different and/or additional new business license fees and existing business license renewal fees.

2.2.15 City of Reno (Washoe County)

The City of Reno is an incorporated city located in Washoe County and serves as the county-seat. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, the City of Reno's total residential population was 233,294 individuals.

Information regarding the City of Reno's business licensing processes, including a copy of the required City of Reno business license application form, is available online on the City of Reno's website at: <http://www.reno.gov/government/departments/community-development-department/business-license-division>. In the City of Reno, the city's Business License Division is responsible for reviewing and issuing all new business license application and for renewing all existing business licenses. The City of Reno has developed a ten step process that business license applicants should follow, including:

1. Provide Proof a Nevada State Business License: an applicant business can obtain a Nevada State Business License from the Nevada Secretary of State.
2. Provide Proof of Taxation Registration: an applicant business can obtain a state sales and use tax permit from the Nevada Department of Taxation.
3. Provide Proof of Industrial Insurance: an applicant business can obtain workers compensation insurance from the Nevada Department of Business & Industry, Industrial Relations Division.
4. Complete the Fictitious Firm Name Registration Process: if the applicant business is doing business under another name other than the name of the applicant business owner, owners, or corporate name, the applicant business must complete and submit a Fictitious Firm Name application with Washoe County.
5. Receive the Necessary Zoning Approval: if required, the applicant business may need to receive additional zoning approval from the City of Reno's Planning Department.
6. Complete Required Inspection and Approval by the Reno Fire Department: if required, the applicant business may need to complete a required inspection by the Reno Fire Department; all commercial businesses must complete an inspection and all inspection fees are due before a business license from the City of Reno can be issued.
7. Receive a Permit from the City of Reno Building & Safety Department for Signage: if required, the applicant business may need an additional permit for signage from the City of Reno's Building & Safety Department.
8. Receive Required Permits and Approval from the Washoe County Health District: if the applicant business will sell any food or drink products for human consumption, the

applicant business must complete the required inspections and permitting process as required by the Washoe County Health District.

9. Complete Additional Permitting for Employment Agencies and Banking and Lending Companies: if the applicant business is an employment agency or banking and lending company, the applicant business must complete the additional state permitting as required by state law.
10. Receive Required Additional Reno Police Department and/or Reno City Council Approval: in addition to the general business license issued by the City of Reno, the City of Reno has several regulatory-privilege licenses; additional approval and additional fees may be required by both or either of the Reno Police Department and the Reno City Council.

For general business licenses, for either a new business license or renewal of an existing business license, the City of Reno’s business license fee is based on the total amount of gross receipts earned by the business. Table 2.14 lists the fee by total gross receipts charged by the City of Reno for new business licenses and existing business license annual renewals.

Table 2.14 New Business License and Annual Renewal Business License Fee Structure Based on Total Gross Receipts – City of Reno, Nevada	
Total Gross Receipts	Fee
\$0 to \$20,000	\$60
\$20,001 to \$100,000	\$130
\$100,001 to \$5,000,000	0.00085 * Amount Over \$100,000 plus \$130
\$5,000,0001 or More	0.00065 * Amount Over \$5,000,000 plus \$4,295

Source: <http://www.reno.gov/home/showdocument?id=60572>

The City of Reno, based on the specifics of the operation of the applicant business, may also charge a number of separate fees. These fees may include, but are not limited to:

- Application Processing Fee: \$25.00
- 1st Amendment Artists & Sidewalk Speakers Application Fee: \$5.00
- Application Change Fee: \$16.00
- Branch Location Application Fee: \$16.00

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- License Replacement Fee: \$11.00
 - Planning Department Business License Review Fee for a Home-Based Business: \$30.00
 - Planning Department Business License Review Fee for a Commercial Business: \$70.00
 - Fire Inspection, Base Fee: \$91.00
 - Environmental Control Permit, Base Fee: \$167.00
 - Background Investigation Fee (Per Person/Per License): \$135.00

The City of Reno also charges a number of flat fees, privileged license fees, alcohol license fees, medical marijuana establishment fees, special events and activities fees, and gaming license fees. The applicant business will need to contact the City of Reno's Planning Department and the City of Reno's Business License Division in order to determine which additional fees may apply during the new business license application process or during the existing business license renewal process.

2.2.16 City of Sparks (Washoe County)

The City of Sparks is an incorporated city located in Washoe County. In 2010, according to the U.S. Census Bureau's 2010 Decennial Census, the City of Spark's total residential population was 90,264 individuals.

Information regarding the City of Sparks' business licensing processes, including a copy of the required City of Sparks business license application form, is available online on the City of Sparks' website at: <http://www.cityofsparks.us/blinfo>. In the City of Sparks, the city's Business License Division is responsible for reviewing and issuing all new business license application and for renewing all existing business licenses. The City of Sparks has classified most business licenses into three general categories, including: (1) the General Business License, (2) the Specialized Business License, and the (3) Home Based Business License. A separate license fee, for both new business license applications and existing business annual renewal applications, for each of these three types of business license types has been developed by the City of Sparks. Additional licensing fees and requirements may also be required for residential house cleaning businesses, mobile food vendors, pawnbrokers, precious metals dealers, businesses that sell alcohol, and gaming establishments.

Similar to Washoe County and the City of Reno, the City of Sparks requires that the applicant business first apply for and receive a Nevada State Business License from the Nevada Secretary of State. The applicant business must also apply for and receive either a sales and use tax permit or exemption from the Nevada Department of Taxation. The applicant business, before applying for a City of Sparks general business license, must also provide proof of worker's compensation insurance from the Nevada Department of Business & Industry. If the business applicant's firm will do business under a name different from the applicant business's name or the corporate

name, the applicant business must complete and submit a Fictitious Firm Name form with Washoe County. When these steps are completed, the applicant business may complete and submit a City of Sparks business application form. A City of Sparks business application form is available on the city's website available at:

<http://cityofsparks.us/sites/default/files/assets/documents/bus-license/Business License Joint App 080211c.pdf>.

The City of Sparks has three general categories of business license fees for the city's general business license. These fees apply to any retail establishment, service business, or any other similar type of business activity not covered by the specialized business license or the home based business license. For new business license applications, a base fee of \$80.00 plus an additional processing fee of \$25.00 is charged. The processing fee of \$25.00 is only charged to new business license applicants. For renewing business license applications, a base fee of \$80.00 plus \$1.00 per \$1,000 over \$10,000 annual gross receipts for the previous 12 months is charged. For closing a business license, a \$1 per \$1,000 over \$10,000 gross receipts for the previous 12 months is charged. Since renewals are always processed based on arrears, the initial \$80.00 is applied to the closing receipts when the business closes or sells and covers the first \$10,000 of the gross closing receipts.

2.2.17 Washoe County-City of Reno-City of Sparks Multijurisdictional Business License

Beginning November 14, 2011, Washoe County, the City of Reno, and the City of Sparks began issuing a multijurisdictional business license for those new businesses planning on operating or those existing businesses currently operating in Washoe County, the City of Reno, or the City of Sparks. Prior to November 14, 2011, any business planning to operate within Washoe County, the City of Reno, or the City of Sparks would need a separate business license for each jurisdiction. If, however, the applicant business currently operates within just one of these three jurisdictions, the applicant business will need to obtain a business license from the appropriate jurisdiction. Additional information regarding the multijurisdictional business license is available on Washoe County's website available at:

https://www.washoecounty.us/csd/planning_and_development/business_license/multi_jurisdictional_lic_proc.php.

Washoe County, the City of Reno, and the City of Sparks have agreed to four steps an applicant business must complete in order to obtain a multijurisdictional business license, including:

1. Determine the Home Jurisdiction of the Applicant Business: this is the jurisdiction in which the applicant business primary office is located within; if the applicant business currently does not have a location in Washoe County, the City of Reno, or the City of Sparks, the applicant business may apply for a multijurisdictional business license from any of the three jurisdictions.
2. Obtain the Required Application Forms and Instructions: in addition to completing the required multijurisdictional business license form, the applicant business may be required to obtain a Nevada State Business License from the Nevada Secretary of State, a sales and use tax permit from the Nevada Department of Taxation, and proof of worker's

compensation insurance from the Nevada Department of Business & Industry; the applicant business may also need to complete and file the appropriate Fictitious Firm Name application with Washoe County.

3. File the Multijurisdictional Business License Form and Required Supporting Documents with the Home Jurisdiction of the Applicant Business.
4. Pay the Multijurisdictional Business License Fee of \$265.00: of the \$265.00 combined multijurisdictional business license, \$75.00 is apportioned to Washoe County, \$85.00 is apportioned to the City of Reno, and \$105.00 is apportioned to the City of Sparks.

Some business activities are not eligible for the multijurisdictional business license. The following ‘special’ or ‘privileged’ business activities that are not eligible for the multijurisdictional business license for Washoe County, the City of Reno, and the City of Sparks include:

- Second Hand Merchandise Sales
- Alcohol (including Alcohol Catering and Alcohol Wholesale and/or Importing)
- Auctioneers
- Escort/Outcall Services
- Gaming (including Slot Route Operators)
- Locksmith
- Peddlers/Solicitors (including Ice Cream Trucks)
- Towing and Boating
- Vehicles for Hire
- Residential Housing Cleaning

For each of these ‘special’ or ‘privileged’ business activities, the applicant business will need to apply for and be approved for the appropriate business license for each jurisdiction within Washoe County the applicant business plans on operating within.

2.2 General Processes: Foreign (Out-of-State) Business License

Businesses classified as “foreign” or “out-of-state” must generally complete five separate steps in order to receive a state foreign (out-of-state) business licenses. The foreign business license applicant must complete these steps with the Nevada Secretary of State’s Office and then

complete the various local county or municipal business licensing process in the jurisdiction the foreign (out-of-state) business license applicant will operate within.

First, the foreign business license applicant must apply for and receive a Nevada state business license from the Nevada Secretary of State's Office as outlined above in section 2.1 of this University Center for Economic Development technical report. Second, the foreign business license applicant must complete and properly file the required fictitious name certificate (Doing Business As) form with both the Nevada Secretary of State's Office and the appropriate local jurisdiction, a county or municipality, the foreign (out-of-state) business license applicant will operate within. The foreign business license applicant is exempt from this step if the corporation or Limited Liability Company will be using the same company name as listed on the firm's foreign business license application.

Third, the foreign business license applicant must obtain a retail sales permit or exemption from the Nevada Department of Taxation. Fourth, once the foreign business license applicant has completed step one, step two, and step three, the applicant must then complete all the business license application processes and obtain a local business license in the county, counties, city, or cities the business will eventually operate within.

If the foreign business license applicant is apply for a foreign business license that will permit the firm to sell food, the applicant must also obtain a food establishment permit from the local health department in the county, counties, city or cities the business will eventually operate within. In general, the applicant will need to complete a Food Establishment Plan Review Application, submit and have approved an Application for Permit to Operate, and submit their establishment to annual and/or random inspections by the local health department or dully designated public agency charged with the responsibility of conducting public health inspections in the county, counties, city, or cities the applicant will eventually operate within.

2.3 General Processes: Food Establishment Permit Process

The permitting process for food establishments is surprisingly more streamlined across the Western Nevada Development District. Except for Washoe County (including the City of Reno and the City of Sparks) and for Carson City (including Douglas County), each county and local jurisdiction within the Western Nevada Development District relies primarily on the state government's permitting process for food establishments. These regulations are carried out and enforced by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services. All food establishments operating within Carson City and Douglas County must be permitted by the Carson Health District and all food establishments operating within Washoe County, including any food establishment operating within the City of Reno and the City of Sparks, must be permitted by the Washoe County Health District.

2.3.1 Nevada Division of Public and Behavioral Health

Nevada Revised Statute Chapter 446 Section 930 and Nevada Administrative Code Chapter 446 Section 955 requires that all food establishments operating anywhere within the state of Nevada

prepare a proper plan and specification outline of their operation and submit their plan and specification outline to the Division of Public and Behavioral Health for review and approval when a food establishment is newly constructed, extensively remodeled, or if an existing structure is converted into a food establishment before any work has begun. The plan and specification outline must consist of one set of plans (architectural, plumbing, mechanical and electrical and include a finish schedule and equipment schedule, an equipment specification sheet for all equipment that will be used in the operation, and a completed plan review application form. Additional requirements may include a sample of labels used on finished and packaged food products, an outline of the proposed Standard Operating Procedures the food establishment will employ for processing food, worker, and plant sanitation, and a Hazards Analysis Critical Control Plan. The Division of Public and Behavioral Health has developed a comprehensive website that additional permitting and plan review information can be received available online at: http://dpbh.nv.gov/Reg/Food/dta/Permits/Food_Establishments_-_Permits/.

Within the Western Nevada Development, only those food establishments wishing to operate in Churchill, Humboldt, Lyon, Mineral, Pershing, and Storey counties are required to submit an application for and receive a permit from the Division of Public and Behavioral Health. Food establishments operating within Carson City or Douglas County must complete the permitting process required by the Carson City Health District. Food establishments operating anywhere within Washoe County, including within the City of Reno and the City of Sparks, must complete the permitting process required by the Washoe County Health District. For those food establishments operating outside Carson City, Douglas County, and Washoe County, the following individual items must be complete and properly submitted, reviewed, and approved by the Division of Public and Behavioral Health:

- Complete and submit a Permit to Operate form.
- Complete and submit a Supplemental Food Establishment Application.
- Complete and submit a Food Establishment Menu or Product List.
- Complete and submit all Equipment Specification Sheets and (if applicable) any Manufacture Specification Sheets.
- Submit proof of the food establishment's Current Food Manager Certification.
- If required, submit the food establishment's Hazards Analysis of Critical Control Points.
- If required, submit a Label Review Application form.
- If applicable, complete and support an Exemption form a Food Establishment Permit form. This form may be applicable but is conditioned upon initial review and approval from the Division of Public and Behavioral Health.

The Division of Public and Behavioral Health has developed a number of permit application fees based upon the type of food establishment and the type of permit required. Table 2.15 outlines these various fees by food establishment type and permit type for different types of food establishment main facilities.

Table 2.15 Permit Fees by Food Establishment Type and Permit Type for Different Types of Food Establishment Main Facilities – Division of Public and Behavioral Health of the Nevada Department of Health and Human Services			
Type of Permit	Annual Permit Fee	Additional Fees	Plan Review Fee
Restaurants, Drinking Establishments, Main Kitchen, Bar for Beer, Snack Bar, Concession, Service Bar, Portable Food Unit, or Buffet	First 40 Seats, \$200.00	+\$1.50 for Each Additional Seat	New: \$498.00 + an amount equal to the fee for an annual permit. Remodel: \$332.00 + an amount equal to one-half the fee for an annual permit after remodel.
Restaurant which provides Food to Take Out	First 40 Seats, \$200.00	+\$1.50 for Each Additional Seat +\$55 for Drive-In Window or Service Station	
A Bed and Breakfast Facility	\$166.00		
A Charter School, Private School, or Public School	\$150.00		
A Correctional Facility	\$166		
A Caterer	\$125		
Food Establishment that has been Exempted pursuant to NRS 446.870	\$50		No Fee

Source: http://dpbh.nv.gov/Reg/Food/dta/Permits/Food_Establishments_-_Permits/

Table 2.16 outlines these various fees by food establishment type and permit type for different types of supporting facilities as required by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services. Similar to the fee structures outlined above for different food establishment main facility types, the fees for different types of supporting facilities are divided between an annual permit fee, additional fees, and a plan review fee.

Table 2.16 Permit Fees by Food Establishment Type and Permit Type for Different Types of Supporting Facilities – Division of Public and Behavioral Health of the Nevada Department of Health and Human Services			
Type of Permit	Annual Permit Fee	Additional Fees	Plan Review Fee
A Special Kitchen, Banquet Preparation Kitchen, Bakery Kitchen, Meat Preparation Kitchen, Pantry for a Kitchen	500 sq. feet or Less = \$115.00 More than 500 sq. feet = \$130.00		New: \$498.00 + an amount equal to the fee for an annual permit. Remodel: \$332.00 + an amount equal to one-half the fee for an annual permit after remodel.
Grade-Manager for Cold Meat or Buffet having an area of a Barbeque	\$110.00		
Grade-Manager for Cold Meat or Buffet having an area of Each Portable Bar Unit	\$85.00		No Fee

Source: http://dpbh.nv.gov/Reg/Food/dta/Permits/Food_Establishments_-_Permits/

Table 2.17 outlines these various fees by food establishment type and permit type for different types of wholesale or retail food services as required by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services. Similar to the fee structures outlined above for different food establishment main facility types, the fees for different types of supporting facilities are divided between an annual permit fee, additional fees, and a plan review fee.

Table 2.17 Permit Fees by Food Establishment Type and Permit Type for Different Types of Wholesale or Retail Food Services – Division of Public and Behavioral Health of the Nevada Department of Health and Human Services			
Type of Permit	Annual Permit Fee	Additional Fees	Plan Review Fee
A market, a service providing candy, package liquor, health food, dry storage, meat, poultry, seafood, refrigerated storage or bakery sales, a food warehouse or a market for produce.	Less than 1,000 sq. ft. = \$166.00 1,000 to 3,000 sq. ft. = \$210.00 3,001 to 5,000 sq. ft. = \$230 5,0001 or More sq. ft. = \$332		New: \$498.00 + an amount equal to the fee for an annual permit. Remodel: \$332.00 + an amount equal to one-half the fee for an annual permit after remodel.
A plant for bottling, processing plant for food, market for meat, processing plant for game, bakery, ice plant, delicatessen or candy plant.	Less than 1,000 sq. ft. = \$166.00 1,000 to 3,000 sq. ft. = \$210.00 3,001 to 5,000 sq. ft. = \$249 5,0001 or More sq. ft. = \$332		
Annual permit for each mobile unit for food and drink, self-service mobile unit, including a self-service mobile unit for ice-cream and candy or serving depot.	\$166		\$166
Annual permit for a ‘servicing area’ a business that is not permitted as another type of food establishment; and used to support a mobile food vehicle.	\$166		\$166

Source: http://dpbh.nv.gov/Reg/Food/dta/Permits/Food_Establishments_-_Permits/

2.3.2 Carson City Health District

The Carson City Health District, part of the Carson City Department of Health & Human Services, is responsible for permitting and regulating food establishments operating in both Carson City and throughout Douglas County. Information on the permitting and regulatory processes for food establishments in Carson City and Douglas County is available on the Carson City Department of Health & Human Services website available at:

<http://gethealthycarsoncity.org/>. While food establishments operating in either Carson City or throughout Douglas County are permitted and regulated by a single regulatory agency, a separate permitting process and fee structure has been developed for food establishments operating in Carson City and for food establishments operating in Douglas County. For food establishments operating in Carson City, a separate checklist and application packet is available online at: <http://www.carson.org/home/showdocument?id=4896>. For food establishments operating in Douglas County, a separate checklist and application packet is available online at: <http://gethealthycarsoncity.org/wp-content/uploads/2015/06/Douglas-County-Fees.pdf>.

For food establishments operating within Carson City, the Carson City Health District has established two sets of fee structures including one set of fees for different food establishments (including convenience stores, retail groceries, ice cream shops, retail food producers, bakeries, wholesale distributors, restaurants, coffee carts, vending machine companies, meat departments, bars and lounges, produce departments, seafood departments, mobile ice cream vendors, snow cone vehicles, deli departments, child care with food services, mobile food vehicles, caterers, continental breakfast providers, bed and breakfasts, and take outs) and one set of fees for temporary food establishments.

Table 2.18 outlines the fee structure for various food establishments operating within Carson City based upon total seating capacity.

Table 2.18	
Food Establishment Permitting Fee Structure by Seating Capacity for Food Establishments Operating within Carson City, Nevada – Carson City Health District	
Seating Capacity	Fee
0 to 50 Seats	\$75
51 to 100 Seats	\$125
101 to 200 Seats	\$175
201 or More Seats	\$300
501(c)(3) Nonprofit Organization (Regardless of Number of Seats)	No Charge
Fee per Each Additional Inspection (Renewal)	\$50

Source: <http://gethealthycarsoncity.org/health-permits-fees/>

Table 2.19 outlines the fee structure for temporary food establishments operating within Carson City. The temporary food establishment fee structure for temporary food establishments operating within Carson is based upon the number of days the temporary food establishment will operate over, with a maximum of 14 days distinguishing between a temporary food establishment and a permanent food establishment subject to the fee structure outlined above in Table 2.18.

Table 2.19 Food Establishment Permitting Fee Structure for Temporary Food Establishments Operating within Carson City, Nevada – Carson City Health District	
Permit Length	Fee
One-Day Permit	\$25
One-Day Permit Late Fee	\$25
Two to Seven Day Permit	\$50
Two to Seven Day Permit Late Fee	\$35
Eight to 14 Day Permit	\$75
Eight to 14 Day Permit Late Fee	\$40
501(c)(3) Nonprofit Organization (Regardless of Number of Seats)	No Charge
Exempt from Inspection Permit	No Charge

Source: <http://gethealthycarsoncity.org/health-permits-fees/>

For food establishments operating within Douglas County, the Carson City Health District has developed a fairly complex fee structure. The fee structure for food establishments operating in Douglas County are developed based upon a number of different characteristics of the food establishment including the number of seats located in the food establishment, whether or not the food establishment provides take out services, whether or not the food establishment is exempt from the food establishment permitting process, whether or not the food establishment is a caterer, or whether or not the food establishment is located within a bed and breakfast facility, a charter school, private school, or public school, a correctional facility, or a child care facility.

The Carson City Health District further distinguishes between a proper restaurant or food establishment or a temporary food establishment. For food establishments to be considered a proper restaurant or food establishment, the food establishment operating within Douglas County must be a restaurant, an establishment for drinking, a main kitchen, a bar for beer, a snack bar, a concession, a service bar, a portable food unit, or a buffet.

For temporary food establishments operating within Douglas County, the fee structure is based on whether or not the temporary food establishment is a for-profit organization or a non-profit organization with a maximum of 14 days distinguishing between a temporary food establishment and a proper restaurant or food establishment subject to the fee structure developed for temporary food establishments operating within Douglas County. For for-profit organizations operating a temporary food establishment within Douglas County, the permit fee is \$50.00. For

non-profit organizations operating a temporary food establishment within Douglas County, the permit fee is \$25.00.

Table 2.20 outlines the fee structure for a proper restaurant or food establishment operating within Douglas County as developed and enforced by the Carson City Health District.

Table 2.20	
Food Establishment Permitting Fee Structure for Proper Restaurants and Food Establishments Operating within Douglas County, Nevada – Carson City Health District	
Food Operation Type	Fee
For the First 40 Seats	\$200
41 Seats or More	\$200 + \$1.50 for Each Additional Seat
For a Restaurant that Provides Take Out First 40 Seats	\$200
For a Restaurant that Provides Take Out 41 Seats or More	\$200 + \$1.50 for Each Additional Seat
For Each Window of a Drive-In or Service Station	\$55
For a Food Establishment Exempt pursuant to NRS Chapter 446 Section 876	\$50
For a Caterer	\$125
A Food Establishment within a Bed and Breakfast	\$166
A Food Establishment within a Charter School, Private School, or Public School	\$150
A Food Establishment within a Correctional Facility	\$166
A Food Establishment within a Child Care Facility	\$166

Source: <http://gethealthycarsoncity.org/health-permits-fees/>

2.3.3 Washoe County Health District

All food establishments operating within Washoe County, including all food establishments operating within the City of Reno and the City of Sparks, must complete the required permitting process required and administered by the Washoe County Health District. A list of the required forms, based upon the type of food establishment applying for a permit, is available on the Washoe County Health District’s website available at:

<https://www.washoecounty.us/health/programs-and-services/food-protection-services/index.php>.

The Washoe County Health District has developed a number of different applicant processes and

fees based upon whether or not the food establishment applicant is considered a permanent food establishment or a temporary food establishment.

For permanent food establishments, the application fee is based upon the specific type of permanent food establishment. These application fees by type of permanent food establishment operating within Washoe County area listed here:

- General Food Establishment Application Fee: \$191.00
- Bakery: \$220
- Bar: \$220
- Delicatessen: \$251
- Food Manufacturing: \$251
- Grocery Store: \$220
- Meat Market: \$220
- Mobile Unit and Servicing Area: \$228
- Outdoor Food Establishment: \$138
- Portable Unit for Service of Food and Servicing Area: \$228
- Prepackaged Food with Inspection: \$220
- Prepackaged Food without Inspection: \$36
- Restaurant: \$281
- Satellite Food Distribution Site: \$128
- School Kitchen Permit: \$316
- Snack Bar: \$220
- Support Kitchen: \$251
- Vending: \$160
- Warehouse: \$220

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- Change of Service Area for Mobile Units: \$140
 - Exemption from Inspection – Initial Review: \$44
 - Exemption from Inspection – Annual: \$6
 - Hazard Analysis and Critical Control Points (HACCP) Plan – Initial Review: \$249
 - Operational Plan – Initial Review: \$135

For temporary food establishments operating within Washoe County, with a maximum of 14 days distinguishing between a temporary food establishment and a permanent food establishment subject to the fee structure outlined above, the application fee is based upon the specific type of temporary food establishment as well as the number of days the temporary food establishment will operate over. These application fees by type of temporary food establishment operating within Washoe County area listed here:

- 1-Day Event: \$94 per booth
- 2-Day Event: \$111 per booth
- 3-Day Event: \$118 per booth
- 4 to 7 Day Event: \$210 per booth
- 8 to 14 Day Event: \$384 per booth
- Non-Profit Temporary Food Establishment:
 - 1-Day Event: \$94 per booth
 - 2-Day Event: \$111 per booth
 - 3-Day Event: \$118 per booth
 - 4 to 7 Day Event: \$210 per booth
 - 8 to 14 Day Event: \$384 per booth
- Non-Profit Conditional Maximum Fee:
 - 1-Day Event: \$94 per booth
 - 2-Day Event: \$111 per booth
 - 3-Day Event: \$118 per booth
 - 4 to 7 Day Event: \$210 per booth
 - 8 to 14 Day Event: \$384 per booth
- Cumulative Maximum Fee: 3 times the Maximum Fee
- Late Fee: \$100
- Annual Farmer’s Market Produce Sample: \$173

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- Annual Sampling Permit: \$173
 - Promoter's Fee, Special Event Permit: \$748
 - Promoter's Fee, Recurrent Special Event Permit: \$1,070
 - Re-Inspection Permit Fee: 1 Day Permit Fee of \$94

3.0 Specific Processes and Business Regulatory Standards for Food Production, Distribution, and Retail Sales

Regulations for food production, distribution, and retail sales of agricultural-based products is divided between various federal regulators, notably the U.S. Department of Agriculture and the U.S. Bureau of Land Management, state regulators, primarily the Nevada Department of Agriculture, and by the zoning and land use management plans developed, approved, and adopted by various local governments at either the county or municipal level. This chapter outlines the primary federal, state, and local regulations that agricultural-based product producers must be aware of in order to operate an agricultural-based operation within the Western Nevada Development District.

3.1 Federal Regulations

Summarizing the scope of various federal regulations that apply to agricultural-based operations within the Western Nevada Development District, due to the vastness of applicable federal regulations and the different federal regulatory standards that apply to the various different types of agricultural-based operations, is simply beyond the scope of this University Center for Economic Development technical report. However, based upon the type of agricultural-based production, a food producer operating within the Western Nevada Development District, should make themselves aware of regulatory standards that may impact their operation.

3.1.1 U.S. Department of Agriculture

The U.S. Department of Agriculture has developed seven separate mission areas which are used to organize the federal government's regulatory supervision of agricultural-based goods and services production in the United States. A list of these mission areas is available online on the U.S. Department of Agriculture's website available at:

http://www.usda.gov/wps/portal/usda/usdahome?navid=USDA_MISSION_AREAS. These seven mission areas include:

- Farm and Foreign Agricultural Services: Farm and Foreign Agricultural Services helps keep America's farmers and ranchers in business as they face the uncertainties of weather and markets. They deliver commodity, credit, conservation, disaster, and emergency assistance programs that help improve the stability and strength of the agricultural economy. Key Farm and Foreign Agricultural Services agencies include:
 - The Farm Service Agency (<http://www.fsa.usda.gov/>)

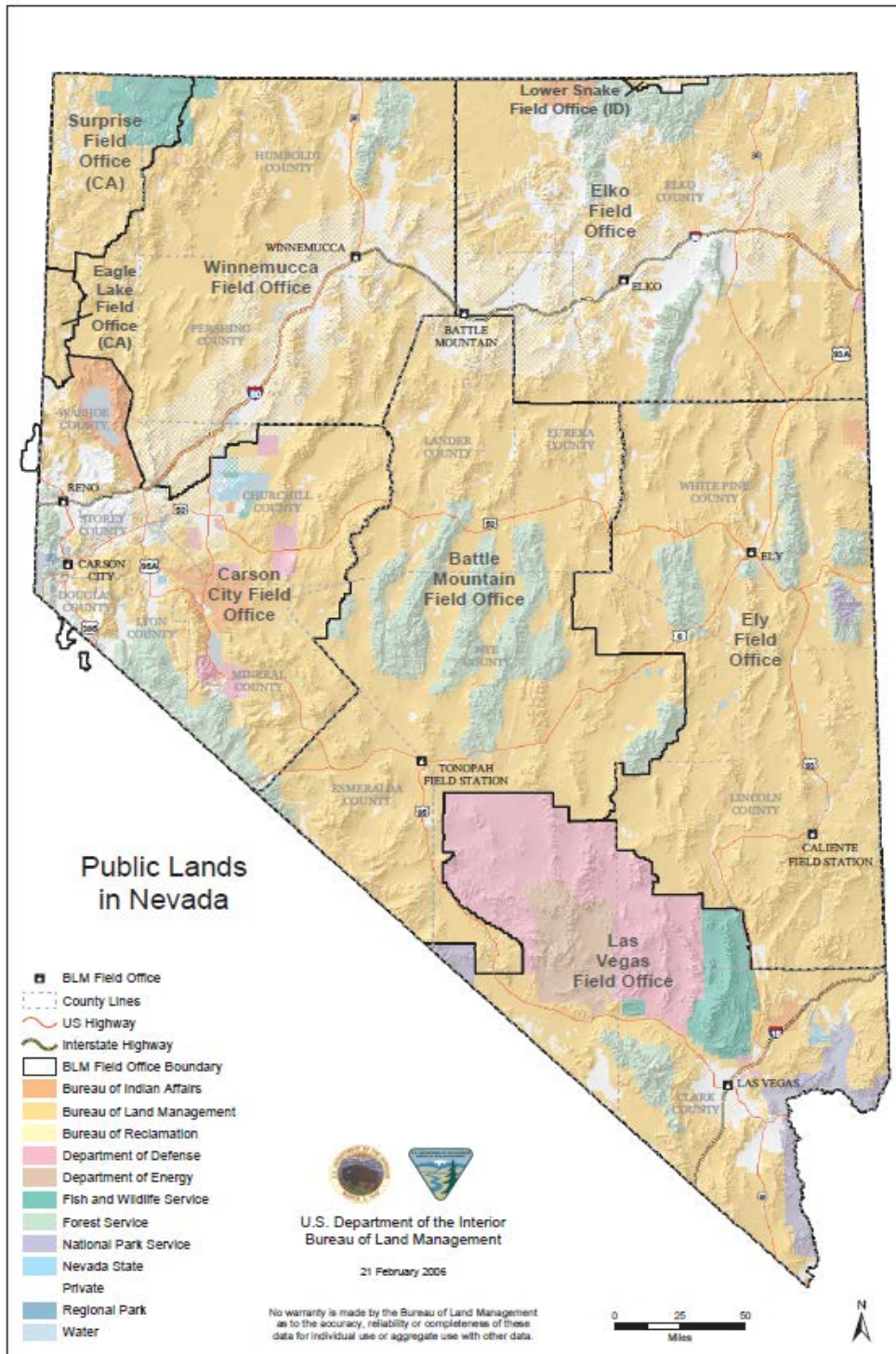
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- Foreign Agricultural Service (<http://www.fas.usda.gov/>)
 - Risk Management Agency (<http://www.rma.usda.gov/>)
 - Food, Nutrition and Customer Services: Food, Nutrition and Customer Services works to harness the nation’s agricultural abundance to end hunger and improve health in the United States. Its agencies administer federal domestic nutrition assistance programs and the Center for Nutrition Policy and Promotion, which links scientific research to the nutrition needs of consumers through science-based dietary guidance, nutrition policy coordination, and nutrition education. Key Food, Nutrition and Customer Services agencies include:
 - Center for Nutrition Policy and Promotion (<http://www.cnpp.usda.gov/>)
 - Food and Nutrition Service (<http://www.fns.usda.gov/>)
 - Food Safety: Food Safety ensures that the nation’s commercial supply of meat, poultry, and egg products is safe, wholesome, and properly labeled and packaged. This mission are also plays a key role in the President’s Council on Food Safety and has been instrumental in coordinating a national food safety strategic plan among various partner agencies including the U.S. Department of Health and Human Services and the U.S. Environmental Protection Agency. Key Food Safety agencies include:
 - Food Safety and Inspection Service (<http://www.fsis.usda.gov/wps/portal/fsis/home>)
 - Marketing and Regulatory Programs: Marketing and Regulatory Programs facilitates domestic and international marketing of U.S. agricultural products and ensures the health and care of animals and plants. Marketing and Regulatory Program agencies are active participants in setting national and international standards. Key Marketing and Regulatory Programs agencies include:
 - Agricultural Marketing Service (<https://www.ams.usda.gov/>)
 - Animal and Plant Health Inspection Service (<https://www.aphis.usda.gov/aphis/home/>)
 - Grain Inspection, Packers, and Stockyards Administration (<https://www.gipsa.usda.gov/>)
 - Natural Resources and Environment: Natural Resources and Environment ensures the health of the land through sustainable management. Its agencies work to prevent damage to natural resources and the environment, restore the resource base, and promote good land management. Key Natural Resources and Environment agencies include:

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- Forest Service (<http://www.fs.fed.us/>)
 - Natural Resource Conservation Services (<http://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>)
 - Research, Education and Economics: Research, Education and Economics is dedicated to the creation of a safe, sustainable, competitive U.S. food and fiber system, as well as strong communities, families, and youth through integrated research, analysis, and education. Key Research, Education and Economics agencies include:
 - Research, Education, and Economics (<http://www.ree.usda.gov/>)
 - Agricultural Research Service (<http://www.ars.usda.gov/main/main.htm>)
 - Economic Research Service (<http://www.ers.usda.gov/>)
 - National Agricultural Library (<http://www.nal.usda.gov/>)
 - National Agricultural Statistics Service (<https://www.nass.usda.gov/>)
 - National Institute of Food and Agriculture (<https://nifa.usda.gov/>)
 - Office of the Chief Scientist (<http://www.usda.gov/wps/portal/usda/usdahome?navid=OCS>)
 - Rural Development: Rural Development is committed to helping improve the economy and quality of life in all of rural America by providing financial programs to support essential public facilities and services as water and sewer systems, housing, health clinics, emergency service facilities and electric and telephone service. Rural Development promotes economic development by providing loans to businesses through banks and community-managed lending pools, while also assisting communities to participate in community empowerment programs. Key Rural Development agencies include:
 - Rural Development (<http://www.rd.usda.gov/>)

3.1.2 U.S. Bureau of Land Management

The U.S. Bureau of Land Management, part of the U.S. Department of the Interior, is responsible for managing a large spectrum of natural resource values. In Nevada, there are six separate U.S. Bureau of Land Management district field offices and three additional district field offices that operate across the Nevada-California and Nevada-Idaho state borders. Figure 3.1 presents the location of all U.S. Bureau of Land Management district field offices located in the state of Nevada.

Figure 3.1
Map of U.S. Bureau of Land Management District Field Offices in the State of Nevada



Source:
http://www.blm.gov/style/medialib/blm/nv/gis/maps.Par.62206.File.dat/nv/reference_blm_cnty_11x17_2.pdf

Within the Western Nevada Development District, the following U.S. Bureau of Land Management district field offices are responsible for permitting various land uses on public lands owned and managed by the U.S. federal government:

- Surprise Field Office (California): Humboldt County, Washoe County
- Eagle Lake Field Office (California): Washoe County
- Winnemucca Office: Churchill County, Humboldt County, Pershing County
- Carson City Field Office: Carson City, Churchill County, Douglas County, Lyon County, Mineral County, Storey County, Washoe County

Additional information about the U.S. Bureau of Land Management district field offices located within the Western Nevada Development District is available online on the U.S. Bureau of Land Management's website available at: <http://www.blm.gov/nv/st/en.html>. The U.S. Bureau of Land Management is also responsible for administering a number of federal programs designed to regulate and administer agricultural activities, including ranching and grazing operations, on public lands owned and managed by the U.S. federal government. Additional about U.S. Bureau of Land Management regulations and permitting requirements for use of publicly owned lands owned and managed by the U.S. federal government is available on the U.S. Bureau of Land Management's website available at: <http://www.blm.gov/wo/st/en/prog/more.html>.

3.2 State Regulations

In the state of Nevada, there are number of state-regulatory bodies that regulate different aspects of agricultural product production, distribution, and sale. The Nevada Secretary of State's Office, the Nevada Department of Taxation, and the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services, along with several other state agencies and regulatory authorities, may require some type of permitting or licensing prior to the agricultural production operation can legally operate within the state. The various regulatory requirements these state of Nevada agencies and regulatory authorities may require compliance with have already been addressed in the previous chapter, or will be addressed in the next chapter, of this University Center for Economic Development technical report. This section will focus solely on the general regulatory requirements governing agricultural production, farming or ranching, required by the Nevada Department of Agriculture.

3.2.1 Nevada Department of Agriculture

The Nevada Department of Agriculture, established by Nevada Revised Statute Chapter 561 in 1951, exists to promote a business climate that is fair, economically viable and encourages environmental stewardship that services to protect food, fiber, and human health and safety through effective service and education. Information regarding the Nevada Department of Agriculture is available on the Department's website at: <http://agri.nv.gov/>.

As of January 1, 2016, Nevada state law requires farmers to have a certificate to sell agriculturally produced products. The producer certificate requires that the farm list the location of the farm, the crops grown, the amount harvested, and the harvest seasons for each crop. Both the producer certificate and produce vendor certificate are issued by the Nevada Department of Agriculture per Nevada Revised Statute Chapter 576 Section 128. The producer certificate and produce vendor certificate are required in order to improve the traceability of food grown and sold in Nevada. Both certificates ensure state compliance with the U.S. Food Safety Modernization Act, enforced by the U.S. Food and Drug Administration, passed in 2011.

- Producer Certificate: a producer certificate is used to verify that farmers are selling crops of their own production; producer certificates are required for honey, eggs of domestic poultry, and all crops produced in the state of Nevada in their natural and unprocessed state.
- Produce Vendor Certificate: a produce vendor certificate is required in Nevada to sell produce not grown by that vendor or produce that is grown in another state and brought in Nevada for sale anywhere in the state; if the applicant for a produce vendor certificate already holds a valid Nevada producer certificate, an additional produce vendor certificate is *not* required; however, if the producer sells produce that they did not grow, U.S. federal law requires that the produce provide documentation in order to trace a product to its previous and originating source.

In order to remain compliant with state law and the U.S. Food Modernization Act, producers and produce vendors are required to renew their certificate each year. The total cost charged by the Nevada Department of Agriculture is \$50.00 for issuance of a new producer certificate or produce vendor certificate and \$30.00 to renew each year after the initial issuance of either certificate. An application form for a producer certificate is available on the Nevada Department of Agriculture's website available at:

http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Plant/Producer_Certification/Docs/producer_certificate_application_final.pdf. An application form for a produce vendor certificate is

available on the Nevada Department of Agriculture's website available at:

http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Plant/Producer_Certification/Docs/produce_vendor_application_final.pdf.

In order to comply with existing U.S. federal government regulations regarding the exportation of food products from one state to another and from the United States to a foreign market outside the United States, the Nevada Department of Agriculture requires and may issue two kinds of phytosanitary certificates, the first for domestic plants and plant products that will be exported to a foreign country, requiring completion of a U.S. federal phytosanitary certificate, and the second for those domestic plants and plant products that will be shipped to another state within the United States. A phytosanitary certificate, either for domestic state-to-state sales or for foreign market exportation, verifies that agricultural products have been inspected and are pest and disease free.

- Phytosanitary Certificate for State-to-State Export: for state-to-state export of agricultural products produced in Nevada, some states may only require that a Certificate of Origin be provided by the exporting producer. The Nevada Department of Agriculture

charges a \$25.00 per certificate processing fee and an additional \$40.00 plus \$0.555 per mile traveled inspection fee. More information regarding the phytosanitary certificate for state-to-state export within the United States is available on the Nevada Department of Agriculture's website available at:

http://agri.nv.gov/Plant/Export_certification/To_Other_States/.

- **Phytosanitary Certificate for Foreign Market Export:** for export of agricultural products produced in Nevada and exported to a foreign market located outside the United States, both federal and state law requires that the exporting producer complete and submit a federal phytosanitary certificate for export application, a state phytosanitary certificate for export application, a certificate of origin, and a certificate of free sale. More information regarding the phytosanitary certificate for foreign market export is available on the Nevada Department of Agriculture's website available at: http://agri.nv.gov/Plant/Export_certification/Phytosanitary_Certificates/.

The Nevada Department of Agriculture is also responsible for regulating animal-based agricultural production throughout the state of Nevada. The Nevada Department of Agriculture's Animal Industries is divided into three divisions, including:

- **Animal Disease Lab:** the Animal Disease Lab is responsible for the diagnosis and eradication of quarantinable animal diseases in cooperation with federal agencies, private veterinarians, and livestock owners; the Animal Disease Lab is also responsible for the diagnosis and control of animal diseases that are of economic or public health significance (http://agri.nv.gov/Animals/Animal_Disease/Animal_Disease_Home/).
- **Livestock Identification:** Livestock Identification is responsible for protecting livestock producers and owners from theft and unfair business practices through the recording of brands and then through the inspection of those brands on livestock presented for sale, shipment out of state or a district, or prior to slaughter and the licensing of livestock and agriculture product buyers (http://agri.nv.gov/Animals/Livestock/Home_Livestock_ID/).
- **Wildlife Services:** Wildlife Services is responsible for protecting Nevada's agriculture, natural resources, property, and public safety from the threat of injury, damage, or resource loss due to wildlife (http://agri.nv.gov/Resource_Protection/).

The Nevada Department of Agriculture is also responsible for levying and collect a tax on stock cattle, dairy cattle, horses, mules and asses, goats, and sheep and weaned lambs. The tax is levied based on the number of head per category listed above. For stock cattle, the Nevada Department of Agriculture will levy a tax of \$0.50 per head of stock cattle and the individual livestock producer is responsible for recording, with the Nevada Department of Agriculture, the number of bulls (six months or older), the number of cows (two years or older), the number of heifers (six months or older), and the number of dairy and beef steers (six months or older) owned by the livestock producer.

For dairy cattle, the Nevada Department of Agriculture will levy a tax of \$0.60 per head of dairy cattle and the individual livestock producer is responsible for recording, with the Nevada Department of Agriculture, the number of dairy bulls (six months or older), the number of dairy cows (two years or older), and the number of dairy heifers (six months or older) owned by the livestock producer. Horses, mules, and asses (of one year or older) are taxed at a rate of \$0.60 per head. Hogs and pigs, regardless of age, are taxed at a rate of \$0.75 per head. Goats, regardless of age, are taxed at a rate of \$0.26 per head, and sheep and weaned lambs, regardless of age, are taxed at a rate of \$0.38 per head.

As required by Nevada Revised Statute Chapter 575 Section 130, each individual livestock producer is required to complete the Nevada Department of Agriculture's Declaration and Bill of Livestock Tax form. This form is available on the Nevada Department of Agriculture's website available at:

<http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Resources/Forms/Animal/DeclarationAndBillOfLivestockTax.pdf>.

Several additional chapters of the Nevada Revised Statutes govern the raising, production, and sale of livestock in Nevada. Livestock producers wishing to operate in the state of Nevada should familiarize themselves with the following chapters of the Nevada Revised Statutes:

- Nevada Revised Statute Chapter 563, Promotion of Livestock
- Nevada Revised Statute Chapter 564, Brands and Marks
- Nevada Revised Statute Chapter 565, Inspection of Brands
- Nevada Revised Statute Chapter 566, Inspection and Possession of Hides and Carcasses
- Nevada Revised Statute Chapter 568, Grazing and Ranging
- Nevada Revised Statute Chapter 569, Estrays and Livestock
- Nevada Revised Statute Chapter 571, Diseased Animals
- Nevada Revised Statute Chapter 573, Public Sales of Livestock
- Nevada Revised Statute Chapter 575, Miscellaneous Provisions: Collection of Taxes
- Nevada Revised Statute Chapter 576, Livestock and Farm Products: Dealers, Brokers, Commission Merchants, Cash Buyers and Agents; Alternative Livestock

A complete list of these statutes, including a direct link to each of these chapters in the Nevada Revised Statutes, is available on the Nevada Department of Agriculture's website available at: http://agri.nv.gov/Resources/Regulations/Livestock_ID_Regs/.

3.3 Local Regulations

The Western Nevada Development District is comprised of nine separate county governments and seven separate municipalities. Each local jurisdiction has its own masterplan or approximate comprehensive land use plan governing the appropriate use of land located within their respective jurisdiction. In order for a food producer, engaged in farming or ranching, to comply with local land use policies and regulations, the applicant food producer may have to apply for a special use permit, masterplan amendment, or conditional use permit based upon the proposed physical location of the agricultural producer.

The following section lists the appropriate regulatory agency, division, or department for each of the nine counties and seven municipalities located within the Western Nevada Development District responsible for enforcing the jurisdiction's land use regulations and processing a special use permit, masterplan amendment, or conditional use permit. Applicant food processors should contact the appropriate regulatory agency, division, or department for the jurisdiction in which they propose to start a new food production operation.

3.3.1 Carson City

The Planning Division of Carson City's Community Development Department is responsible for approving discretionary permits, resolving zoning complaints and enforcement of existing codes, administering Carson City's existing zoning ordinance, processing land development subdivision requests, regulating signs and billboards within the city's jurisdiction, and for reviewing the proposed building plans for all residential, commercial, industrial, institutional, and multi-family projects within the city's jurisdiction. Additional information regarding Carson City's Community Development Department and Planning Division is available on the city's website available at: <http://carson.org/government/departments-a-f/community-development/planning-division/current-planning-zoning>.

The current masterplan for Carson City, adopted in April 2006, does not have a specific agricultural section. A copy of the current masterplan for Carson City is available online on the city's website available at: <http://carson.org/government/departments-a-f/community-development/planning-division/master-plan/master-plan-documents>.

3.3.2 Churchill County

The Land Use, Zoning & Land Development Division of Churchill County's Planning Department is responsible for enforcing all aspects of the county's current land use and masterplan. Given the high degree of agricultural activity located in Churchill County, the county's current land use and masterplan describes, in detail, general locations appropriate for agricultural and low density residential use and has designated an urbanizing area for more intensive mixed uses. Due to the importance of agricultural production in Churchill County, Churchill County has developed a number of programs designed to protect and promote agricultural production in the county. The two primary programs for agricultural protection and promotion, administered by the county's Land Use, Zoning & Land Development Division, are:

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- Cluster Developments: the purpose of the cluster development program is to provide the agricultural community an alternative to taking land out of production or irrigation through land division. Clustered developments provide a mechanism to preserve agricultural lands and open space by allowing the agricultural community to utilize the fullest divisional potential of their land, including a single parcel or adjoining parcels under the same ownership, by locating housing in clustered areas or on a parcel or adjoining parcels and designating the remainder of the parcel(s) as an agricultural easement or open space. <http://churchillcounty.org/DocumentCenter/Home/View/654>
 - Transfer Development Rights: the purpose of the Transfer Development Rights program is to provide a variety a voluntary, incentive based process for permanently preserving rural resources which provide significant community benefit such as agriculture, open spaces, aquifer recharge for current and future water supply, and a military installation buffer space. <http://churchillcounty.org/index.aspx?NID=563>

Additional information regarding Churchill County's Land Use, Zoning & Land Development Division of Churchill County's Planning Department is available on the county's website available at: <http://churchillcounty.org/index.aspx?NID=214>.

The current masterplan for Churchill County, adopted in December 2015, does not have a specific agricultural section. A Conservation and Natural Resources section is, however, available in the current Churchill County masterplan. The Agricultural section of the Conservation and Natural Resources section of the current Churchill County masterplan does outline the primary policy goals of minimizing the loss of productive and prime farmland, maintain and protecting water recharge areas, and limiting the impacts of growth and development on the efficiency of the Newlands Project irrigation delivery. A copy of the current masterplan for Churchill County is available online on the county's website available at: <http://nv-churchillcounty.civicplus.com/DocumentCenter/View/8290>.

3.3.3 City of Fallon (Churchill County)

As of the time of publication of this University Center for Economic Development technical report, the City of Fallon, located in Churchill County, was currently in the process of revising their official city website. As a result, no information regarding the city's land use and masterplan, or the process by which an applicant agricultural and food producer could apply for a special use permit, masterplan amendment, and/or conditional use plan was available online.

3.3.4 Douglas County

The Planning Division of Douglas County's Community Development Department is responsible for protecting the public health, safety, and general welfare of Douglas County residents and property owners by reviewing development proposals to insure compliance with the Douglas County masterplan and related zoning and land division regulations contained within the county's Consolidated Development Code. Additional information regarding Douglas County's Community Development Department and the Planning Division is available on the county's website available at: <http://www.douglascountynv.gov/111/Planning-Division>.

The current Douglas County masterplan, adopted in March of 2012, does have a specific agricultural section which outlines five separate policy goals regarding the protection and promotion of agricultural activities and producers in the county, including:

- Agricultural Goal No. 1: to maintain agriculture as an important land use and preserve the rural character, cultural heritage and economic value of Douglas County.
- Agricultural Goal No. 2: to create alternatives to the urban development of existing agricultural lands, such as market based incentives, programs for financing compensation or development rights transfers, or the purchase of development rights in order to preserve these agricultural areas.
- Agricultural Goal No. 3: to limit residential development in intensively farmed areas primarily to housing for farm and ranch families and agricultural workers.
- Agricultural Goal No. 4: to allow routine agricultural practices and structures use for agricultural production and processing without restriction, except for compliance with county health laws and federal and state environmental laws, and except where sensitive environmental resources would not be adequately protected.
- Agricultural Goal No. 5: to increase Douglas County's capacity to acquire permanent open space with the cooperation of the agricultural community.

A copy of the current masterplan for Douglas County is available online on the county's website available at: <http://www.douglascountynv.gov/211/Master-Plan>.

3.3.5 Humboldt County

The Planning Department of Humboldt County is responsible for providing information regarding the county's zoning districts, building setback requirements, floodplain management policies, and other land use topics along with processing and reviewing applications for zone changes, conditional or special use permits, site plans, parceling, subdivisions, variances, or other issues on property located in both the City of Winnemucca and throughout Humboldt County. The Planning Department is also responsible for providing copies of the zoning and subdivision chapters of the City of Winnemucca's Municipal Code and Humboldt County's Code and for assisting the public with the interpretation and application of both codes. The Planning Department of Humboldt County is further responsible for initiating any and all zoning ordinance and master plan amendments. Information regarding Humboldt County's Planning Department is available on the county's website available at: http://www.hcnv.us/planning/planning_home.htm.

The current Humboldt County masterplan, updated in 2012, lists two separate policies regarding the treatment of agricultural and food production operations located throughout Humboldt County and in the urbanized area of the City of Winnemucca. These policies include:

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- Agricultural Policy No. 1: retain and maintain areas for agricultural use that are suitable for long-term production.
 - Agricultural Policy No. 2: encourage clustering, purchase of development rights, and conservation easements and employ other innovative rural development techniques that provide flexibility for development while preserving and protecting agricultural lands.

A copy of the current masterplan for Humboldt County is available online on the county's website available at:

http://www.hcnv.us/planning/docs/master_plan/Master%20Plan%202012%20Update%20Complete.pdf.

3.3.6 City of Winnemucca (Humboldt County)

The City of Winnemucca does not have its own separate and independent community development or planning and land use department or division or a separate comprehensive land use or masterplan. The City of Winnemucca, in partnership with Humboldt County, has developed a comprehensive master plan that regulates and outlines appropriate land uses for both the city and the county. As outlined above in the previous section for Humboldt County, information regarding Humboldt County's Planning Department is available on the county's website available at: http://www.hcnv.us/planning/planning_home.htm. A copy of the current masterplan for Humboldt County, which covers land use and zoning restrictions and policies for both the City of Winnemucca and the county, is available on the county's website available at: http://www.hcnv.us/planning/docs/master_plan/Master%20Plan%202012%20Update%20Complete.pdf.

3.3.7 Lyon County

The Planning Division of Lyon County is responsible for helping define and shape the physical development and improvement of the unincorporated areas of Lyon County through its efforts to guide and facilitate collaborative planning. The activities of the Planning Division of Lyon County range from maintaining the county's long range plans to reviewing administrative and discretionary applications for existing and new development. Information regarding Lyon County's Planning Division is available on the county's website available at: <http://www.lyon-county.org/166/Planning>.

Title 15 Land Use and Development Code, adopted by ordinance by the Lyon County Board of County Commissioners in January of 2016, serves as Lyon County's masterplan. Title 15 Section 310 outlines four general agricultural and resource zoning districts, including:

- Agriculture (AG) Zone: the purpose of the AG zone is to implement the Lyon County masterplan, to conserve agricultural resources, retain open spaces and the rural character of the county, and to direct urbanization into manageable and identified development areas; this is a low density land use district; unless otherwise specified in the development code, no more than one home per parcel is permitted in this land use district.

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- Non-Irrigated Agriculture (NIA) Zone: the purpose of the NIA zone is to implement the Lyon County masterplan, retain rural areas for the purpose of efficiently using land to conserve forest, mineral and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under private ownership; this is a low density land use district; unless otherwise specified in the development code, no more than one home per parcel is permitted in this land use district.
 - Resource Land (RL) Zone: the purpose of the RL zone is to implement the Lyon County masterplan, establish rural areas for the purpose of efficiently using land to conserve forest, mineral and range resources, protect the natural environment, retain open spaces, and preserve open areas for grazing and other agricultural use for land under private ownership; this is a low density land use district; unless otherwise specified in the development code, no more than one home per parcel is permitted in this land use district.
 - Public Land (PL) Zone: the purpose of the PL zone is to implement the Lyon County masterplan, establish rural areas for the purpose of efficiently using land to conserve forest, mineral and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under predominantly public ownership; this is a non-residential land use district.

A copy of the current land use and development code for Lyon County is available online on the county's website available at: <http://www.lyon-county.org/DocumentCenter/View/6735>.

3.3.8 City of Fernley (Lyon County)

The City of Fernley's Building Department consists of the Economic Development Division, the Development Services Division, and the Planning Division. The Development Services Division is responsible for ensuring compliance with existing municipal codes and land use regulations, issuing building permits and performing inspection services, and plan review for new construction. The Planning Division is responsible for development and enforcement of the city's land use policies and regulations, including the city's Comprehensive Plan, zoning, environmental ordinances, and review and processing of all land use and subdivision permit applications. Information regarding the City of Fernley's Building Department, and about the Development Services Division and the Planning Services Division is available on the city's website available at: <http://www.cityoffernley.org/index.aspx?NID=613>.

As of the time of publication of this University Center for Economic Development technical report, the City of Fernley did not have a copy of the city's Comprehensive Plan available online. As a result, no information regarding the city's land use and masterplan, or the process by which an applicant agricultural and food producer could apply for a special use permit, masterplan amendment, and/or conditional use plan was available online.

3.3.9 City of Yerington (Lyon County)

The City of Yerington's Planning and Zoning Division is responsible for providing a variety of public services designed to protect, maintain, and develop an attractive, safe, and healthy environment. The primary functions of the Planning and Zoning Division include addressing the physical development and land use of property located within the jurisdiction of the City of Yerington. The Planning and Zoning Division is further responsible for administering and implementing the city's various land use regulations, including the city's existing zoning ordinances, performing design review, and enforcement of the city's sign code and cultural resource preservation ordinance. Information regarding the City of Yerington's Planning and Zoning Division is available on the city's website available at: <http://nv-yerington.civiccities.com/index.aspx?NID=478>.

Chapter 14 of Title 10 of the City of Yerington's Zoning Ordinance outlines a 'right to farm' for property owners located within the City of Yerington's jurisdiction. Section 1 of Chapter 14 Title 10 of the city's Zoning Ordinance states, "The right to farm all land is recognized to exist as a natural right and is hereby ordained to exist as a permitted use in any agricultural zone in the city, subject to state health and sanitary codes." Section 2, Section 3, Section 4 and Section 5 of Chapter 14 Title 10 of the city's Zoning Ordinance further defines this right and the condition of approval land owners must follow following subsequent approval of a subdivision of land within the City of Yerington.

- Section 2, Chapter 14, Title 10, Definition: the 'right to farm' as it is used in this chapter, includes, but is not limited to, the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, burning of fields, burning of ditches and smoke related to agriculture building, large tractors, numerous farm laborers and the application of chemical fertilizers, insecticides and herbicides, all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds; this right to farm shall also include the right to use land for grazing by animals.
- Section 3, Chapter 14, Title 10, Permitted Activities and Practices: the foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with the generally accepted agricultural practices, may occur on holidays, Saturdays, Sundays and weekdays, 24 hours a day, and the noise, odors, dust and fumes that are caused by such activities are also specifically permitted as part of the exercise of this right.
- Section 4, Chapter 14, Title 10, Nuisance Offset by Benefit: it is expressly found that whatever nuisance may be caused by such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood and community, and to society in general, by the preservation of open space, the beauty of the countryside and clean air and by the preservation and continuation of farming operations in this cityland the state as a source of agricultural products for this and future generations.

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- Section 5, Chapter 14, Title 10, Condition of Approval: as a condition of approval of any subdivision or parcel map of any land in the City of Yerington, the owner or developer of such land and their heirs, assigns and successors, shall agree to provide notice to any and all subsequent purchasers of the provisions of Nevada Revised Statute Chapter 40 Section 140 and Section 5, Chapter 14, Title 10 of the City of Yerington's Zoning Ordinance; such notice shall include a signed acknowledgment on all land development maps.

Chapter 10 of Title 10 of the City of Yerington's Zoning Ordinance is available online on the city's website available at:

http://www.sterlingcodifiers.com/codebook/index.php?book_id=410&ft=1&find=10. The City's Yerington's current masterplan, which provides a comprehensive, long-term plan for the physical development of the city, is available on the City of Yerington's website available at: <http://nv-yington.civiccities.com/index.aspx?nid=479>. The City of Yerington's current masterplan was adopted in July of 2001 and updated in February of 2007.

3.3.10 Mineral County

Chapter 17 Section 10 of the Mineral County code identifies two primary agricultural designations, including: (1) A-1 First Agricultural District, and (2) A-2 Second Agricultural District.

Permitted uses in the A-1 First Agricultural District zoning code include:

- Buildings, corrals, coops, pens, stables, or structures used in conjunction with farming; provided, that they be located not closer than 100 feet to any street or highway, or to any public park or school, or to any land classified as a residential district.
- Buildings for the sale and display of products grown or raised on the premises, provided no such buildings are situated closer than 50 feet to any property classified in a residential district, or closer than 30 feet to any street or highway.
- Farms for the raising or growing and marketing on a commercial scale of poultry, livestock, crops, but not including commercial slaughtering.
- Highway and public utility maintenance camps, mining (but not including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including top soil stripping), subject to the issuance of a special use permit as provided in Chapter 17 Section 36 of the Mineral County code.
- 'Home Occupations' as herein defined.
- Hunting and fishing and skiing lodges, golf courses, wild life refuges, game farms and public campgrounds (but not including trailer parks).
- Recreational and educational uses of buildings, dude or guest ranches, churches, temples or other structures used exclusively for religious worship; tennis, golf, civic or country

clubs, cemeteries, sanitariums, etc., providing: (a) a total area size of not less than three acres, (b) off street parking of at least one space per 300 square feet of total floor area, plus one space for each five seating capacity, (c) a buffer strip of at least 100 feet adjacent to all contiguous land, (d) individual units do have kitchen facilities or equipment suitable for such use, and issuance of a variance by the Board.

- Single-family dwellings of a permanent nature, and accessory buildings and uses thereto including dwelling quarters for guests and/or servants, providing same have no separate kitchen facilities or equipment suitable for such use.

Permitted uses in the A-2 Second Agricultural District zoning code include:

- Fences, which are intended as enclosures for any animal, shall be securely constructed, shall be adequate for the purpose, shall be kept in good repair and shall not be allowed to become unsightly.
- Stables, shelters, barns, corrals, pens or other buildings wherein domesticated farm animals are kept which shall be constructed of such material and maintained in such a manner that they can be kept secure, clean and sanitary at all times.
- Any new construction, modifications or additions to those structures and facilities referred to in this section shall require a building permit issued by the building inspector.

A complete copy of Mineral County's code is available online on the Mineral County Economic Development Authority's website available at: <http://mineralcountynevada.com/doing-business.htm>. Additional information regarding approval of potentially required special use permits, conditional permits, or comprehensive plan and/or masterplan amendments is available on the Mineral County website available at: <http://mineralcountynevada.com/doing-business.htm>.

3.3.11 Pershing County

The Regional Planning Department of Pershing County is responsible for handling all matters related to planning, including implementation of the Pershing County masterplan adopted in December of 2012 and reviewing and evaluating all special use permits, conditional permits, and requested masterplan amendments, for both Pershing County and the City of Lovelock. Information regarding the Pershing County Planning and Building Office and the Regional Planning Department is available on the county's website available at: <http://pershingcounty.net/index.php/Planning-and-Building/>.

Pershing County, in partnership with the City of Lovelock, have developed a series of seven separate approval standards used by the Regional Planning Commission and the Pershing County Board of County Commissioners to evaluate any special use permit that may be required given the applicant's request to operate a certain agricultural-oriented business or operation on a particular piece of land located within Pershing County or within the City of Lovelock. The

Regional Planning Commission, or the Pershing County Board of County Commissioners on appeal, will not approve a special use permit unless the following standards are met:

- Consistency: the proposed use meets all standards applicable to the use in the land use district in which the use is to be located.
- Master Plan: the use will be in furtherance of the letter and intent of the Pershing County masterplan, including but not limited to, the goals and objectives, policies and specific recommendations of the masterplan.
- Improvements: adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made by the county.
- Preservation: the use is compatible with the preservation of the agricultural and mining industries of Pershing County.
- Site Suitability: the use of the property is compatible with the existing and authorized uses in the vicinity of the property, and will not result in material damage or detriment to the use and enjoyment of the property in the vicinity.
- Natural Resources: the use will not reasonably impair the utilization of natural resources to support the existing and future population of the county.
- Issuance not Detrimental: The use is not detrimental to the public health, safety and general welfare.

A copy of the current Pershing County masterplan, the current Pershing County development code divisions, and the various planning application forms, are also available on the Pershing County's Planning and Building Office and the Regional Planning Department website available at: <http://pershingcounty.net/index.php/Planning-and-Building/>.

3.3.12 City of Lovelock (Pershing County)

The City of Lovelock does not have its own separate and independent community development or planning and land use department or division or a separate comprehensive land use or masterplan. The City of Lovelock, in partnership with Pershing County, has developed a comprehensive masterplan that regulates and outlines appropriate land uses for both the city and the county.

As outlined above in the previous section for Pershing County, information regarding the Regional Planning Department is available on the county's website available at: <http://pershingcounty.net/index.php/Planning-and-Building/>.

3.3.13 Storey County

The Community Development Department of Storey County is responsible for processing and issuing building permit applications, for reviewing and approving plans and specifications for construction, for providing ongoing inspection of projects through occupancy, enforcing the codes and land use ordinances of the Storey County Board of County Commissioners, and ensuring the safety of buildings and projects by providing plan checks for all proposed development within Storey County. Information regarding the Storey County Community Development Department can be found online on the county's website available at: <https://www.storeycounty.org/147/Building-Department-Community-Developmen>.

The Storey County Community Development Department issues a variety of special use permits, conditional use permits, and master plan amendments depending upon the scope of work to be undertaken. Before any building permit, special use permit, conditional use permit, or master plan amendment can be approved and issued for any residential, commercial, or industrial construction, the county's land use, sanitation, driveway, and building plan requirements must first be satisfied.

As of the publication of this University Center for Economic Development technical report, Storey County's current masterplan was first adopted in April of 1994. Storey County is currently in the process of revising and adopting a new masterplan for 2016. The Storey County Planning Commission approved adoption of the new Storey County masterplan on Thursday, August 4, 2016 and expected approval and adoption of the new Storey County masterplan by the Storey County Board of County Commissioners is scheduled for Tuesday, August 16, 2016.

3.3.14 Washoe County

As the most populated county in the Western Nevada Development District, Washoe County has adopted a highly refined and specific masterplan. The current Washoe County masterplan, adopted in July of 2010, is divided into three separate volumes.

- Volume One contains elements that have general applicability throughout all of Washoe County including the required elements of conservation, housing, land use and transportation, open space and natural resource management, population, and public services and facilities.
- Volume Two and Volume Three contains specific area plans covering each of Washoe County's planning areas, community plans and joint plans for a variety of the county's planning areas including the Cold Springs Area Plan, the Forest Area Plan, the High Desert Area Plan, the North Valleys Area Plan (including the Reno-Stead-Corridor Joint Plan), the South Valleys Area Plan, the Southeast Truckee Meadows Area Plan, the Southwest Truckee Meadows Area Plan, the Spanish Springs Area Plan, Sun Valley, the Tahoe Area Plan (including the Incline Village Commercial Community Plan, the Incline Village Tourist Community Plan, and the North Stateline Community Plan), the Truckee Canyon Area Plan, the Verdi Area Plan, and the Warm Springs Area Plan (including the Warm Springs Specific Plan and Development Standards for the area).

A copy of Washoe County's current masterplan is available online on the county's website available at:

https://www.washoecounty.us/csd/planning_and_development/master_plan.php#areaplans.

The Planning and Development Division of Washoe County's Community Services Department is responsible for guiding the creation of livable and economically viable communities located throughout Washoe County. The Division is responsible for preparing and implementing Washoe County's current masterplan. The masterplan itself is implemented through the Division's review of development applications and through instituting and enforcing land use and business licensing codes. Information regarding the Planning and Development Division of Washoe County's Community Services Department can be found on the county's website available at: https://www.washoecounty.us/csd/planning_and_development/index.php.

Washoe County, as part of the special use application process, has developed a seven step checklist for applicants wishing to submit a special use application. These seven steps include:

1. Application Accepted and Processed: Planning and Development staff reviews the submitted packet and determines whether the application appears to have all necessary components for the preliminary review. An application is distributed to the agencies when all required information is received. Incomplete applications are not processed.
2. Agency Review: An agency review memorandum is circulated to the appropriate citizen advisory board and local, county, state and other interested agencies. A copy is also mailed to the applicant, consultant and other interested parties noted on the development application and applicable general improvement district. The memorandum includes brief descriptions of accepted applications. Each agency and appropriate citizen advisory board reviews the applications and forwards their comments to Planning and Development staff. Applications can be deemed incomplete if commenting review agencies cannot ascertain the nature and extent of the request or do not receive supporting documentation. Application must be deemed complete to proceed.
3. Staff Evaluation and Recommendation: Planning and Development staff evaluates the application and recommends approval, denial or approval with conditions. The evaluation and recommendation are summarized in a staff report to the Washoe County Board of Adjustment or Washoe County Planning Commission. The applicant and representatives also receive a copy of the staff report.
4. Public Notice: Planning and Development staff notifies (by mail) owners of property within five hundred (500) feet of the subject site (or within seven hundred fifty (750) feet of the subject site if the proposed project is a project of regional significance) and any applicable citizen advisory board or general improvement district. The notice outlines the request and the time, date and place of the Board of Adjustment or Planning Commission hearing.
5. Board of Adjustment/Planning Commission/Hearing Examiner Hearing: The Board of Adjustment, Planning Commission or hearing examiner holds a public hearing at which

time the applicant and all other interested parties have an opportunity to speak. The public hearing is held within sixty-five (65) days from the date of acceptance of the application. The board, commission or hearing examiner must take action on a special use permit within sixty-five (65) days of application acceptance. The Board of Adjustment meets the first Thursday of every other month commencing at 1:30 p.m. The Planning Commission meets the first Tuesday of every month commencing at 6:30 p.m. Both meetings are held in the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada.

6. Appeal Period: The decision by the Board of Adjustment, Planning Commission or hearing examiner may be appealed to the Board of County Commissioners. The appeal must be filed within ten calendar days after the written decision is filed with and signed by the Secretary of the Board of Adjustment, Planning Commission or hearing examiner. If appealed, the application is reviewed by the Board of County Commissioners at a public hearing. The Board of County Commissioners must take final action within 60 days after the appeal is deemed complete.
7. Effective Date of a Special Use Permit: If not appealed, the special use permit becomes effective upon expiration of the appeal period. If the special use permit is approved with conditions, the conditions must be satisfied or the special use permit will become null and void. If appealed, the special use permit becomes effective upon the date of action of the Board of County Commissioners.

A special use application packet is available on the county's website available at:

https://www.washoecounty.us/csd/planning_and_development/applications/files-planning-development/application_files/sup_app.pdf.

3.3.15 City of Reno (Washoe County)

As the most populated city in the Western Nevada Development District, the City of Reno has adopted a highly refined and specific masterplan. The current City of Reno masterplan is divided into four primary parts including: (1) City Wide Plans, including the city's sphere of influence, (2) Center and Corridor Plans, (3) Neighborhood Plans, and (4) Additional Plans Not Included in the Master Plan.

- Part One – City Wide Plans: the city wide plans of the City of Reno cover the entire city and its existing sphere of influence. The specific action plans within Part One include the Policy Plan, the Population Plan, the Conservation Plan, the Housing Plan, the Land Use Plan, the Public Services, Facilities and Infrastructure Plan, the Open Space and Greenways Plan, and the Historic Resources Plan.
- Part Two – Center and Corridor Plans: the center and corridor plans cover the regional centers and transit oriented development corridors identified in the city wide Land Use Plan found in Part One and the current Truckee Meadows Regional Plan. The specific action plans within Part Two include the Downtown Reno Regional Center Plan, the Convention Regional Center Plan, Medical Regional Center Plan, Reno-Tahoe

International Airport Regional Plan, University of Nevada Regional Center Plan, Dandini Regional Center Plan, the Reno-Stead Airport Regional Center Plan, Redfield Regional Center Plan, Western Gateway Regional Center Plan, the South Virginia Street Transit Oriented Development (TOD) Corridor Plan, North Virginia Street TOD Corridor Plan, the West Fourth Street TOD Corridor Plan, the East Fourth Street TOD Corridor Plan, and the Mill Street Corridor Plan.

- Part Three – Neighborhood Plans: the neighborhood plans cover specific areas of the City of Reno, other than centers and corridors, whether the Reno City Council and the Reno Planning Commission have determined that a more detailed plan is necessary. The specific action and neighborhood plans within Part Three include the Reno-Stead Corridor Joint Plan, the McQueen Neighborhood Plan, West University Neighborhood Plan, Newlands Neighborhood Plan, Plumas Neighborhood Plan, Greenfield Neighborhood Plan, Wells Avenue Neighborhood Plan, County Club Acres Neighborhood Plan, the Southeast Neighborhood Plan, and the Northeast Neighborhood Plan.
- Part Four – Additional Plans Not Included in the Master Plan: Part four contains the Redevelopment District Streetscape Master Plan.

A copy of the City of Reno’s current masterplan is available online on the city’s website available at: <http://www.reno.gov/government/departments/community-development-department/master-plan>.

The Building, Planning and Engineering Division of the City of Reno’s Community Development Department is responsible for reviewing and evaluating all special use permits, zone change requests, and masterplan amendment requests and applications. Information regarding the Building, Planning and Engineering Division of the City of Reno’s Community Development Department can be found online on the city’s website available at: <http://www.reno.gov/government/departments/community-development-department/applications-and-documents/planning-engineering-applications>.

The City of Reno, as part of the special use application process, has developed a list of eight findings that, in general, must be made by either the Reno Planning Commission or, on appeal, the Reno City Council in order for a special use application to be approved. These eight findings include:

1. The proposed use is compatible with existing surrounding land uses and development.
2. The project is in substantial conformance with the masterplan.
3. There are or will be adequate services and infrastructure to support the proposed development.
4. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.

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5. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
 6. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
 7. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
 8. The structure has been designed such that a window placement and height do not adversely affect the privacy of existing residential uses.

A complete special use application packet is available on the City of Reno's website available online at: <http://www.reno.gov/home/showdocument?id=45611>.

The City of Reno, as part of the zoning map amendment application process, has developed a list of 15 findings that, in general, must be made by either the Reno Planning Commission or, on appeal, the Reno City Council in order for a zoning map amendment application to be approved. These 15 findings include:

1. To preserve the quality of air and water resources.
2. To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
3. To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.
4. To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.
5. To provide for recreational needs.
6. To protect life and property in areas subject to floods, landslides and other natural disasters.
7. To conform to the adopted population plan.
8. To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

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9. To ensure that the development on land is commensurate with the character of the physical limitations of the land.
 10. To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.
 11. To promote health and the general welfare.
 12. To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.
 13. To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.
 14. To promote systems which use solar or wind energy.
 15. To foster the coordination and compatibility of land uses with any military installation in the city, county, or region, taking into account the location, purpose and state mission of the military installation.

A complete zoning map amendment application packet is available on the City of Reno's website available online at: <http://www.reno.gov/home/showdocument?id=47080>.

The City of Reno, as part of the masterplan amendment application process, has developed a list of findings that, in general, must be made by either the Reno Planning Commission or, on appeal, the Reno City Council in order for a masterplan amendment application to be approved. The considerations for a masterplan amendment approval are divided between the Reno Planning Commission and the Reno City Council.

For a masterplan amendment to be approved by the Reno Planning Commission, the commission must find that the proposed master plan amendment:

1. Bears relation to the planning and physical development of the City of Reno; and
2. Is so prepared that it may be adopted by the Reno City Council as a basis for the physical development the City of Reno.

For a masterplan amendment to be approved by the Reno City Council, the council must find that the proposed masterplan amendment may be applied practically to the physical development of the City of Reno for a reasonable next ensuing will:

1. Serve as a pattern and guide for that kind of orderly physical growth and development the city which will cause the least amount of natural resource impairment;

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2. Conform to the adopted population plan and ensure an adequate supply of housing, including affordable housing; and
 3. Form a basis for the efficient expenditure of funds relating to the subjects of the City of Reno's masterplan.

The Reno City Council must also provide an analysis of the following additional considerations:

1. There has been a change in the area or in the conditions on which the current designation was based warrants the amendment;
2. The density and intensity of the proposed masterplan amendment is sensitive to the existing land uses and is compatible with the existing adjacent land use designations;
3. The amendment will provide for the orderly physical growth of the city, enhance the urban core and foster safe, convenient and walkable neighborhoods and shopping districts;
4. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed masterplan designation; and
5. The proposed changes is in substantial conformance with the goals and polices of the masterplan and other adopted plans and policies.

A complete masterplan amendment application packet is available on the City of Reno's website available online at: <http://www.reno.gov/home/showdocument?id=45555>.

3.3.16 City of Sparks (Washoe County)

As the second most populated city in the Western Nevada Development District, the City of Sparks has adopted a highly refined and specific masterplan. The Planning and Zoning Division of the City of Sparks' Community Services Department is responsible for all development review, plan checking, permitting, and entitlements including planned developments, subdivisions, zone changes, masterplan amendments, code amendments, special use permits, variances and regional plan amendments. The Planning and Zoning Division is also responsible for focusing on the long range needs of the community, participating in the regional planning process, and participating in other regional programs and committees. Information regarding the Planning and Zoning Division of the City of Sparks' Community Services Department, including a copy of the city's zoning ordinance and current masterplan can be found on the city's website available at: <http://www.cityofsparks.us/departments/community-services/planningzoning>.

A conditional use permit may be required as a prerequisite to the establishment of certain uses in certain zoning districts. The City of Sparks, as part of the conditional use permit application process, has developed a list of application and review procedures that conditional use permit applicants are required to following, including:

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- The applicant may choose to attend a pre-application meeting with the Community Services Department.
 - The applicant submits the conditional use permit application on an application deadline date.
 - The Community Services Department reviews the submitted application and distributes the application to other city departments and reviewing agencies for comments. The Community Services Department will then send a letter to the applicant stating the date of the Plan Review Meeting and listing any supplemental information needed for staff's review of the application.
 - The applicant is required to attend the Plan Review Meeting to discuss their proposed conditional use permit application. If supplemental application information was requested by the Community Services Department, the applicant is required to bring the supplemental application information to the Plan Review Meeting.
 - Once the application has been deemed complete and the Plan Review Meeting has been held, the Community Services Department will schedule the conditional use permit application to go before the Sparks Planning Commission for review and possible approval.

A complete conditional use permit application packet is available on the city's website available online at:

<http://www.cityofsparks.us/sites/default/files/assets/Conditional%20Use%20Permit%202015.pdf>

A masterplan amendment may be required as a prerequisite to the establishment of certain uses in certain zoning districts. The City of Sparks, as part of the masterplan amendment application process, has developed a list of application and review procedures that masterplan amendment applicants are required to following, including:

- The applicant attends a pre-application meeting with the Community Services Department.
- The applicant submits the masterplan amendment application on the application deadline.
- The Community Services Department reviews the submitted application and distributes the application to other city departments and reviewing agencies for comments. The Community Services Department will then send a letter to the applicant stating the date of the Plan Review Meeting and listing any supplemental information needed for staff's review of the application.
- The applicant is required to attend a Plan Review Meeting to discuss their proposed masterplan amendment application. If supplemental information was requested by the

Community Services Department, the application is required to bring the supplemental information to the Plan Review Meeting.

- Once an application is deemed appropriate, the applicant is required to conduct a neighborhood meeting prior to the masterplan amendment being scheduled for review and possible approval by the Sparks Planning Commission. The neighborhood meeting shall not be conducted until after the application has been deemed complete by the City of Sparks. The applicant shall comply with all neighborhood meeting requirements as stated in Nevada Revised Statute Chapter 278 Section 210 subsection 2, including but not limited to:
 - Notifying each owner, as listed on the Washoe County Assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;
 - Notifying the owner, as listed on the Washoe County Assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent that this notice does not duplicate the notice given pursuant to the previous requirement;
 - Notifying each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains;
 - Notifying the commander of any military installation within 3,000 feet of the area to which the proposed amendment pertains; and
 - All notices must be sent by mail at least ten days before the neighborhood meeting and shall include the date, time, place and purpose of the neighborhood meeting.
- The applicant shall notify the Community Services Department in writing at least ten days prior to the neighborhood meeting of the date, time, and place of the neighborhood meeting.
- The applicant shall provide the Community Services Department with the notarized certificate, provided by the Community Services Department, verifying that the neighborhood meeting has been conducted and shall include a sign-in sheet with the names of all neighbors in attendance.
- Once the application has been deemed complete and the Plan Review Meeting and neighborhood meeting have been held, the Community Services Department will schedule the masterplan amendment to go before the Sparks Planning Commission for the commission's review and possible approval.

A complete masterplan amendment application packet is available on the city's website available online at:

<http://www.cityofsparks.us/sites/default/files/assets/Master%20Plan%20Amendment%202015.pdf>.

3.3.17 Truckee Meadows Regional Planning Agency

The Truckee Meadows Regional Planning Agency is committed to supporting comprehensive and innovative approaches for economic development and community planning for Washoe County, the City of Reno, and the City of Sparks. In addition to facilitating land-use, infrastructure provision, and resource management conservations among public and private decision makers, the Truckee Meadows Regional Planning Agency also serves as a collaborative information and data warehouse, coordinating regional data collection and delivering advanced geospatial analytics for regional solutions. Information regarding the role of the Truckee Meadows Regional Planning Agency in regulating land use decisions throughout Washoe County is available on the Truckee Meadows Regional Planning Agency's website available at: <http://www.tmrpa.org/>.

The 2012 Truckee Meadows Regional Plan provides a blueprint for development throughout Washoe County. The Regional Plan directs where growth will occur, identifies development constrained areas that are not suitable for future development, sets priorities for infrastructure development and addresses natural resource management. The Regional Plan also coordinates the provision of services and capital improvements from the local governments and affected entities in the region. In broad terms, the 2012 Truckee Meadows Regional Plan aims to:

- Minimize sprawl by directing growth to the core of the region, promoting infill strategies, and promoting transit oriented development.
- Optimize capital investment and maintenance costs for infrastructure.
- Constrain development on areas such as playas, wetlands, and slopes over 30 percent and require local governments (Washoe County, City of Reno, and the City of Sparks) to prepare and maintain management plans for the development of hillsides.
- Coordinate future development with the availability of services, facilities and natural resources to support that development.
- Promote cooperation among local governments located in Washoe County.

The 2012 Truckee Meadows Regional Plan is available online on the Truckee Meadows Regional Planning Agency's website available at: <http://www.tmrpa.org/regional-plan/>.

4.0 Nevada’s Cottage Food Industry and Temporary Food Establishments

During the 77th Legislative Session in 2013, the Nevada State Legislature passed Senate Bill 206 which created Nevada Revised Statute Chapter 446 *Food Establishments* in response to the growing popularity of the farm-to-fork locally produced and locally consumed food movement in Nevada. Nevada Revised Statute Chapter 446 Section 865 established a regulatory system for temporary food establishments and Nevada Revised Statute Chapter 446 Section 866 established a regulatory system for cottage food industry operations. While local temporary food establishments and cottage food industry firms operating throughout the Western Nevada Development District must still comply with the local business licensing processes and food production, distribution, and retail sales regulations outlined above in the previous sections of this University Center for Economic Development technical report, this section outlines additional state-level regulations these firms must also comply with.

4.1 Temporary Food Establishments, Nevada Revised Statute Chapter 446 Section 865

A temporary food establishment is defined, per Nevada Revised Statute Chapter 446 Section 067, as any food establishment which operates a fixed location for a temporary period of time but not to exceed two weeks of operation in connection with a fair, carnival, circus, public exhibition, celebration, or similar transitory gathering. Nevada Revised Statute Chapter 446 Section 865 outlines the general regulatory process that temporary food establishments, that meet these definition, must comply with.

According to Nevada Revised Statute Chapter 865, in regulating a temporary food establishment, the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services may augment local food regulatory requirements with any additional requirements when needed to assure the service of safe food. The Division of Public and Behavioral Health may also prohibit the sale of certain potentially hazardous food as determined by the Division of Public and Behavioral Health and may modify any specific regulatory requirement or requirements that any local regulatory body may impose on the physical facilities of the temporary food establishment when, in the opinion of the Division of Public and Behavioral Health determines that no imminent health hazard will result.

4.2 Cottage Food Operations, Nevada Revised Statute Chapter 446 Section 866

A food establishment is defined, per Nevada Revised Statute Chapter 446 Section 020, as:

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1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.
 2. The term does not include:
 - a. Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - b. Fraternal or social clubhouses at which attendance is limited to members of the club;
 - c. Vehicles operated by common carriers engaged in interstate commerce;
 - d. Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;
 - e. Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to Nevada Revised Statute Chapter 583;
 - f. Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under Nevada Revised Statute Chapter 584;
 - g. The premises of a wholesale dealer of alcoholic beverages licensed under Nevada Revised Statute Chapter 369 who handles only alcoholic beverages which are in sealed containers;
 - h. A facility that produces eggs which is regulated pursuant to Nevada Revised Statute Chapter 583;
 - i. A cottage food operation that meets the requirements of Nevada Revised Statute Chapter 446 Section 886 with respect to food items as defined in that section;
 - j. A craft food operation that meets the requirements of Nevada Revised Statute Chapter 587 Section 6945 with respect to food items as defined in that section; or
 - k. A farm for purposes of holding a farm-to-fork event.

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3. As used in this section, “poultry” has the meaning ascribed to it in Nevada Revised Statute Chapter 583 Section 405.

Nevada Revised Statute 446 Section 866 subsection 1 outlines the legislative difference between a typical food establishment as defined above in Nevada Revised Statute 446 Section 020. Specifically, a cottage food industry operation is:

- An operation that sells products on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers’ market licensed pursuant to Nevada Revised Statute Chapter 244 or Nevada Revised Statute Chapter 268, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet.
- An operation that sells products to a natural person for his or her consumption and not for resale.
- Sells products affixed with a label which complies with the federal labeling requirements set forth in 21 United States Code § 343(w) and 9 Code of Federal Regulations Part 317 and 21 Code of Federal Regulations Part 101.
- Sells products labeled with “MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION” printed prominently on the label for the food item.
- Sells products prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.
- Sells products prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

Nevada Revised Statute 446 Section 866 subsection 2 limits the degree to which a local governing authority in Nevada may restrict the operations of a cottage food industry operation within their jurisdiction. Specifically, subsection 2 of Nevada Revised Statute 446 Section 866 states that no local zoning board, planning commission, or governing body of an unincorporated town, incorporated city, or county may adopt any ordinance or other regulation that explicitly prohibits a natural person from preparing food in a cottage food industry operation as long as the operation itself meets the definition of cottage food operation as outlined above in subsection 1 of this section and chapter.

Nevada Revised Statute 446 Section 866 subsection 3 requires any cottage food industry operation to submit the name, address, and contact information of the natural person conducting the food industry operation and register with the Division of Public and Behavioral Health of the

Nevada Department of Health and Human Services before selling any food item. Subsection 3 further requires that if the name under which the cottage food industry operation operates is different than the name of the natural person who operates the firm, the cottage food industry operation must also register this fictitious firm name with the Division of Public and Behavioral Health. Subsection 4 of Nevada Revised Statute Chapter 446 Section 866 empowers the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services to charge a fee to the cottage food industry operation for registration but limits the fee to no more than the actual cost of Division of Public and Behavioral Health to establish and maintain the registry.

Subsection 5 of Nevada Revised Statute Chapter 446 Section 866 enables the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services to inspect a cottage food industry operation but only to investigate a food item that may be deemed to be adulterated pursuant to Nevada Revised Statute Chapter 585 Section 300 through Section 360 or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food industry operation, pursuant to subsection 5, is required to cooperate with the Division of Public and Behavioral Health in any such inspection, If, as a result of any such inspection, the Division of Public and Behavioral Health determines that the cottage food industry operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Division of Public and Behavioral Health may charge and collect from the cottage food industry operation a fee in an amount that does not exceed the actual cost of the Division of Public and Behavioral Health to conduct the investigation.

According to subsection 6 of Nevada Revised Statute Chapter 446 Section 866 ‘cottage food operations’ is further defined as a natural person who manufactures or prepares food items in his or her private home or, if allowed by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable, or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than \$35,000 per calendar year. Subsection 6 of Nevada Revised Statute Chapter 446 Section 866 specifically identifies the types of food products that a cottage food industry operation, as defined by this section, may prepare and sell, including:

- Nuts and nut mixes.
- Candies.
- Jams, jellies, and preserves.
- Vinegar and flavored vinegar.
- Dry herbs and seasoning mixes.
- Dried fruits.

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- Cereals, trail mixes, and granola.
 - Popcorn and popcorn balls.
 - Baked goods that are not potentially hazardous foods, foods that do not contain cream, uncooked eggs, custard, meringue or cream cheese frosting or garnishes, and foods do not require time or temperature controls for food safety.

A cottage food industry operation, per subsection 6 of Nevada Revised Statute Chapter 446 Section 866, is expressly prohibited from producing and selling any food or food product that does not meet one of these food types as listed in subsection 6.

4.3 Issuance of a Permit, Nevada Revised Statute Chapter 446 Section 875

For any temporary food establishment, cottage food operation, or any farm-to-fork event, any person wishing to operate one of these types of food establishment must complete and submit an application for a permit to be issued by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services. Nevada Revised Statute Chapter 446 Section 875 outlines the basic requirements of this permit, including:

1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:
 - a. The applicant's full name and post office address.
 - b. A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.
 - c. A statement of the location and type of the proposed food establishment.
 - d. The signature of the applicant or applicants.
2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.
3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.
4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

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5. A permit issued pursuant to this section:
 - a. Is not transferable from person to person or from place to place.
 - b. Must be posted in every food establishment.

Furthermore, the temporary food establishment, cottage food operation, or any farm-to-fork event must also comply with any local governing authority's licensing and regulatory requirements. Specifically, Nevada Revised Statute Chapter 446 Section 877 states that no license under any license ordinance of any licensing authority may be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit, as required by Nevada Revised Statute Chapter 446 Section 875, has been granted by the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services. Additionally, a board of county commissioners or city council, or other governing body of an incorporated city, whether organized under general law or special chapter, may issue a license to operate a food establishment to any person owning or operating the food establishment contingent upon the person's obtaining the permit required by Nevada Revised Statute Chapter 446 from the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services.

4.4 Specific Cottage Food Industry Regulations within the Western Nevada Development District

Since passage of Nevada Senate Bill 206 during the 77th Legislative Session in 2013, only two local government jurisdictions within the Western Nevada Development District, including Carson City and Washoe County, have developed specific local government regulations concerning the regulation of cottage food industry operations within their respective jurisdiction. For all other jurisdictions within the Western Nevada Development District, including all other counties, municipalities, townships, or unincorporated towns located within the District, or the City of Reno or the City of Sparks located within Washoe County, the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services' regulations as outlined above in section 4.1, section 4.2, and section 4.3 of this University Center for Economic Development technical report are used to govern the regulation and activity of any cottage food industry operation.

4.4.1 Carson City Health District

Carson City has developed an application form (http://gethealthycarsoncity.org/wp-content/uploads/2013/07/CARSON-CITY-COTTAGE-FOOD-OPERATION-REGISTRATION-APPLICATION_final-6-27-13.pdf) and a questionnaire (http://gethealthycarsoncity.org/wp-content/uploads/2013/07/COTTAGE-FOOD-QUESTIONS-CCHHS_final_6-30-13.pdf) that cottage food industry operations must complete and submit to the Carson City Health District before the operation is permitted to begin production and sale of their food products. The Carson City Health District has developed a website (<http://gethealthycarsoncity.org/environmental->

[health/cottage-food/](#)) that outlines the registration process for any cottage food industry operation wishing to register and operate within the jurisdiction of Carson City.

In general, the food produced by a cottage food industry operation located and operating within Carson City, is to be sold at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including a farmers' market, license flea market, swap meet, church bazaar, or craft fair, by means of an in-person transaction that does not involve selling the food by telephone or via the Internet. Carson City and the Carson City Health District has further developed these eight additional requirements:

- The food may be sold directly to the consumer from a licensed farmers' market, licensed flea market or swap meet, church bazaar, or craft fair, provided that the transaction is done in person.
- While transactions are prohibited if the transaction occurs by phone or via the Internet, orders for various food products may be taken by phone or via the Internet but must require a face-to-face sale at delivery or pick-up.
- No sales activities are permitted from a person's home.
- The food or food products sold by the cottage food industry operation is to be sold to a natural person from his or her consumption and are not for resale. This prohibits any kind of wholesale manufacturing or secondary sale of cottage food products.
- The food or food products sold by the cottage food industry operation must be affixed with a label which complies with the federal labeling requirements. This means that food packaged for sale by the operator to the consumer must meet the same requirements as commercially packaged foods. Labels for foods packaged by a cottage food operation for sale a public location under inspection by a health authority, such as a farmers' market or swap meet, must have their labels reviewed and approved by the Carson City Health District at registration and prior to sale.
- The food or food products sold by the cottage food industry operation must be labeled with the words, "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION". These words, as displayed here, must be printed prominently on the label of the food item or food products sold by the cottage food industry operation.
- The food or food products sold by the cottage food industry operation once packaged for sale to the consumer may not be opened for sampling without obtaining a health permit. However, food samples may be pre-portioned in closed disposable containers for free distribution at the sale site.
- The food or food products sold by the cottage food industry operation must be prepared and processed in the kitchen of the private home of the natural person who manufactures

or prepares the food item or, if allowed by both the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services and the Carson City Health District, in the kitchen of a fraternal or social clubhouse, a school, or a religious, charitable, or other nonprofit organization. However, the Carson City Health District will not allow any permitted food establishment to be used for a cottage food industry operation, and any permitted kitchen or warehouse will not be allowed to store or use foods produced by a cottage food industry operation.

Similar to Nevada Revised Statute 446 Section 866 subsection 6, the Carson City Health District limits the types of food or food products that can be lawfully prepared and sold by a cottage food industry operation to nuts and nut mixes, candies, jams, jellies, and preserves, vinegar and flavored vinegars, dry herbs and seasoning mixes, dried fruits, cereals, trail mixes, and granola, and popcorn and popcorn balls. Cottage food industry operations within Carson City are also permitted to produce and sell baked goods as long as those baked goods are not potentially hazardous foods, that they do not contain home canned fruit or anything that is home canned, cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content, and do not require time or temperature controls for food safety.

4.4.2 Washoe County Health District

Washoe County has developed an application form (https://www.washoecounty.us/health/files/forms/environmental/H-713-99_Permit_Ap.pdf) and a registration form (https://www.washoecounty.us/health/files/forms/environmental/H-713-99_Permit_Ap.pdf) that cottage food industry operations must complete and submit to the Washoe County Health District before the operation is permitted to begin production and sale of their food products. The Washoe County Health District has developed a cottage food industry fact (https://www.washoecounty.us/health/files/forms/environmental/H-713-79A_Cottage_Guidelines.pdf) that outlines the registration process for any cottage food industry operation wishing to register and operate within the jurisdiction of Washoe County.

In general, the food produced by a cottage food industry operation located and operating within Washoe County must complete the following four steps before beginning their operation:

1. Determine the type of durable packaging that will be used to protect the food items from contamination during transport, display, sale, and acquisition by end consumers.
2. Must design labeling for the food product that meets the requirements outlined in Nevada Revised Statute Chapter 446.
3. Must design labeling for the food product that meets 21 United States Code § 343(W) and 9 Code of Federal Regulations Part 101. This requirement further includes:
 - a. A Statement of Identity: the common, usual name or descriptive identity of the packaged food item.

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- b. A listing of the net quantity of contents including the net weight in ounces, pounds, or grams, or the net content in fluid ounces, pints, or liters, or number of pieces.
 - c. An Ingredient Statement: a list of all ingredients, in descending order of predominance by weight. This includes listing all ingredients of an ingredient that in itself contains two or more ingredients.
 - d. The name and physical address where the product was manufactured, packaged, or distributed.
 - e. A declaration of any food allergen contained in the food, unless the food source is already part of the common or usual name of the product or clearly identified in the ingredient list. Major food allergens include milk, eggs, fish, crustacean or bivalve shellfish, tree nuts, wheat, peanuts and soybeans, and any ingredient that contains protein derived from any one of these ingredients or additives. The listing of any food allergen(s) must be included either in parentheses following the name of the ingredient or immediately after or next to the list of ingredients in a 'contains' statement.
4. A requirement to register with the Washoe County Health District and the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services.

Washoe County and the Washoe County Health District defines a cottage food operation as, as defined by Nevada Revised Statute Chapter 446, any natural person who manufactures or prepares food items in an on-food establishment setting for sale to a natural person. In Washoe County, cottage food production is also allowed in food establishments that have received a Washoe County Permit to Operate. Furthermore, the sales of a cottage food industry operation operating within Washoe County:

- Must be direct to the end consumer and not for resale.
- May take place on the cottage food industry operator's private property or site of manufacture or at a farmers' market, swap meet, flea market, church bazaar, garage sale, or craft fair.
- To remain exempted from permitting, cottage foods sold at a venue that is regulated by the Washoe County Health District, such as a farmers' market or swap meet, the food product must remain in its durable packaging with the proper labeling affixed. Food samples may be individually pre-portioned in closed, disposable containers at the cottage food operation kitchen for sample distribution at the sale site. Open product sampling may require additional permits.

Similar to Nevada Revised Statute 446 Section 866 subsection 6, the Washoe County Health District limits the types of food or food products that can be lawfully prepared and sold by a

cottage food industry operation to nuts and nut mixes, candies, jams, jellies, and preserves, vinegar and flavored vinegars, dry herbs and seasoning mixes, dried fruits, cereals, trail mixes, and granola, and popcorn and popcorn balls. Cottage food industry operations within Carson City are also permitted to produce and sell baked goods as long as those baked goods are not potentially hazardous foods, that they do not contain home canned fruit or anything that is home canned, cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content, and do not require time or temperature controls for food safety.

Washoe County and the Washoe County Health District has developed a series of kitchen sanitation and food safety guidelines for any cottage food industry operator wishing to operate within Washoe County. These guidelines include:

1. The preparation, packaging, and handling of cottage foods should take place separately from other domestic activities, such as family meal preparation, dishwashing, clothes washing, kitchen cleaning, or guest entertainment. No infants, small children, or pets should be present in the kitchen during cottage food preparation.
 - Smoking should not take place during a cottage food operation.
 - A person with a contagious illness should refrain from working in the cottage food operation while ill.
 - Individuals ill with gastrointestinal symptoms (vomiting and/or diarrhea) should refrain from working in the cottage food operation until at least 48 hours after their symptoms stop.
 - Individuals involved in the preparation or packaging of cottage food products should keep their hands and exposed portions of their arms clean and should wash their hands before any food preparation or packaging activity.
 - Particularly with ready-to-eat food, bare hand contact should be minimized by use of utensils, single-use gloves, bakery papers, or tongs.
2. Kitchen equipment and utensils used to produce cottage food products should be clean and maintained in a good state of repair.
 - All food contact surfaces, equipment, and utensils should be washed, rinsed, and sanitized before each use.
 - Water used during the preparation of cottage food products should meet the potable drinking water standards.
 - All food preparation and food and equipment storage areas should be maintained free of rodents and insects.

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3. All food should be manufactured, produced, prepared, packed, stored, transported, and kept for sale so as to be pure and free from adulteration and spoilage.
- Ingredients should be obtained from approved sources.
 - Food should be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination.
 - Care should be taken to prevent cross contamination of cottage foods and ingredients used in the manufacture of cottage foods with raw animal products and chemicals.
 - All cottage foods should be prepackaged in a manner that protects the food item from contamination during transport, display, sale, and acquisition by consumers.

Appendix A

List of Federal, State, and Local Food Regulatory Entities and Requirements

Business License Requirements

- Nevada Secretary of State: <https://nvsos.gov/>
- Nevada Department of Taxation: <http://tax.nv.gov/>
- Nevada Department of Business & Industry, Industrial Relations: <http://dir.nv.gov/WCS/Home/>
- Carson City, Nevada: <http://carson.org/home/showdocument?id=14862>
- Churchill County, Nevada: <http://www.churchillcounty.org/DocumentCenter/View/623>
- Douglas County, Nevada: <http://www.douglascountynv.gov/299/Business-Licenses-Permits>
- City of Winnemucca, Nevada: <http://www.winnemuccacity.org/BusinessLicenseForms.cfm>
- Lyon County, Nevada: <http://www.lyon-county.org/DocumentCenter/Home/View/202>
- City of Fernley, Nevada: <http://www.cityoffernley.org/index.aspx?nid=94>
- City of Yerington, Nevada: <http://nv-yerington.civiccities.com/DocumentCenter/View/1159>
- Mineral County, Nevada: http://cloud.snappages.com/90bf44c37660bea50201044989c9dd0a930c0d88/Mineral%20County%20Business%20License%20Ap_1.pdf
- City of Lovelock, Nevada: <http://www.cityoflovelock.com/sites/default/files/Business%20License%20packet.pdf>
- Storey County, Nevada: <https://www.storeycounty.org/DocumentCenter/View/5974>
- Washoe County, Nevada: https://www.washoecounty.us/csd/planning_and_development/business_license/index.php
- City of Reno, Nevada: <http://www.reno.gov/government/departments/community-development-department/business-license-division>
- City of Sparks, Nevada: <http://www.cityofsparks.us/blinfo>

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- Washoe County, City of Reno, City of Sparks – Multijurisdictional Business License: https://www.washoecounty.us/csd/planning_and_development/business_license/multi_jurisdictional_lic_proc.php

Food Establishment Permit Process

- Division of Public and Behavioral Health of the Nevada Department of Health and Human Services: http://dphh.nv.gov/Reg/Food/dta/Permits/Food_Establishments_-_Permits/
- Carson City Health District: <http://gethealthycarsoncity.org/>
- Washoe County Health District: <https://www.washoecounty.us/health/programs-and-services/food-protection-services/index.php>

Food Production, Distribution, and Retail Sales

- U.S. Department of Agriculture: http://www.usda.gov/wps/portal/usda/usdahome?navid=USDA_MISSION_AREAS
- USDA Farm Service Agency: <http://www.fsa.usda.gov/>
- USDA Foreign Agricultural Service: <http://www.fas.usda.gov/>
- USDA Risk Management Agency: <http://www.rma.usda.gov/>
- USDA Center for Nutrition Policy and Promotion: <http://www.cnpp.usda.gov/>
- USDA Food and Nutrition Service: <http://www.fns.usda.gov/>
- USDA Food Safety and Inspection Service: <http://www.fsis.usda.gov/wps/portal/fsis/home>
- USDA Agricultural Marketing Service: <https://www.ams.usda.gov/>
- USDA Animal and Plant Health Inspection Service: <https://www.aphis.usda.gov/aphis/home/>
- USDA Grain Inspection, Packers, and Stockyards Administration: <https://www.gipsa.usda.gov/>
- USDA Forest Service: <http://www.fs.fed.us/>

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- USDA Natural Resource Conservation Services: <http://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>
 - USDA Research, Education, and Economics: <http://www.ree.usda.gov/>
 - USDA Agricultural Research Service: <http://www.ars.usda.gov/main/main.htm>
 - USDA Economic Research Service: <http://www.ers.usda.gov/>
 - USDA National Agricultural Library: <http://www.nal.usda.gov/>
 - USDA National Agricultural Statistics Service: <https://www.nass.usda.gov/>
 - USDA National Institute of Food and Agriculture: <https://nifa.usda.gov/>
 - USDA Office of the Chief Scientist: <http://www.usda.gov/wps/portal/usda/usdahome?navid=OCS>
 - Rural Development: <http://www.rd.usda.gov/>
 - U.S. Bureau of Land Management: <http://www.blm.gov/wo/st/en/prog/more.html>
 - Nevada Department of Agriculture: <http://agri.nv.gov/>
 - Carson City Community Development Department and Planning Division: <http://carson.org/government/departments-a-f/community-development/planning-division/current-planning-zoning>
 - Churchill County Planning Department Land Use, Zoning & Land Development Division: <http://churchillcounty.org/index.aspx?NID=214>
 - Douglas County Community Development Department Planning Division: <http://www.douglascountynv.gov/111/Planning-Division>
 - Humboldt County Planning Department: http://www.hcnv.us/planning/planning_home.htm
 - Lyon County Planning Division: <http://www.lyon-county.org/166/Planning>
 - City of Fernley Building Department Development Services Division and Planning Services Division: <http://www.cityoffernley.org/index.aspx?NID=613>
 - City of Yerington Planning and Zoning Division: <http://nv-yerington.civiccities.com/index.aspx?NID=478>

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- Mineral County Economic Development Authority: <http://mineralcountynevada.com/doing-business.htm>
 - Pershing County Planning and Building Office, Regional Planning Department: <http://pershingcounty.net/index.php/Planning-and-Building/>
 - Storey County Community Development Department: <https://www.storeycounty.org/147/Building-Department-Community-Developmen>
 - Washoe County Community Services Department Planning and Development Division: https://www.washoecounty.us/csd/planning_and_development/index.php
 - City of Reno Community Development Department Building, Planning and Engineering Division: <http://www.reno.gov/government/departments/community-development-department/applications-and-documents/planning-engineering-applications>
 - City of Sparks Community Services Department Planning and Zoning Division: <http://www.cityofsparks.us/departments/community-services/planningzoning>
 - Truckee Meadows Regional Planning Agency: <http://www.tmrpa.org/>

Cottage Food Registration and Permitting

- Carson City Health District: <http://gethealthycarsoncity.org/environmental-health/cottage-food/>
- Washoe County Health District: https://www.washoecounty.us/health/files/forms/environmental/H-713-79A_Cottage_Guidelines.pdf