



**ORDINANCE NO. 2021-05
VILLAGE OF WAGON MOUND
CANNABIS REGULATIONS**

**AN ORDINANCE ADOPTING THE LEGISLATIVE INTENT, FINDINGS, AND PURPOSE
RELATING TO THE REGULATION OF CANNABIS**

WHEREAS, cannabis contains tetrahydrocannabinol ("THC"), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use thereof is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.; and

WHEREAS, the New Mexico Cannabis Regulation Act ("CRA") was enacted and signed into law in April 2021 allowing for the establishment and operation of certain cannabis businesses in the Village of Wagon Mound according to a prescribed statutory and regulatory process; and

WHEREAS, the CRA defines Cannabis Establishments as a cannabis testing laboratory; a cannabis manufacturer; a cannabis producer; a cannabis retailer; a cannabis research laboratory; a vertically integrated cannabis business; a cannabis producer microbusiness; or an integrated cannabis microbusiness; and

WHEREAS, the Village of Wagon Mound finds the CRA authorizes the Village of Wagon Mound to adopt time, place, and manner rules that do not conflict with the CRA or the Dee Johnson Clean Indoor Air Act; and

WHEREAS, the Council of the Village of Wagon Mound finds that the retail sale, production, manufacturing, distribution, and cultivation of cannabis and cannabis infused products are matters of local concern and municipal interest; and

WHEREAS, this Ordinance is designed to protect the public health, safety and welfare from the potentially adverse effects of cannabis, while allowing for its sale, production, manufacturing, distribution, cultivation, and use in accordance with New Mexico law and the Village's local regulatory authority; and

WHEREAS, this ordinance is subject to change or amendments as the CRA's rules and regulations are amended and adopted, and it shall comply with CRA and its regulations.

NOW THEREFORE, the Village of Wagon Mound adopts the following ordinance for the regulation of cannabis consistent with the CRA.

Section 1 - Purpose

This Ordinance adopts local regulations regarding the sale, production, distribution, manufacture, cultivation and use of cannabis within the Village of Wagon Mound to protect the health, safety, and welfare of the community.

Section 2 - Definitions

The below words and phrases, wherever used in this ordinance, shall be construed as defined in the CRA or pertinent laws and regulations with their subsequent amendments.

CANNABIS - All parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent of a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin.

CANNABIS ESTABLISHMENT - Includes producers, retailers, testing and research laboratories, manufacturers, microbusinesses, integrated cannabis microbusiness, and vertically integrated cannabis businesses. A business organization, whether for profit or not for profit dealing with the production, sale, or distribution of cannabis.

CANNABIS ESTABLISHMENT LOCATION BOUNDARY - Includes all land area located west of Old Highway 85 within the Village of Wagon Mound boundary. See Appendix 1.

CONSUMER - means a person twenty-one years of age or older who purchases, acquires, owns, possesses, or uses a cannabis product for a purpose other than resale.

CANNABIS CONSUPTION AREA - means an area where cannabis products may be served and consumed so long as the establishment is not licensed to serve alcoholic beverages.

CANNABIS MANUFACTURER - means a person that:

- (1) Manufactures cannabis products;
- (2) Packages cannabis products;
- (3) Has cannabis products tested by a cannabis testing laboratory; or
- (4) Purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments;

CANNABIS PRODUCER - means a person that:

- (1) Cultivates cannabis plants;
- (2) Has unprocessed cannabis products tested by a cannabis testing laboratory;
- (3) Transports unprocessed cannabis products only to other cannabis establishments; or
- (4) Sells cannabis products wholesale;

CANNABIS PRODUCER MICROBUSINESS – means a cannabis producer at a single licensed premises that possess not more than two hundred total mature cannabis plants at any one time;

CANNABIS RETAILER – means a State licensed person or entity that sells cannabis products to qualified patients, primary caregivers, or reciprocal participants or directly to consumers

PUBLIC PLACE - a place to which the general public has access including but not limited to businesses, restaurants, hallways, lobbies, highways, streets, schools, places of amusement, parks, playgrounds, and places used in connection with public transportation.

Section 3 – Cannabis Business Licensing and Registration

1. All cannabis establishments desiring to conduct business within Village of Wagon Mound limits shall first obtain a Business License and a Business Registration from the Clerk's Office at Village Hall.

Successful applicants shall:

- A. Complete, sign, and submit a Business License and a Business Registration application on forms furnished by the Clerk's Office;
- B. Truthfully declare the intended operations of the cannabis establishment;
- C. Meet all requirements for issuance of a State of New Mexico cannabis license and all applicable laws and regulations;
- D. Provide proof of a valid State of New Mexico cannabis license for the intended cannabis establishment;
- E. Demonstrate the cannabis establishment is not located within three hundred (300) feet of any established public or private school or other childcare facility. This distance shall be measured from the nearest property line of the land used for a school or child care facility to the nearest property line of the land to be used for the cannabis establishment.
- F. Agree to the following terms for the manner of business operation to ensure security of the premises:
 - a. Fencing must enclose the proposed property;
 - b. Installation of sufficient outdoor lighting;
 - c. Installation of security cameras;
 - d. Installation of an alarm system;
 - e. Ensure sufficient parking spaces appropriate for the volume of business so as to not obstruct vehicle and pedestrian traffic or to block any traffic signage.
 - g. Ensure the property owner or authorized renter live at the residence when the proposed cannabis establishment will be located in a home.
- G. Submit payment in the amount of \$35.00 for an annual Business Registration and \$150.00 for an annual Business License in accordance with Village of Wagon Mound Ordinance No. 429-99.

Section 4 – Cannabis Establishment Location

1. The Cannabis Establishment Location Boundary shall be defined as all land area west of Old Highway 85 located within the Village of Wagon Mound boundary. See Appendix 1 – Cannabis Establishment Location Boundary Map.
 - A. Properly licensed and registered cannabis establishments shall be permitted to operate within the Cannabis Establishment Boundary only.
 - B. No cannabis establishments shall be permitted to operate outside of the Cannabis Establishment Boundary.

Section 5 - Cannabis Establishment Hours of Operations

1. Cannabis retail and consumption establishments shall only operate during the following hours:

- A. Cannabis Retail Establishments - Cannabis Retailers may only sell cannabis products between the hours of 10AM and 8PM Monday through Saturday. No cannabis sales may occur on Sundays or before 10AM and after 8PM Monday through Saturday.
- B. Cannabis Consumption Areas – Cannabis products may only be served and consumed in cannabis consumption areas between the hours of 10AM and 8PM Monday through Saturday. No cannabis products may be served or consumed in cannabis consumption areas on Sundays or before 10AM and after 8PM Monday through Saturday.

Section 6 – Cannabis Consumption

1. Consumption areas shall only be allowed for cannabis establishments that, during the Village Business License and Business Registration process, provide proof of compliance with the CRA and other applicable laws for consumption areas, including but not limited to strictly limiting consumers to persons 21 years of age or older, and the cannabis establishment shall not sell alcoholic beverages.
2. Consumption areas shall establish a smoke free area that extends a reasonable distance from any entrances, windows, and ventilation systems to any enclosed areas where smoking is prohibited. The reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the establishment shall not be subjected to breathing cannabis smoke and/or cannabis aerosols and to ensure that cannabis smoke and/or aerosols do not enter the building or facility through entrances, windows, ventilation systems or any other means.
3. Consumption in or on any Village owned property or Public Place, as defined in this ordinance, shall be prohibited.

Section 7 – Cannabis in Public Places

1. The use, sale, cultivation, manufacture, production, storage, distribution, or consumption of all cannabis products, whether legally grown or purchased or not, shall be prohibited in or on property owned, operated, occupied, or controlled by the Village of Wagon Mound.
2. The use, sale, cultivation, manufacture, production, storage, distribution, or consumption of all cannabis products, whether legally grown or purchased or not, shall be prohibited in or on any Public Place as defined in this ordinance.

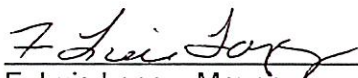
Section 8 - Severability

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be void as a matter of law, such determination shall not affect the force and effect of all other legally valid provisions.


Section 9 – Effective Date

This Ordinance shall be deemed effective as of the date it is adopted by the governing body of the Village of Wagon Mound.

PASSED, ADOPTED AND APPROVED AT SPECIAL COUNCIL MEETING
THIS 30TH DAY OF SEPTEMBER, 2021.



F. Luis Lopez, Mayor

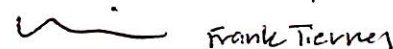
Timothy Cruz, Mayor Pro Tem


Adrian A. Clouthier, Councilor

ATTEST:


Paul A. Miera, Councilor


Gina M. Garcia, Clerk Treasurer
(SEAL)


Francis M. Tierney, Councilor



APPENDIX 1 – Cannabis Establishment Location Boundary Map

