

**State of New Mexico
City of Bloomfield
Ordinance 515**

**An Ordinance Amending the City of Bloomfield City Code to
Provide for a New Chapter 19: Commercial Cannabis**

WHEREAS, within the Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 et seq., the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products; and

WHEREAS, the Cannabis Regulation Act provides that local jurisdictions may adopt time, place, and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonable limit density of licenses and operating times consistent with neighborhood uses; and

WHEREAS, the City Council wishes to enact such controls and restrictions on the possession, use, cultivation, manufacture and sales of cannabis and cannabis-derived products, consistent with the provisions of the Cannabis Regulation Act, necessary and proper to protect and promote the health, safety, and welfare of the citizens of the City of Bloomfield, New Mexico; and

WHEREAS, the City Council intends with this ordinance to establish a general framework for regulation and anticipates adopting additional provisions in the future to provide a comprehensive approach to cannabis and related activities within the City of Bloomfield

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF BLOOMFIELD, NEW MEXICO, that:

Section 1: The City of Bloomfield City Code is hereby amended to include the following Chapter 19 relating to the regulation of Cannabis:

CHAPTER 19: CANNABIS

ARTICLE 1: GENERAL PROVISIONS

Sec. 19-1. - Title

This chapter shall be known as the "City of Bloomfield Comprehensive Cannabis Ordinance" except as referred to and cited herein, where it shall be known as the "Cannabis Ordinance" or "CCO"

Sec. 19-2 - Purpose and intent.

It is the purpose and intent of this chapter to regulate the possession, cultivation, including micro, small, medium, and large-scale processes; manufacturing; processing; distribution; retail sales; on-site consumption and special events for the consumption of recreational cannabis within the City of Bloomfield, as provided for by the New Mexico Cannabis Regulation Act, NMSA 1978, §26-2C-1 et seq., (the "Cannabis Regulation Act" or the "Act"). The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business generally in the city and are in addition to any permits, licenses and approvals required under state, county, or other law. The regulations and prohibitions in this chapter are enacted to ensure the health, safety and welfare of residents and visitors within the City of Bloomfield. Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or allow any activity relating to the cultivation, manufacturing, testing, or distribution of cannabis that is otherwise illegal under New Mexico state law. Nothing herein shall be construed to permit or authorize any possession, use, cultivation, manufacture, processing, distribution, retail sale, and/or consumption of cannabis beyond the provisions of the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Act, nor as affecting or intended to affect or modify federal law relating to cannabis.

Sec. 19-3. - Sec. 19-10 - RESERVED

ARTICLE 2.- Definitions

Sec. 19-11

(A) Cannabis.

- (1) means all parts of the plant genus Cannabis a delta-9-tetrahydrocannabinol concentration of more than three-tenth percent on 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; and
- (2) does not include:
 - (a) the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
 - (b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product;

(B) Cannabis Consumption Area.

An area where cannabis products may be served and consumed;

(C) Cannabis Courier.

A person that transports cannabis products to qualified patients, primary caregivers, or reciprocal participants or directly to consumer;

(D) Cannabis Establishment.

Means:

- (1) a cannabis testing laboratory;
- (2) a cannabis manufacturer;
- (3) a cannabis producer;
- (4) a cannabis retailer;
- (5) a cannabis research laboratory;
- (6) a vertically integrated cannabis establishment;
- (7) a cannabis producer microbusiness;
- (8) an integrated cannabis microbusiness; or
- (9) a cannabis consumption area;

(E) Cannabis Manufacturer.

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;

(F) Cannabis Producer.

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;

(G) Cannabis Producer Microbusiness.

A cannabis producer at a single licensed premise that possesses no more than two hundred total mature cannabis plants at any one time;

(H) Cannabis Product.

A product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients;

(I) Cannabis Research Laboratory.

A facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cultivation, characteristics or uses;

(J) Cannabis Retailer.

A person that sells cannabis to qualified patients, primary caregivers or reciprocal participants or directly to consumers;

(K) Cannabis Testing Laboratory.

A person that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing;

(L) Commercial Cannabis Activity

- (1) means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchases for resale, sale or consignment of cannabis products; and
- (2) does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis;

(M) Consume.

The act of ingesting, inhaling, or otherwise introducing cannabis or cannabis product into the human body.

(N) Consumer.

A person twenty-one (21) years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale;

(O) Cultivation.

Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis;

(P) Facility

A building, space or grounds licensed for the production, possession, testing, manufacturing or distribution of cannabis, cannabis extracts or cannabis products;

(Q) Government Facility.

A facility, agency or area used for public purposes, and owned or operated by an instrumentality or agency of federal, state, or local government

(R) Homegrown or Homemade.

Grown or made for purposes that not dependent or conditioned upon the provision or receipt of financial consideration;

(S) Household.

A housing unit and included any place in or around the housing unit at which an occupant of the housing unit produces, manufactures, keeps or stores homegrown cannabis or homemade cannabis products;

(T) Integrated Cannabis Microbusiness.

A person that is authorized to conduct one or more of the following:

- (1) production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred (200) total mature plants at any one time;
- (2) manufacture of cannabis products at a single licensed premises;
- (3) Sales and transportation of only cannabis produced or manufactured by that person;
- (4) Operation of only one retail establishment; and
- (5) Couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers

(U) Licensed Premises.

A location that includes

- (1) all enclosed public and private areas at the location that are used in the business and includes offices, kitchens, restrooms and storerooms;
- (2) all areas outside of a building that are specifically included in the license for the production, manufacturing, wholesale sale or retail sale of cannabis products; and

(3) with respect to a location that is specifically licensed for the production of cannabis outside of a building, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases or has a right to occupy;

(V) Manufacture.

To compound, blend, extract, infuse, package or otherwise prepare a cannabis product;

(W) Medical Cannabis

Cannabis products used by a qualified patient or reciprocal participant in accordance with the Lynn and Erin Compassionate Use Act;

(X) Medical Cannabis Program

The program created pursuant to the Lynn and Erin Compassionate Use Act;

(Y) Medical Cannabis Registry.

The system by which the department of health approves or denies applications and issues and renews registry identification cards for qualified patients;

(Z) Mobile, Portable or Temporary, Unit.

Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which are ordinarily vended, served, or offered for sale;

(AA) Open Space

Any public park, public sidewalk, public walkway, or public pedestrian throughfare;

(BB) Public Place.

A place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places

of amusement; parks; playgrounds; and places used in connection with public passenger transportation;

(CC) Qualified Patient

A resident of New Mexico who holds a registry identification card pursuant to the Lynn and Erin Compassionate Use Act;

(DD) Reciprocal Participant.

A person who is not a resident of New Mexico and who holds proof of enrollment by a government regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a government regulatory authority of a new Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program;

(EE) Residence.

A place where someone lives

(FF) Retail Establishment.

A location at which cannabis products are sold to qualified patients, primary caregivers and reciprocal participants and directly to consumers;

(GG) Smoke.

To inhale, exhale, burn or carry any lighted or heated device or pipe or any other lighted or heated cannabis products intended for inhalation, whether natural or synthetic in any manner or in any form;

(HH) Unprocessed.

Unaltered from an original form, raw or natural state; and

(II) Vertically Integrated Cannabis Establishment.

A person that is authorized to act as any of the following:

- (1) a cannabis courier;
- (2) a cannabis manufacturer;

- (3) a cannabis producer; and
- (4) a cannabis retailer

ARTICLE 3: PERSONAL POSSESSION AND USE

Sec. 19-12. - Personal Possession

- A. Pursuant to the requirements of the Cannabis Regulation Act (NMSA 1978, § 26-2C- 1 *et seq.*), Adults twenty-one (21) years of age and older may possess a maximum of two ounce of cannabis, a maximum of sixteen (16) grams of concentrated cannabis infused products, and a maximum of eight hundred (800) milligrams of edible cannabis in public places within the City of Bloomfield. The usage of cannabis and cannabis products is permitted by right at an individual's dwelling as long as the activity does not endanger others or cause a public nuisance and such usage does not otherwise violate the Cannabis Regulation Act.
- B. It shall be unlawful for any person to smoke, vape, or ingest cannabis products in any public place.
- C. Unless otherwise allowed in the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Acct, it shall be unlawful:
 - 1. To possess or intentionally distribute any amount of a cannabis product on the premises of a school or daycare center unless the person is a qualified patient, a primary caregiver, or a reciprocal participant; provided that this section shall not apply to a person who possess a cannabis product for authorized purposes on the premises of a licensed cannabis training and education program.
 - 2. For any person under twenty-one (21) years of age to possess, consume, or obtain cannabis.
 - 3. For any individual twenty-one (21) years of age or older to possess in any public place cannabis or any cannabis product in excess of those amounts permitted by the Cannabis Regulation Act.
- D. Violation of any provision of this Section shall be punishable by up to ninety (90) days incarceration and a fine up to five hundred (500) dollars, except as otherwise provided in the Cannabis Regulation Act.

Sec. 19-13 - Non-Commercial Cultivation

- A. Pursuant to the Cannabis Regulation Act, an individual may cultivate homegrown cannabis provided that the cannabis producer acts within the regulations of the Act. The Act limits home cultivation to a maximum of six (6) mature and six (6) immature cannabis plants with a maximum allowance of twelve (12) plants per household. All cannabis cultivation operations, including all cannabis plants, at any stage of growth, harvest, or processing, shall not be visible from the exterior of any structure, facility, building, or greenhouse, within the city limits. All cultivation operations must take place indoors, within a permanent structure that is enclosed on all sides. Outdoor cultivation is prohibited within city limits. Portable greenhouses, hoop houses, and/or non-permanent enclosures shall not be used for cannabis cultivation unless they are placed inside of a permanent structure that is enclosed on all sides. Construction or installation of any type of accessory dwelling unit (ADU), including any greenhouse for at home cannabis cultivation, requires adherence to all City of Bloomfield land use codes including a placement permit from the City of Bloomfield's planning and zoning administrator.
- B. It shall be unlawful for any person who is less than twenty-one (21) years of age to intentionally produce cannabis.
- C. It shall be unlawful for any person twenty-one (21) of age or older, unless licensed under the Cannabis Regulation Act and permitted as required by this chapter, to intentionally produce cannabis or any cannabis product in excess of those amounts permitted by the Cannabis Regulation Act.
- D. Violation of any provision of this Section shall be punishable by up to ninety (90) days incarceration and a fine up to five hundred (500) dollars, except as otherwise provided in the Cannabis Regulation Act.

Sec. 19-14 - Sec. 19-20 RESERVED

ARTICLE 4: CANNABIS BUSINESS LICENSE/REGISTRATION & CANNABIS LICENSE

Sec. 19-21 Cannabis Business License/ Registration

Any business engaged in the cultivation, production, processing, manufacturing, distribution, and/or retail sales of cannabis and cannabis-derived products must obtain and comply with all City of Bloomfield Ordinances, including the City of Bloomfield Business License/Registration Ordinance, Ordinance 485.

Sec. 19-22 Cannabis License/Permit

- A. Any business engaged in cultivation, production, processing, manufacturing, distribution, and/or retail sales of cannabis and cannabis-derived products must obtain a cannabis license/permit from the City of Bloomfield in addition to any licenses/permits required under the Cannabis Regulation Act. The City of Bloomfield cannabis license/permit is in addition to and not in lieu of any and all licenses and permits required by the State of New Mexico. The cost of a cannabis license/permit shall be one thousand dollars (\$1,000.00) per year and shall be issued for a period of one (1) year from the date of issuance.

- B. Prior to issuance of a cannabis license/permit or renewal, the Code Compliance Officer shall confirm compliance with distancing requirements as required and pass a San Juan County Building Code inspection. The cannabis establishment shall comply with Chapter 38 (as it may be amended from time to time) of the National Fire Protection Association (NFPA) 1 Fire Code. Cannabis manufactures, cannabis research laboratories, and cannabis testing laboratories shall receive semiannual inspections. All other cannabis establishments shall receive an annual inspection, at the discretion of the San Juan County Fire Department.

Sec. 19-23 Cannabis Consumption Area

Cannabis Consumption Areas are not permitted within the City of Bloomfield.

Sec. 19-24 - Sec. 19-26 RESERVED

ARTICLE 5: CANNABIS ZONING DISTRICTS AND DEVELOPMENT REQUIREMENTS

Sec. 19-27 Zoning Districts

To protect the health, safety and welfare of the City of Bloomfield residents and visitors, all cultivation, production, processing, manufacturing, distribution, and/or retail sales of cannabis and cannabis-derived products by a licensed producer or seller shall take place only within designated zoning districts as specified in this code.

Permissible zoning classification for cannabis cultivation, production, processing, manufacturing, distribution, and/or retail sales of cannabis or cannabis-derived products shall be limited to the following:

- A. Cannabis cultivation, processing, and manufacturing shall be allowed only within the agricultural zoning.
- B. Cannabis retail sales of cannabis and cannabis-derived products shall be allowed only within the commercial zoning districts.

Sec. 19-28 Hours of Operation

Cannabis Retailers shall only sell cannabis products for off-site consumption between the hours of 7:00 am and 12:00 am Monday through Saturday and between the hours of 12:00 pm and 12:00 am on Sunday.

Sec. 19-29 Prohibited Locations

To protect the health, safety, and welfare of the City of Bloomfield residents and visitors, no cannabis cultivation, production, processing, manufacturing, distribution, wholesaling and/or retail sales of cannabis or cannabis-derived products shall be permitted:

- A. Within three hundred (300) feet of a school (both public and private) or daycare.
- B. Cannabis establishments must maintain a reasonable separation distance of at least one quarter (1/4) mile or one thousand three hundred twenty feet (1,320) from one cannabis establishment to another as measured from the nearest outside wall to outside wall of the building.

Sec. 19-30 Prohibited Use of Cannabis on Public Property

It shall be unlawful for any person to smoke or consume cannabis or cannabis-derived products on any property that is owned, occupied, controlled, or operated by the City of Bloomfield.


Sec. 19-31 Mobile, Portable, or Temporary Units

Cannabis sales from mobile, portable, or temporary units or drive-through locations are prohibited.

Sec. 19-32 - Sec. 19-40 RESERVED

Passed, approved, adopted and signed this 27th day of October 2021.




Cynthia Atencio, MAYOR

ATTEST:



Crystal L Hornberger, City Clerk