

**STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 282**

AN ORDINANCE REPEALING ORDINANCE NO. 273; REGULATING THE GROWTH, SALE, AND PRODUCTION OF RECREATIONAL CANNABIS AND CANNABIS PRODUCTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

WHEREAS, the Village of Los Ranchos adopted Ordinance No. 273 on March 10, 2021, which prohibited the cultivation, manufacture, and distribution of cannabis and cannabis-derived products in the Village while providing an exception for personal production of cannabis under the Lynn and Erin Compassionate Use Act and for the sale of cannabis-derived products in the C-1, GD, and VC zones of the Village; and

WHEREAS, the cultivation, manufacture, and distribution of cannabis and cannabis-derived products for recreational use is now authorized in the State of New Mexico under the Cannabis Regulation Act, notwithstanding that the cultivation, possession, and use of marijuana for any purpose still retains a serious federal crime under the United States Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*; and

WHEREAS, the Cannabis Regulation Act allows local jurisdictions to “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 reasonably limit density of licenses and operating times consistent with neighborhood uses”.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE:

SECTION 1. Chapter 9, Article 2, Section 3 is hereby amended as follows:

§9.2.3 DEFINITIONS

(B) SPECIFIC DEFINITIONS.

CANNABIS shall have the same definition as set forth in [Section \(2\)\(B\) of the Cannabis Regulation Act](#). ~~§26-2B-3 B. of the Lynn and Erin Compassionate Use Act.~~

CANNABIS CONSUMPTION AREA shall have the same definition as set forth in [Section \(2\)\(C\) of the Cannabis Regulation Act](#).

CANNABIS ESTABLISHMENT shall have the same definition as set forth in [Section \(2\)\(E\) of the Cannabis Regulation Act](#).

CANNABIS-DERIVED PRODUCT ~~means a product, other than cannabis itself, which contains or is derived from cannabis, including hemp.~~ shall have the same definition as set forth in [Section \(2\)\(K\) of the Cannabis Regulation Act](#).

CANNABIS REGULATION ACT means Sections 26-2C-1 through 26-2C-42, NMSA 1978, as amended and supplemented.

COMMERCIAL CANNABIS ACTIVITY shall have the same definition as set forth in Section (2)(R) of the Cannabis Regulation Act.

HOMEGROWN OR HOMEMADE CANNABIS shall have the same definition as set forth in Section (2)(R) of the Cannabis Regulation Act.

~~HEMP shall have the same definition as set forth in §26-2B-3 L. of the Lynn and Erin Compassionate Use Act.~~

~~LYNN AND ERIN COMPASSIONATE USE ACT~~ means Sections 26-2B-1 through 26-2B-10, NMSA 1978, as amended and supplemented.

~~PERSONAL PRODUCTION OF CANNABIS~~ means the cultivation and possession of cannabis plants and an adequate supply of usable cannabis by a person or persons with a personal production license as defined in §26-2B-3 R. of the Lynn and Erin Compassionate Use Act.

SECTION 2. Chapter 9, Article 2, Section 7 is hereby amended as follows:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(B) PERMISSIVE USES. A building or premise shall be used only for the following purposes:

(2) Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity, but not including the sale or distribution of cannabis or cannabis-derived products, including hemp.

(4) Agricultural activities, including, but not limited to the raising, harvesting, and storage of fruits, vegetables, grain, hay and feed, poultry, rabbits, and the keeping and raising of livestock, riding stables and academies. All animal activities shall be conducted in accordance with §7.2.1 et seq., Animal Control. If the agricultural activity requires a state license requiring proof of water availability, a copy of that evidence must be submitted to the Village of Los Ranchos. The cultivation, intentional growth, manufacture, and distribution of cannabis and cannabis-derived products, including hemp, except for ~~personal production of~~ homegrown or homemade cannabis, are prohibited.

SECTION 3. Chapter 9, Article 2, Section 12 is hereby amended as follows:

§9.2.12 C-1 RETAIL COMMERCIAL ZONE

(B) USES.

Agricultural	P
Cannabis (cultivation, intentional growth, and manufacture, except for personal	X

production)	
<u>Cannabis (as qualified below)</u>	<u>P</u>
<u>Facilities shall not be located within three-hundred (300) feet of a school or daycare in existence at time of state application. Facilities shall not be located within three-hundred (300) feet of one another, based upon distance at time permit is sought.</u>	
<u>Neither cannabis nor hemp shall be grown in landscaping.</u>	
<u>Cultivation, provided that it not exceed ten percent (10%) of the lot size. Structures shall be equipped with an activated carbon HVAC filtration system sized to effectively abate odor emissions and shall be fully enclosed and not open-air. Greenhouses used to grow cannabis shall be limited to one thousand (1,000) square feet in enclosed area.</u>	<u>P</u>
<u>Retailer, excepting that sale between 8:00 pm to 9:00 am is prohibited.</u>	<u>P</u>
<u>Cannabis consumption area.</u>	<u>X</u>
<u>Product manufacturing, provided that structures shall be equipped with an activated carbon HVAC filtration system sized to effectively abate odor emissions and shall be fully enclosed and not open-air.</u>	<u>C</u>

SECTION 4. Chapter 9, Article 2, Section 14 is hereby amended as follows:

§9.2.14 VC – VILLAGE CENTER ZONE

(C) USES.

Agricultural	C
As an ancillary use in support of an on-site permissive use, limited to an area not to exceed 10% of the area of the permissive use it supports, and not to include livestock	C
Cannabis (cultivation, intentional growth, and manufacture, except for personal production of cannabis) Cannabis establishment	X

SECTION 5. Chapter 9, Article 2, Section 15 is hereby amended as follows:

§9.2.15 AC – AGRICULTURAL-COMMERCIAL ZONE

(A) PERMISSIVE USES.

(2) Commercial activities associated directly and exclusively with horticulture, equestrian activities and general agricultural activities including, but not limited to, the raising and selling of vegetables, fruits, crops and livestock, as well as the care, feeding, training and boarding of livestock, but not to include the cultivation, intentional growth, manufacture, or distribution of cannabis or cannabis ~~derived~~ products, ~~including hemp~~.

SEVERABILITY CLAUSE: Should any section, subsection, paragraph, sentence, clause, phrase, provision, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to

pass each section, subsection, paragraph, sentence, clause, phrase, provision, and every part thereof separately and independently of every other part.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Los Ranchos de Albuquerque, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 10th day of November, 2021.



APPROVED:

A handwritten signature in black ink, appearing to read "Donald T. Lopez", written over a horizontal line.

Donald T. Lopez, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Danielle Sedillo-Molina", written over a horizontal line.
Danielle Sedillo-Molina, Clerk