



## VILLAGE OF CORRALES

### ORDINANCE NO. 17-010

**AN ORDINANCE RELATING TO CANNABIS AND CANNABIS-DERIVED PRODUCTS; PERMITTING THE CULTIVATION, PROCESSING AND DISTRIBUTION OF CANNABIS AND CANNABIS-DERIVED PRODUCTS IN THE C - NEIGHBORHOOD COMMERCIAL ZONE, WITH EXCEPTIONS; PROHIBITING THE CULTIVATION, PROCESSING OR DISTRIBUTION OF CANNABIS AND CANNABIS-DERIVED PRODUCTS IN OTHER ZONES OF THE VILLAGE; PROVIDING AN EXCEPTION FOR QUALIFIED PATIENTS AND PRIMARY CAREGIVERS UNDER THE LYNN AND ERIN COMPASSIONATE USE ACT**

**WHEREAS**, the production and use of “medical marijuana,” that is, cannabis used for medical purposes, has become a significant enterprise in New Mexico, with large production facilities being located in many areas, whether agricultural, commercial, industrial or residential; and

**WHEREAS**, the Village Council, the governing body of the Village of Corrales (“Governing Body”), recognizes that agricultural activities are a permissive use on lands throughout most of the Village; and

**WHEREAS**, the Governing Body finds that facilities for the cultivation, processing and distribution of cannabis and cannabis-derived products were not contemplated when the designation of agricultural uses was approved throughout the Village, the said cultivation, processing and distribution being strictly illegal at that time under both State and federal law; and

**WHEREAS**, the cultivation, processing and distribution of cannabis and cannabis-derived products for medical use are now authorized in the State of New Mexico under the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 through 26-2B-7, NMSA 1978, notwithstanding that the cultivation, processing, distribution and possession of cannabis remain illegal under the laws of the United States; and

**WHEREAS**, the Governing Body finds that facilities for the cultivation, processing, and distribution of cannabis and cannabis-derived products are not a desirable use on lands outside the C - neighborhood commercial zone of the Village; and

**WHEREAS**, the Governing Body further finds that facilities for the cultivation, processing and distribution of cannabis and cannabis-derived products for authorized users under the Lynn and Erin Compassionate Use Act should be permitted in the C zone, subject to reasonable conditions and upon review and approval of each such facility by the Planning and Zoning Commission of the Village; and

**WHEREAS**, the Governing Body finds that the cultivation, processing and possession of cannabis in limited quantities for personal use by qualified patients, under the Lynn and Erin Compassionate Use Act, should be permitted in all zones of the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council, the governing body of the Village of Corrales, that:

**Section 1. Definitions.**

The definitions of *agricultural activities* and *agricultural products* in Section 18-29 of the Code are amended to read as shown below, and the other defined terms shown below shall be added to Section 18-29 of the Code in appropriate alphabetical order.

*Adequate supply*, in relation to the possession, cultivation or processing of cannabis and cannabis-derived products, means the amount of cannabis that may be possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver, as determined by the New Mexico Department of Health to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three (3) months or ninety (90) consecutive days.

*Agricultural activities* means the tilling of the soil, the raising of crops, horticulture, and animal husbandry, but does not include the cultivation, growing or production of cannabis.

*Agricultural products* means products that are the direct result of agricultural activities and includes added value products made for direct sale by their creators from the products of the creators' own agricultural activities, but does not include cannabis or any cannabis-derived product.

*Cannabis* means all parts of the plant *Cannabis sativa* or *Cannabis indica*, whether growing or not, and the resin extracted from any part of the plant.

*Cannabis-derived product* means a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp.

*Cannabis production and sale* has the meaning assigned it in Subsection 18-37(4)(d)

*Crops* means cultivated plants and agricultural products, including grains, vegetables, fruits, and grasses used for pasturage or other commercial or agricultural purposes, but does not include cannabis.

*Legal pharmaceuticals* means drugs and medicines sold over the counter or by a licensed pharmacist pursuant to a prescription issued by an authorized medical practitioner, but does not include cannabis or cannabis-derived products.

*Lynn and Erin Compassionate Use Act* means Sections 26-2B-1 through 26-2B-7, 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 qualified patient or the primary caregiver of a qualified patient holding a valid personal production license issued by the New Mexico Department of Health pursuant to the Lynn and Erin Compassionate Use Act and the Department of Health regulations adopted thereunder.

*Primary caregiver* means a resident of New Mexico who is at least eighteen (18) years of age and who has been designated by a qualified patient and the patient's practitioner as being necessary to take responsibility for managing the well-being of a qualified patient under the Lynn and Erin Compassionate Use Act.

*Qualified patient* means a resident of New Mexico who has been diagnosed as having a debilitating medical condition and has received a registry identification card from the New Mexico Department of Health permitting the possession of cannabis for personal medical use under the Lynn and Erin Compassionate Use Act.

**Section 2. General Prohibition; Exceptions.** The following Subsection (n) shall be added to Section 18-30 of the Village Code:

- (n) *Cannabis and cannabis-derived products.*
- (1) *General prohibition.* The cultivation, intentional growth, manufacture and distribution of cannabis and cannabis-derived products are prohibited in all zones of the Village, except as specifically permitted in this Section.
- (2) *Use by review in the C zone.* The cultivation, growth, manufacture, and distribution of cannabis and cannabis-derived products shall be a use by review in the C - neighborhood commercial zone of the Village, except the Neighborhood Commercial and Office District (NCOD), subject to the limitations of Subsection 18-37(4)(d). Cultivation, growth, manufacture, and distribution of cannabis and cannabis-derived products are not permitted in the NCOD except for personal production, use and possession as provided in Subsection 18-30(n)(3) below.
- (3) *Personal production, use and possession.* Personal production of cannabis by qualified patients or primary caregivers, in amounts no greater than authorized under applicable New Mexico Department of Health regulations, is permitted in all zones of the Village. All cannabis and cannabis-derived products, including live plants, shall be kept secure within a dwelling unit or within a structure that is locked at all times when the qualified patient or primary caregiver is not present.

**Section 3. C – Neighborhood Commercial Zone Use by Review.** The following Subsection (4)(d) shall be added to Section 18-37 of the Village Code:

- d. *Cannabis and cannabis-derived products.* Cultivation, harvesting, processing and sale of cannabis and production, manufacture, and sale of cannabis-derived



products (collectively, “cannabis production and sale”) may be permitted in the C zone, except in the NCOD, upon approval of a site development plan and subject to the following conditions:

1. Cannabis production and sale shall take place within enclosed, secure buildings, greenhouses or growing areas meeting all standards and requirements of the Corrales building code and all land use regulations of the Village.
2. Cannabis production and sale shall be conducted only by licensed non-profit producers and manufacturers in accordance with applicable regulations of the New Mexico Department of Health.
3. All facilities used for cannabis production and sale, including storage of the products, shall be subject to inspection before use and at regular intervals thereafter by the Fire Chief or designee and shall comply with all fire and safety provisions required by the Fire Chief under the Village’s fire code and other applicable regulations.
4. Cannabis production and sale shall at all time be conducted in such a manner as not to constitute a nuisance or harm to neighboring properties, whether commercial, agricultural, municipal, quasi-municipal or residential. There shall be no traffic, lighting or illumination, noise, odors, dust, fumes, or other effects or emissions due to cannabis production and sale that impair or interfere with the use of neighboring properties.
5. Cannabis residues, remnants or byproducts shall be properly disposed of in a secure manner. No cannabis or residues, remnants or byproducts shall be placed in any unsecure solid waste bin or container.
6. Facilities for cannabis production and sale shall be fully compliant at all times with all applicable provisions of this Chapter 18 and other provisions of the Village Code.
7. The approval by the Village of a site development plan for cannabis production and sale shall not be deemed to create a defense or exception, or provide immunity to any person in regard to any criminal liability the person may have for the cultivation, production or sale of cannabis or cannabis-derived products.

**SEVERABILITY CLAUSE:** Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof

irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

**COMPILING CLAUSE:** This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, 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 Corrales, New Mexico, this 12th day of September, 2017.

APPROVED:

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The Honorable Scott Kominiak  
Mayor

ATTEST:

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Jennifer A. Hise  
Village Clerk

**FAILED**