

**SAN JUAN COUNTY, NEW MEXICO
NOTICE OF INTENT TO ADOPT COUNTY ORDINANCE NO. 120
AND NOTICE OF PUBLIC HEARING**

Notice is hereby given of the title and of a general summary of the subject matter contained in an Ordinance proposed to be adopted and approved by the Board of County Commissioners of San Juan County, New Mexico, on August 17, 2021, regulating medical and recreational cannabis establishments, other cannabis businesses, and production of cannabis and cannabis products within the unincorporated areas of San Juan County. Complete copies of the proposed Ordinance are available for public inspection during normal and regular business hours at the Office of the County Clerk, 100 S. Oliver Drive, Aztec, New Mexico.

The title and a general summary of the proposed Ordinance are as follows:

**SAN JUAN COUNTY, NEW MEXICO
CANNABIS REGULATION ORDINANCE
ORDINANCE NO. 120**

AN ORDINANCE REGULATING MEDICAL AND RECREATIONAL CANNABIS ESTABLISHMENTS, OTHER CANNABIS BUSINESSES, PRODUCTION OF CANNABIS AND CANNABIS PRODUCTS.

SECTION 1. DEFINITIONS

Defines terms used in the Ordinance such as “cannabis consumption area,” “cannabis producer,” “integrated cannabis microbusiness,” etc.

SECTION 2. REGULATION OF COMMERCIAL CANNABIS ACTIVITY

This Ordinance regulates commercial cannabis activity only and does not regulate activities related only to cannabis training and education programs or to the personal cultivation or use of cannabis.

SECTION 3. LOCATION

Requires a cannabis establishment to be 1,000 feet from any residence, church, library, cultural center, community center, public park, or government facility and 300 feet from any school or daycare center.

SECTION 4. OPERATING TIMES

Permits cannabis retailers to sell and serve products only from 7:00 a.m. to midnight Monday through Sunday.

SECTION 5. CANNABIS CONSUMPTION AREAS

Describes the requirements for a cannabis consumption area which must be located inside a cannabis retailer where smoke does not infiltrate other indoor workplaces or indoor public places and is restricted to persons 21 years of age and older.

SECTION 6. BUSINESS REGISTRATION

Any person engaged in commercial cannabis activities must comply with the San Juan County Business Registration Ordinance, Ordinance No. 95.

SECTION 7. CANNABIS ESTABLISHMENT PERMIT

Requires a cannabis establishment permit from the County Community Development Department for the operation of any cannabis establishment in the County and sets out building requirements and an inspection. Cost of a permit shall be \$250 for an initial permit and \$100 for each annual renewal.

SECTION 8. MOBILE UNITS

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

SECTION 9. SMOKING OF CANNABIS IN PUBLIC PLACE

Smoking of cannabis products in a public place, except as permitted by state law, is prohibited.

SECTION 10. EXISTING MEDICAL CANNABIS ESTABLISHMENTS

Any medical cannabis establishment existing as of the date of the passage of this Ordinance shall not be required to comply with the location requirements of Section 2. However, the owners of such businesses shall, within 90 days of the effective date of this Ordinance, submit an application for a permit.

SECTION 11. ENFORCEMENT

A San Juan County Code Compliance Officer, a certified San Juan County Sheriff's deputy, or the San Juan County Fire Marshall or designee may issue citations for violation of this Ordinance.

SECTION 12. PENALTIES

With the exception of Section 10, which is punishable by State law, any violation of this Ordinance may be enforced in any court of competent jurisdiction. The maximum penalty per violation shall be \$300. Each day during the time in which a violation occurs shall be deemed a

separate violation. Nothing herein shall prevent San Juan County from seeking injunctive relief, if appropriate.

SECTION 13. SAVING CLAUSE

Should any portion of this Ordinance be declared unenforceable after a final, non-appealable decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall, to the extent feasible, remain in full force and effect.

SECTION 14. EMERGENCY CLAUSE AND EFFECTIVE DATE

Because of the urgent need for regulation, Ordinance No. 120 shall take effect immediately upon recording in the office of the County Clerk.

Notice is hereby given that a public hearing will be held at the hour of 4:00 p.m. on August 17, 2021, at the San Juan County Commission Chambers, County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico, for the purpose of allowing comment either for or against the adoption of the above-described Ordinance.

**BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY, NEW MEXICO**

By: John T. Beckstead, Chairman

SEAL

Tanya Shelby, County Clerk