

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE 2023-8

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5 AN ORDINANCE

6 AMENDING SECTION 14-6.2(I) TO PERMIT CANNABIS RETAILERS WHOLLY  
7 OWNED BY A TRIBE WITHIN FOUR HUNDRED (400) FEET OF ANOTHER  
8 RETAILER IF THE OTHER RETAILER INITIATES ITS APPLICATION FOR A  
9 CANNABIS RETAIL LICENSE AFTER THE RETAILER WHOLLY OWNED BY A  
10 TRIBE.

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12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

13 Section 1. Section 14-6.2(I) of SFCC 1987 (being Ord. No. 2021-19, § 3) is  
14 amended to read:

15 14-6.2(I) Cannabis Establishments.

16 (1) Applicable Law. *Cannabis establishments* are subject to applicable  
17 sections of the Land Development Code, as set forth in Chapter 14 of the SFCC 1987;  
18 other applicable city ordinances, as set forth in the SFCC 1987; and applicable state laws  
19 and regulations. Applicable provisions include, but are not limited to, the Lynn and Erin  
20 Compassionate Use Act, Sections 26-2B-1 to 26-2B-10 NMSA 1978; the Cannabis  
21 Regulation Act, Sections 26-2C-1 to 26-2C-42 NMSA 1978; the Dee Johnson Clean  
22 Indoor Air Act, Sections 24-16-1 to 24-16-20 NMSA 1978; the Santa Fe Smoke Free  
23 Ordinance, Section 10-6 SFCC 1987; the Nuisance Abatement Ordinance, Section 10-  
24 9 SFCC 1987; and the Business License Ordinance, Section 18-1 SFCC 1987.

25 (2) Enforcement. A person who fails to adhere to the provisions of Chapter

1 14 of the SFCC shall be subject to the enforcement provisions set forth in Sections 1.3  
2 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available  
3 under the law.

4 (3) Permitted Uses. *Cannabis establishments* are permitted only as set forth  
5 in Table 14-6.1-1 and this subsection. A *vertically integrated cannabis*  
6 *establishment* or *integrated cannabis microbusiness* is permitted only if all uses  
7 licensed by the licensee are permitted in the zoning district.

8 (4) Minimum Distance from Schools. A *cannabis establishment* is not a  
9 permitted use if the *cannabis establishment* would be located within a three hundred  
10 (300) foot radius of an existing preschool, daycare center, elementary school, or  
11 secondary school. The radius shall be measured from the subject property boundaries.

12 (5) Retail establishments.

13 (a) Density Limitations. A commercial cannabis retailer is not a  
14 permitted use if either of the following applies:

15 (i) The main entrance accessing the primary function of the  
16 commercial cannabis retailer would be within a four hundred (400) foot  
17 distance of the main entrance accessing the primary function of an existing  
18 commercial cannabis retailer; or

19 (ii) The closest point of the commercial cannabis retailer's  
20 licensed premises is within three hundred (300) feet of a religious  
21 institution.

22 (b) Density Limitation exemption. A cannabis retailer that is wholly  
23 owned by a tribe, as defined in Section 11-13A-2(D) NMSA 1978, is a permitted  
24 use within four hundred (400) feet of the main entrance of a retailer that initiates  
25 its application for a cannabis retailer license to the State of New Mexico after the

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retailer wholly owned by the tribe initiates its application for such a license.

(c) Operating Hours. The hours of operation for a commercial cannabis retailer may begin as early as 7:00 a.m. and may extend as late as 12:00 a.m. (midnight).

(6) Odors and Ventilation. All *cannabis establishments* must comply with applicable state and city laws and regulations concerning odors and ventilation, including building and fire codes. *Cannabis producers, cannabis producer microbusinesses*, and cannabis manufacturers must use industry standard techniques to minimize odorous, toxic, or noxious matter, such as activated carbon filtration and regular maintenance of HVAC systems. *Cannabis producers, cannabis producer microbusinesses*, cannabis manufacturers, and *cannabis consumption areas* must obtain city approval of an odor control plan addressing these laws, prior to the issuance of a building permit or certificate of compliance.

(7) Safety and Security. All *cannabis establishments* must comply with state law and regulations concerning safety and security, in addition to applicable provisions of SFCC 1987.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



ALAN WEBBER, MAYOR

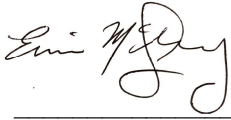
ATTEST:



KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2023-8*

25 *Legislation/2023/Ordinances/2023-8 (O) Amending Cannabis Retail Density Limitations for Tribes*