City of Bayard

CITY COUNCIL REGULAR MEETING

September 13, 2021 at 1:30 PM

Bayard City Hall

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CONSENT AGENDA

1. Approval of the Minutes of Regular Meeting on August 23, 2021 and ICIP Work Session on August 30, 2021

2. Approval of the Wastewater Report for August 2021

3. Approval of attendance to the New and Future Police Chiefs Training in Rio Rancho on September 27-October 1 for Joe Carlos.

4. Acceptance of letter of resignation for Hector Arzate

OLD BUSINESS

5. Complaint by residents of Virginia Street area - requesting code enforcement for clean-up of vehicles, hazardous waste, sharp debris, abandoned mobile homes, clutter.

NEW BUSINESS

6. Mr. Arturo Alday is requesting approval for a Business Registration located at 202 Hurley Avenue. He would like to keep the existing name as his tax records are already established. He will conduct general mechanic work.

7. Appointment of Beautification Committee members

8. Approval of the Infrastructure Capital Improvements Plan

9. Stantec, Inc - George Esqueda; Project update and necessary action.

ORDINANCES/RESOLUTIONS

10. Adoption of Resolution 17-2021 Infrastructure Capital Improvements Plan

11. Adoption of Resolution 18-2021 Pearl Street property vacation and conveyance of property between City of Bayard and Amelia Alvarado

12. Approval of intent to adopt - Cannabis Regulation Ordinance

13. Intent to repeal Section 26-6 - Possession of up to eight ounces of marijuana prohibited; penalty

ACTION FOR PERSONNEL

14. Removal of David Palomarez and William Welcome from introductory period effective September 18, 2021 with an increase of $.25 per hour.

15. Promotion of Mark Diaz from Parks and Recreation Worker to Maintenance Worker effective September 18, 2021 with an hourly increase of $.75

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Regular Meeting - September 27, 2021

ADJOURNMENT

City of Bayard

CITY COUNCIL REGULAR MEETING

August 24, 2021 at 1:30 PM

Bayard City Hall

MINUTES

WORK SESSION

No work session was held.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT
Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Charles Kelly
Councilor Eloy Medina
Councilor Adrian Ortiz

Others in attendance were Tighe Burg, Frank Burg, Melissa Rackel, Sherry Edwards, Selina Crespin, Bernice Pacheco, Carlos Pacheco, Hannah Dumas, Jesus Perez, Joann Perez, Anthony Aveles, Sonya Dixon, Joe Carlos, Jason Jaeger, Euphemio Gonzalez, Mike Armendariz, Jesus Perez, Aaron Ordonez, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz.

PUBLIC INPUT

Jesus and Joann Perez are concerned about there neighbors house. There are weeds, the roof is falling in, it's a fire hazard. They also stated there are a lot of cats and rodents.

Melissa Rackel a property owner here in Bayard and a future business owner. The buildings in Bayard need improvement and we need to move forward. She would like to serve on a advisory committee to assist in clean-up.

CONSENT AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz.

The following items were included within the consent agenda:

1. Approval of the Minutes of Regular Meeting on August 9, 2021.

2. Approval of the Accounts Payable Report for August 24, 2021

3. Approval of the Police Report for July 2021.

OLD BUSINESS

4. Complaint by residents of Virginia Street area - requesting code enforcement for clean-up of vehicles, hazardous waste, sharp debris, abandoned mobile homes, clutter.

   Selena Crespin complained about Virginia Street. Also Ernest Galvaldon his property is a mess. There are boxes from vegetable/ rotten vegetables, they are being in rodents, mice and roaches. Her neighbor Danny Orosco has junk vehicles. The tractor he purchased from the City he is helping other property owners and is driving it on the road. Also Canyon and Watson home has garbage everywhere.

   Sherry Edwards spoke about the condition in the area of Virginia Street and the activities of the individuals.

   Bernice and Carlos also spoke on the issues on Virginia Street.

ORDINANCES/RESOLUTIONS

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

5. Intent to Adopt - Discussion and Action for Cannabis Regulation Act

   Motion to postpone made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

CLOSED SESSION

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

6. Closed Executive Session pursuant to 10-1-15 (H-2 and H-8) for limited personnel matters and real property and water rights

   Administrative Employees

   Police Department Employees

   Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz. Councilor Kelly voted yes Councilor Medina voted yes Councilor Villanueva voted yes Councilor Ortiz voted yes.

   Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina. Certifying that they only items discussed were pursuant to 10-1-15 (H-2 and H-8) for limited personnel matters and real property and water rights.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

ACTION ITEMS RESULTING FROM CLOSED SESSION

7. Closed Executive Session pursuant to 10-1-15 (H-2 and H-8) for limited personnel matters and real property and water rights

   Administrative Employees

   Police Department Employees

   Recommendation is to promote Joseph Carlos as interim Police Chief at an hourly rate of $25.00 effective August 24, 2021.

   Motion made by Councilor Ortiz, Seconded by Councilor Medina.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

MAYOR AND COUNCILORS REPORTS

Raul Villanueva asked about the school work study. Also ask City Clerk Ortiz to send out a letter about weeds, dabber, vehicles and up keep of properties, alleys, sidewalks and easements. He also asked if the maintenance department if they can clean the streets of dirt and rocks from the rain and keep a schedule for road maintenance.

Eloy Medina spoke on Joseph Carlos as interim Chief he has big shoes to fill for the work at the Police department. He wants not only the areas that was spoken about but all of the City needs work. Eloy would like a place on the website for Bayard residents to voice concerns. He would like it to be a easy prosses.

Charles Kelly commended the Police department for all there hard work. Also the potholes there has been some work but still needs work. The streets are bad.

NEXT MEETING DATE:

ICIP Work Session - Monday, August 30, 2021

Regular Meeting - September 13, 2021

ICIP Work Session Monday, August 30, 2021

Council Meeting September 13, 2021

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Councilor Kelly.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

MEETING ADJOURNED AT 3:55 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

CITY OF BAYARD

CITY COUNCIL

ICIP Work Session **2:00 P.M.** **AUGUST 30, 2021**

The City of Bayard conducted an Infrastructure Capital Improvement Plan work session on Monday, August 30, 2021 at 2:00 p.m. at the Bayard City Hall.

Councilors present were Raul Villanueva.

Others in attendance were Kristina Ortiz, Jason Jaeger, Sonya Dixon, and Anthony Aveles.

Discussion was held on the priorities and ranking of the existing ICIP plan. All individuals participated by providing information on what projects were needed throughout the city and any major repairs that are outstanding or anticipated. No particular order was discussed, but ranking will be completed by indicating available funding sources and need of each project.

_____

Kristina Ortiz, MMC
Clerk Treasurer

City Of Bayard Wastewater Treatment Plant

August 2021

08-02-2021: Pulled sludge out of the #2 drying bed added it to the stockpile. Washed the floor out in the Ras/Was room.

08-03-2021: Rebuilt the #2 drying bed. Sprayed and lubed the headworks barscreen.

08-04-2021: Pulled the sludge out of the #3 drying bed and added it to the stockpile.

08-05-2021: Dropped the #1 and #3 digesters to the #2 drying bed.

08-09-2021: Started painting safety poles around the plant.

08-10-2021: Painted safety poles around plant, turned drying beds #1 and #2.

08-11-2021: Painted safety poles around plant.

08-12-2021: Painted safety poles around plant, dropped the #2 digester to the #3 drying bed. Turned the #1 and #2 drying beds.

08-14-2021: Call out alarm for power bump at plant.

08-16-2021: Cleaned the chlorine generation cell at the reclamation plant. Painted safety poles around the plant.

08-17-2021: Turned the #1, #2, and #3 drying beds. Painted safety poles around the plant.

08-18-2021: Morrow and Joe Trumm came down to plant starting the construction on the dewatering building.

08-19-2021: Turned the #1, #2, and #3 drying beds.

08-23-2021: Turned the #1, #2, and #3 drying beds.

08-24-2021: Refilled acid barrel for the #1 UV unit. Tightened up acid pump bolts and connections.

08-25-2021: Turned the #1, #2, and #3 drying beds, worked on plant roads. Call out to plant after hours for two separate alarms dealing with lightning storm.

08-26-2021: Cummins came down to the plant to service the emergency generators. Dewatered the #3 digester started to paint Handi Cap sign at plant.

08-27-2021: Painted Handi Cap sign at the plant.

08-30-2021: Turned the #1, #2, and #3 drying beds, worked on weeds around the plant.

08-31-2021: Checked fire extinguishers and eyewash stations. Lubed headworks barscreen.

To the City of Bayard,

We the residents of Virginia, Pond, and Empire Streets are facing some issues in our neighborhood which have become increasingly bothersome and hazardous. As homeowners and taxpayers in this community, we hope that our concerns will be addressed in a timely manner so that we can soon resume life as usual in our beloved community.

Virginia Street particularly, is in need of some real T.L.C. The street has been lined with several broken down vehicles, hazardous waste, and sharp debris. There are also many abandoned mobile homes left vacant to deteriorate and provide space for criminal activity. Not only are the vehicles and mobile homes unsightly, they are unsafe for our children.

We residents of the neighborhood have had issues with limited access to our own homes due to the amount of clutter on Virginia Street. This also presents potential serious accessibility issues for EMS, fire, and mail carriers. We are asking that codes be enforced in regards to waste removal and vacant trailers removed or repaired. We cannot continue to provide a safe haven for criminal activity while our children and grandchildren play outside.

Respectfully,

Rue Beth

Carlos & Bernice Pacheco

Jeanette Garcia

To the City of Bayard,

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Respectfully,

Amy Edwards 806 Virginia St
Zach Lesh 810 Virginia St
Ef. Scarlett 703 west 1st Bayard

Arturo Alday
202 Hurley Avenue
PO Box 838
Bayard, NM 88023

September 7, 2021

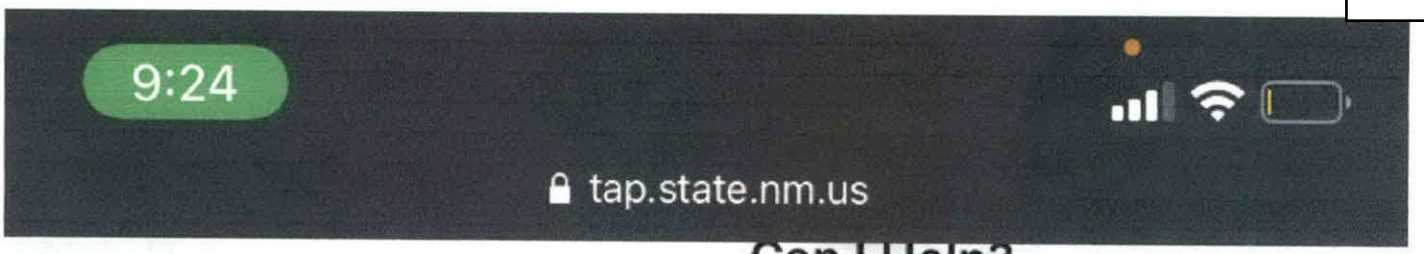
City of Bayard
City Council
800 Central Avenue
Bayard, NM 88023

Dear City of Bayard:

I am requesting to re-open my business at 202 Hurley Avenue. My business has been registered under Alday Body Shop for over 20 years. Although, I mostly do general mechanic work, I would like to keep this name, as that it what is registered through the bank and NM Taxation & Revenue Dept. My work will mostly consist of small brake jobs and tune-ups.

Respectfully,

Arturo Alday



Can I Help?

Welcome, Arturo Alday

You last logged in on Friday, Sep 3, 2021 11:13:36 AM

Manage My Profile 1

ARTURO M ALDAY

***-**-6431

PO BOX 838
BAYARD NM 88023-0838

Summary Action Center Settings

Gross Receipts Tax (GRT)

ARTURO M ALDAY

PO BOX 838
BAYARD NM 88023-0838

Account

03563525008-GRT

Balance

$0.00

- Make a Payment
- File, View, or Amend All Returns
- More Account Options...



CITY OF BAYARD
2021 BUSINESS REGISTRATION APPLICATION

All businesses located within the Bayard city limits is required to submit a business registration application form to the City of Bayard to comply with Ordinance 3-2001 business registration fees. A separate application form must be completed for each business location within the municipality. A business registration fee of $35.00 shall be remitted no later than March 16, 2021. A penalty of $300.00 shall be assessed to any business that fails to comply with the requirements of Ordinance 3-2001.

NM TAX ID # 03563525008-GRT **FEDERAL TAX ID #** _____

Failure to submit NM Tax ID # will prevent Business Registon from being processed.

BUSINESS NAME: Alday Body Shop

CONTACT NAME: Arturo Alday **PHONE #** 575 956 7584

MAILING ADDRESS: PO Box 838
Bayard, nm 88023

PHYSICAL ADDRESS: 202 Hurley Avenue
Bayard, nm 88023

NATURE OF BUSINESS: General mechanic

NUMBER OF LOCATIONS WITHIN THE MUNICIPALITY 1

NAME OF INDIVIDUAL OWNER: Arturo Alday

ADDRESS: 202 Hurley Avenue Bayard, nm 88023

CORPORATION INFORMATION **(NAME & ADDRESS)**

PRESIDENT _____

VICE-PRESIDENT _____

SECRETARY _____

TREASURER _____

Arturo Alday Owner 9/7/21

SIGNATURE **TITLE** **DATE**

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

Resolution No. 17-2021

A RESOLUTION
ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

WHEREAS, the City of Bayard recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE City of Bayard that:

1. The City of Bayard has adopted the attached Infrastructure Capital Improvements Plan, and

2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

3. This Resolution supersedes Resolution No. 23-2020.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of September 13, 2021.

_____
Raul Villanueva
Mayor Pro-tem

ATTEST:

_____
Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION 18-2021

ALTERATION OF PROPERTY BOUNDARIES

A RESOLUTION FOR THE ALTERATIONS OF PROPERTY BOUNDARIES OF LOTS 1, 2,3, AND 4, BLOCK 5, AND VACATION OF PERAL STREET, BAYARD TOWNSITE ALSO KNOWN AS THE COFFEY ADDITION, GRANT COUNTY, NEW MEXICO.

WHEREAS, the City Council deems it necessary to vacate a portion of Pearl Street for the adjustment of property lines between the City of Bayard and Amelia Alvarado.

WHEREAS, the City of Bayard and Amelia Alvarado have reached a mutual agreement for the adjustment of the following property:

Vacated Pearl Street:

A tract of land being part of Pearl Street, adjacent to Block 5, Bayard Townsite also known as the Coffey Addition, Grant County, New Mexico, being described more particularly as follows:

Beginning at a point being identical with the Northeast Corner of said Block 5; thence S 70°10'49" E, for 11.50 ft. to Corner No. 2; thence S 8°39'09" W, for 118.09 ft. to Corner No. 3; thence S 9°50'50" W, for 80.03 ft. to Corner No. 4; thence N 70°10'49" W, for 2.41 ft. to Corner No. 5, a point being identical with the Southeast Corner of said Block 5; thence N 6°34'30" E, for 200.00 ft., to the Point of Beginning.

Containing 0.033 Acres, more or less.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground.

Conveyance of Property to City of Bayard

A tract of land being part of Lots 1, 2, 3 and 4, Block 5, Bayard Townsite also known as the Coffey Addition, Grant County, New Mexico, being described more particularly as follows:

Beginning at a point being identical with the Northwest Corner of said Block 5; thence, along the North line of Block 5, S 70°10'49" E, for 12.00 ft. to Corner No. 2; thence S 9°07'55" W, for 198.12 ft. to Corner No. 3, a point on the South line

of Block 5; thence, along the South line of Block 5, N 70°10'49" W, for 2.92 ft. to Corner No. 4, a point being identical with the Southwest Corner of Block 5; thence N 6°34'30" E, for 200.00 ft., to the Point of Beginning.

Containing 0.033 Acres, more or less.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground.

NOW, THEREFOR, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BAYARD, GRANT COUNTY, NEW MEXICO:

Approve the vacation of a portion of Pearl Street is granted for equal return of property conveyed to the City of Bayard by Amelia Alvarado.

PASSED, APPROVED AND ADOPTED this 13th day of September 2021.

_____
Raul Villanueva
Mayor Pro-tem

ATTEST:

_____
Kristina Ortiz, MMC
Clerk Treasurer

CANNABIS REGULATION

SECTION 1: SHORT TITLE

Sections 1 through 11 may be cited as the “Cannabis Regulation Ordinance”

SECTION 2: RECITALS

WHEREAS, The Cannabis Regulation Act (CRA) was signed into law on April 12, 2021. The CRA contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of cannabis by an individual who is at least twenty-one (21) years of age. Further, the CRA provides for the licensing and operation of cannabis establishments which are authorized to engage in the medicinal sale, retail sale, cultivation, and manufacturing of cannabis; and

WHEREAS, The (CRA) authorizes local jurisdictions to adopt time, place and manner rules, including rules that reasonably limit the density of licenses and operating times that are consistent with neighborhood uses; and

WHEREAS, The City of Bayard("City") desires to adopt such time, place, manner and other restrictions related to cannabis establishments, and

WHEREAS, The City finds that the CRA authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gasses, to extract marijuana concentrate, which poses a threat to the health, safety and welfare of the community and increases the responsibilities of law enforcement and City departments to respond to violations of state and local laws, including building, electrical and fire codes, and

WHEREAS, This ordinance is adopted to protect the health, safety, and welfare of the community as it relates to the regulation and use of cannabis by imposing certain time, place, manner restrictions on cannabis and cannabis establishments. The City requires compliance with all applicable laws regarding the retail sale, cultivation and manufacturing of cannabis. Nothing in this Ordinance is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of cannabis or cannabis products in violation of any applicable law.

SECTION 3: DEFINITIONS

As used in the Cannabis Regulation Ordinance

A. "cannabis" or “marijuana”:

(1) means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths 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" means an area where cannabis products may be served and consumed;

C. "cannabis courier" means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers;

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; or

(8) an integrated cannabis microbusiness;

E. "cannabis extract":

(1) means a product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction methods approved by the division; and

(2) does not include the weight of any other ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink or another product;

F. "cannabis flowers" means only the flowers of a cannabis plant;

G. "cannabis manufacturer" means 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;

H. "cannabis producer" means 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;

I. "cannabis producer microbusiness" means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time;

J. "cannabis product" means a product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients;

K. "cannabis research laboratory" means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses;

L. "cannabis retailer" means a person that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers;

M. "cannabis server permit" means an authorization that allows a person to directly offer, sell or serve cannabis or cannabis products as part of commercial cannabis activity in a cannabis consumption area;

N. "cannabis server permit education provider" means a person that provides cannabis server education courses and examinations;

O. "cannabis testing laboratory" means a person that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing;

P. "cannabis training and education program" means a practical or academic curriculum offered by a New Mexico public post-secondary educational institution designed to prepare students for participation in the cannabis industry;

Q. “chemical extraction” means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from cannabis;

R. “chemical synthesis” means production of a new particular molecule by adding to, subtracting from or changing the structure of a precursor molecule;

S. "commercial cannabis activity":

(1) means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase 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;

T. "consumer" means a person twenty-one years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale;

U. “Department” means the Regulation and Licensing Department of the State of New Mexico

V. "homegrown" or "homemade" means grown or made for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration;

W. "household" means a housing unit and includes 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;

X. "immature cannabis plant" means a cannabis plant that has no observable flowers or buds;

Y. "integrated cannabis microbusiness" means 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 total mature cannabis plants at any one time;

(2) manufacture of cannabis products at a single licensed premises;

(3) sales and transportation of only cannabis products 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;

Z. "licensed premises" means 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;

AA. "manufacture" means to compound, blend, extract, infuse, package or otherwise prepare a cannabis product;
"manufacture" means to compound, blend, extract, infuse, package or otherwise prepare a cannabis product;

BB. "public place" means 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. "retail establishment" means a location at which cannabis products are sold to qualified patients, primary caregivers and reciprocal participants and directly to consumers;

SECTION 4: PUBLIC PROPERTY RESTRICTIONS

A. The use, sale, cultivation, manufacture, production, storage or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the City.

B It is unlawful for an individual to smoke marijuana or consume marijuana products on property that is occupied, owned, controlled or operated by the City.

C. It is unlawful for an individual to smoke marijuana or consume marijuana products in any designated open space in the City.

D. It is unlawful for an individual to smoke in a public place in the City.

SECTION 5: PERMIT PROCEDURES FOR CANNABIS RELATED ACTIVITIES.

A. Cannabis related activities, approval and permit required.

(1) No person(s) or entity shall engage in the production, manufacture, or sale of cannabis or cannabis products in any zones without a valid Cannabis permit issued by the City of Bayard, permitting the specific cannabis-related activity or activities sought to be permitted on the premises. Cannabis permits are issued to the applicant(s) and are not assignable or transferable.

(2) Application and fee. Anyone wishing to conduct cannabis-related activity must submit a completed application. The application shall be returned to the City Clerk accompanied by the appropriate application fee for the use(s) to be permitted, and must show, at a minimum:

(a) the cannabis-related activity or activities are appropriately licensed by the State Regulation and Licensing Department pursuant to the Cannabis Regulation Act.

(b) applications for permits submitted prior to receiving a license from the RLD will be refused on the basis of an incomplete application.

B. Density Restrictions

(1) No cannabis establishment, cannabis consumption area, or cannabis courier may be located within 300 feet of a school or daycare center in existence at the time a permit was sought for the cannabis establishment, cannabis consumption area, or cannabis courier.

(a) For purpose of this section, all measurements for the purpose of determining the location of a cannabis establishment, cannabis consumption area, or cannabis courier in relation to schools or daycare centers shall be the shortest direct line measurement between the actual limits of the real property of the school or daycare center and the actual limits of the real property of the proposed cannabis establishment, cannabis consumption area, or cannabis courier.

SECTION 6: LOCATION OF CANNABIS ESTABLISHMENTS

A. Cannabis establishments are restricted to property where commercial cannabis activity is permitted by the City of Bayard Zoning Ordinance.

Cannabis establishments shall not be permitted within 300ft of an existing school, pre-school, daycare, trade school, higher education facility,

SECTION 7: TYPES OF CANNABIS ESTABLISHMENTS

A. **Cannabis Production**. This section This subsection shall apply to all applicants seeking a permit to allow for the growth of cannabis plants in quantities greater than twelve (12) mature cannabis plants. Any individual growing more than 12 mature cannabis plants must obtain a permit pursuant to this subsection.

1. The applicant shall provide:

(a) a certified survey plat depicting the proposed location for the growth of cannabis, and that identifies the total area to be covered.

(b) a map that identifies existing schools, pre-schools, daycares, trade schools, higher education facilities,

(c) the document(s) provided to the Regulation and Licensing Division (RLD) which applicant(s) utilized to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the RLD.

1. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the status of their license application through RLD, the City Clerk shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

2. The City Clerk may issue a permit only upon receipt of the applicant(s) license from RLD or a certified copy of such license, and completion of the applicable Taos County permitting process.

B. **Cannabis Manufacturing**. This section This subsection shall apply to all applicants seeking a permit to allow for the manufacture of cannabis products, packaging of cannabis products, and the purchase, acquisition, sale or transport of wholesale cannabis products to other cannabis establishments.

1. The applicant shall provide:

(a) a certified survey plat depicting the proposed location for the manufacture of cannabis, and that identifies the total area to be covered.

(b) a map that identifies existing schools, pre-schools, daycares, trade schools, higher education facilities,

(c) the document(s) provided to the Regulation and Licensing Division (RLD) which applicant(s) utilized to apply for a manufacturer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the RLD.

1. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the status of their license application through RLD, the City Clerk shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

2. The City Clerk may issue a permit only upon receipt of the applicant(s) license from RLD or a certified copy of such license, and completion of the applicable Taos County permitting process.

C. **Cannabis Retailers** This subsection shall apply to all applicants seeking a permit to allow for the sale of cannabis and cannabis products. to qualified patients, primary caregivers, reciprocal participants or directly to consumers. Cannabis consumption Rooms or Areas shall be allowed commercially only in a designated, co-located area of a Cannabis Retailer.

1. The applicant shall provide:

(a) a certified survey plat depicting the proposed location for the manufacture of cannabis, and that identifies the total area to be covered.

(b) a map that identifies existing schools, pre-schools, daycares, trade schools, higher education facilities,

(c) a map that identifies other existing Cannabis Retail locations within six hundred (600) feet of the proposed use that was in operation at the time of the application submission to the City.

(d) the document(s) provided to the Regulation and Licensing Division (RLD) which applicant(s) utilized to apply for a manufacturer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the RLD.

1. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the status of their license application through RLD, the City Clerk shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

2. The City Clerk may issue a permit only upon receipt of the applicant(s) license from RLD or a certified copy of such license, and completion of the applicable Taos County permitting process.

SECTION 8: OPERATIONAL REQUIREMENTS

A. Cannabis establishments must operate within a fully enclosed and stationary building or structure, capable of being locked and secured.
B. Cannabis establishments may not display products, engage consumers or consummate sales outside of a fully enclosed building or structure.
C. There shall be no outdoor cultivation, processing, curing, drying, selling, storage, or other display of cannabis or cannabis products at a cannabis establishment.
D. Cannabis establishments shall have recorded video surveillance covering all plants and the entire exterior. The recorded video surveillance shall be operating 24 hours a day, seven days a week. Records of surveillance shall be kept for a minimum of 30 days.
E. The odor of cannabis must not be perceptible at any adjoining use of the property or on other parcels.
F. Cannabis establishments must provide for off-site disposal of cannabis products and other solid waste in compliance with state, federal and local law.
G. Cannabis establishments shall not provide drive-thru services for delivery of cannabis products.

SECTION 9: STANDARDS FOR DESIGNATED CANNABIS SMOKING ROOMS

Cannabis establishments having a Designated Cannabis Smoking Room on site shall meet the following standards to the satisfaction of the City:

A. The Designated Cannabis Smoking Room shall be located in a non-work area that employees are not required to enter as a condition of their employment.

B. The Designated Cannabis Smoking Room shall have signage to designate established cannabis smoking areas.

C. The Designated Cannabis Smoking Room shall have a separate heating, ventilation and air conditioning (HVAC) system such that none of the air in the Designated Cannabis Smoking Room will be recirculated into other parts of the Cannabis establishment premises .

D. The Designated Cannabis Smoking Room shall be completely separated from the remainder of the premises, and all doors leading to the Designated Cannabis Smoking Room shall be self-closing.

SECTION 10: VIOLATIONS AND PENALTIES

A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture, store, or transport marijuana or marijuana products, if the person fails to meet all requirements in this ordinance or the Cannabis Regulation Act NMSA 1978 Sections 26-2C-1 through 42.

B. The sale of homegrown or homemade cannabis and cannabis products without a valid license issued by the State Regulation and Licensing Department is prohibited.

C. Any person found in violation of this ordinance is subject to a fine of up to $500 or imprisonment for a period of up to 90 days in jail or both.

D. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

SECTION 11: SEVERABILITY

If any section, subsection, paragraph, phrase, or other portion of this ordinance shall be declared invalid for any reason whatsoever by a court or competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2021.

_____
Mayor

Attest:

_____
City Clerk