

**CITY OF SOCORRO, NEW MEXICO
ORDINANCE NO. 21-08-30**

**AN ORDINANCE REGULATING THE PROXIMITY OF CANNABIS
ESTABLISHMENTS TO ESTABLISHED SCHOOLS AND DAYCARE CENTERS**

WHEREAS, the Socorro City Council met upon notice of a regular meeting duly published at the Socorro City Council Chambers, 111 School of Mines, Socorro, New Mexico 87801 on August 30, 2021; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and,

WHEREAS, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people"; and,

WHEREAS, the states and their political subdivisions, the municipalities, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as police powers of the State; and,

WHEREAS, under the 10th Amendment and subsequent state authorization, the municipalities have the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Socorro City Council has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the City reserves the right to take whatever actions necessary to do so; and,

WHEREAS, the Socorro City Council intends with the adoption of this ordinance to regulate the proximity of cannabis establishments to established schools and daycare centers.

NOW THEREFORE, BE IT ORDAINED, that the Socorro City Council hereby adopts this Ordinance, an Ordinance Regulating the Proximity of Cannabis Establishments to Established Schools and Daycare Centers.

1. **CANNABUS ESTABLISHMENT LOCATION:** Pursuant to the authority granted by the New Mexico Cannabis Regulation Act, a cannabis establishment or integrated cannabis microbusiness, as defined by the Act, shall not be located less than three hundred feet (300') from a school or daycare center that was in existence at the time the establishment or microbusiness was licensed.
2. **SCOPE:** This Ordinance shall apply to any cannabis establishment or integrated cannabis microbusiness existing within the municipal boundaries of the City of Socorro.
3. **SEVERABILITY CLAUSE:** In the event any part or provision of this Ordinance shall be held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

PASSED, ADOPTED AND APPROVED this 30th DAY of August 2021.



Attest:



Leopoldo (Polo) Pineda, Jr., City Clerk



Ravi Bhasker, Mayor