



VALENCIA COUNTY, NEW MEXICO  
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VALENCIA COUNTY ORDINANCE

ORDINANCE 2021-03

**AN ORDINANCE LICENSING & REGULATING CANNABIS GROWTH AND  
PROHIBITING THE USE OF NON-FEMINIZED CANNABIS SEEDS & PLANTS AND  
REGULATING THE PROXIMITY OF CANNABIS ESTABLISHMENT TO  
ESTABLISHED SCHOOLS AND DAYCARE CENTERS**

**Adopted by the Board of County Commissioners**

On July 21, 2021

Effective on August 21, 2021

**B: 105 P: 331**





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ESTABLISHED SCHOOLS AND DAYCARE CENTERS**

**WHEREAS**, the Valencia County Board of Commissioners met in a regularly scheduled meeting, on Wednesday, July 21, 2021 at 5:00 p.m., at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), 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 4-37-1 *et seq.* (1975) provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

**WHEREAS**, the 10<sup>th</sup> 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 counties, have derived specific and reserved powers from the 10<sup>th</sup> Amendment of the Constitution for the United States, referred to as police powers of the State; and,

**WHEREAS**, under the 10<sup>th</sup> Amendment and subsequent state authorization, the counties 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 Valencia County Board of Commissioners has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the County reserves the right to take whatever actions necessary to do so; and,



**WHEREAS**, NMSA 1978, Section 4-37-2 (1975) provides that county ordinances are effective within the boundaries of the county, including privately owned land, New Mexico State Land, or land federally administered by the United States; and;

**WHEREAS**, agriculture is and always has been a substantial and integral part of the economy of the County of Valencia; and,

**WHEREAS**, the County of Valencia has been found to have ideal growing conditions for cannabis; and,

**WHEREAS**, the Valencia County Board of County Commissioners intends with the adoption of this ordinance to support, sustain and regulate the growth of cannabis in the County of Valencia as an essential agricultural product; and,

**WHEREAS**, cross-pollination (or simply pollination), is economically damaging in cannabis farming as it manipulates the intended plant productions thus decimating the value of a crop; and,

**WHEREAS**, the possibility of cross-pollinating another farmer's crop provides the most critical reason for exclusively using feminized seed. Cannabis pollination can occur through both wind and insect mediated pollen transfer. Pollen can travel as far as 7.4 miles and reach altitudes of 66 – 98 feet. Honey bees are known to travel at least 2.5 miles from their hives. For crop pollens in general, 10-15 yards is most commonly cited as the distance to which pollen will be dispersed by wind. The amount of wind-carried pollen decreases with distance from the source.

**NOW THEREFORE, BE IT ORDAINED**, that the County Commissioners of Valencia County hereby adopts this Ordinance, an Ordinance Licensing & Regulating Cannabis Growth and Prohibiting the use of Non-Feminized Cannabis Seeds and Plant.

**BE IT FURTHER ORDAINED**, the Board specifies the following procedures in responding to requests for immediate assistance by persons as described above:

1. **Title:** The Ordinance may be cited as the “Valencia County Cannabis Production Ordinance.”
2. **Scope:** All individuals, businesses, agencies, institutions, or other entities engaged in the production of cannabis in the unincorporated areas of Valencia County.
3. **OBJECTIVE:** To establish rules regulating the licensing of growers producing cannabis in Valencia County to support and sustain the growth of cannabis in the County as an essential agricultural product.
4. **DEFINITIONS:**

