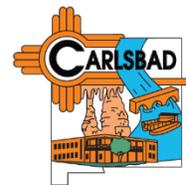


City of Carlsbad: Cannabis Ordinance FAQ



During the Oct. 26, 2021, Carlsbad City Council Meeting, Council was asked to consider an ordinance regulating the possession, sale, transport, and cultivation of recreational cannabis within the City of Carlsbad. The ordinance passed with two amendments.

Q: Does this ordinance legalize cannabis in Carlsbad?

A: No, the City of Carlsbad ordinance places permissible restrictions on the cannabis industry.

Q: Can the City make it a crime to allow the legalization of cannabis or a crime to open a cannabis business?

A: No, the City does not have the power to refuse the legalization of cannabis. The NM Legislature expressly denied any municipality the ability to criminalize marijuana possession, cultivation, use, or the operating of a cannabis establishment.

Q: What control can the City exercise over a cannabis business?

A: The City may implement “time, place and manner” restrictions on cannabis business, similar to how other zoning processes take place (such as with alcohol). Restrictions may also be placed on the amount of water a cannabis grower uses in order to preserve this resource.

Q: What restrictions is the City placing on operating a cannabis business in Carlsbad?

- Cannabis sales will be limited to the “RR”, “C1”, “C2” and “I” City zones and will not be allowed in “R1” or “R2” zones.
- Cannabis sales are not allowed within 300 feet of a school, licensed daycare for children, place of worship, or public park.
- Cannabis sales are limited to 7 a.m. through midnight, Monday through Sunday.

Q: What restrictions is the City placing on public cannabis use in Carlsbad?

- Cannabis may only be publically consumed in approved consumption areas, which are also regulated.
- Hours for use in public consumption areas will be 10 a.m. to midnight, Monday through Saturday and noon to midnight on Sunday.

Q: Under the approved ordinance, what type of cannabis producers are allowed to connect to the city water system?

Some limits on water use and pipeline requirements for cannabis growing do exist. For information, contact Utilities Director Ron Myers at (575) 885-6313 or rwmymers@cityofcarlsbadnm.com

Where can I get additional information?

The full ordinance is available here:

https://cityofcarlsbadnm.com/download/city_clerk/ordinances/2021/Ord-2021-20-Carlsbad-Cannabis-Regulation-Ordinance.pdf. The Ordinance will be maintained by the City of Carlsbad Planning, Zoning and Regulation Department. Please call Jeff Patterson at (575) 885-1185 or email Jeff Patterson jepatterson@cityofcarlsbadnm.com.