

## City council makes adjustments; approves cannabis ordinance

Written by By: Molly Howell Sun Correspondent  
Friday, 03 September 2021 04:57

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Municipalities across New Mexico are preparing ordinances to begin selling legal cannabis.

Most of Aug. 24's City Council meeting was spent preparing Gallup's ordinance and making final adjustments before it becomes official.

In weeks past, the city council and the Planning and Zoning Committee discussed what they wanted to see out of the ordinance. (Aug. 6)

The Planning and Zoning Committee drafted a zoning ordinance which outlined the areas in the city where cannabis can be sold or consumed. (Aug. 11)

This week's city council meeting allowed for discussion and final changes to the ordinance.

In an interview with the *Sun*, Director Clyde Strain said the Gallup Planning and Zoning Committee decided the city should allow cannabis consumption downtown because it will be allowed everywhere else in the city's commercial districts.

The committee argued that putting these rules in place would allow the city to have some control over the situation. The city council ultimately decided against this suggestion.

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Councilor Fran Palochak, Dist. 4, spoke about ArtsCrawl and other events held downtown when she argued why cannabis consumption shouldn't be allowed in the downtown area.

"There's hundreds of people, so if you have a consumption area and they're opening the door to come out, is all that smell going to come out to the street?" she asked.

### ***WHAT IS LEGAL IMPAIRMENT?***

Although driving under the influence is not something the zoning ordinance covers, Councilor Linda Garcia, Dist. 1, asked what the legal level of cannabis would be for driving. The legal limit for alcohol is a .08 blood alcohol level.

City Attorney Curtis Hayes explained that there is no set legal amount for cannabis at the moment because more research needs to be done on how it can be measured in the bloodstream. It cannot be measured like alcohol.

However, Hayes assured the council that the Gallup Police Department would be receiving training on what to look for when pulling someone over for possibly driving under the influence of marijuana.

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### HOME-GROWN

The next topic of discussion was home cultivation. The city ordinance allows people to grow cannabis in their homes. An individual is permitted six plants, and a family is allowed to have 12.

Many of the councilors expressed concern about allowing cannabis to be grown somewhere where a child could have easy access.

Jessica Lawliss, an urban planner with the architectural and city planning company Dekker/Perich/Sabatini, who helped Strain present the Planning and Zoning Committee's changes, addressed the councilors' concerns by explaining that the ordinance stated that any homegrown cannabis would be required to be contained in a closed area where minors could not access it.

Homegrown cannabis is allowed for personal consumption only, not sales.

Lawliss explained to the council that trying to police home growers would become too difficult because Gallup doesn't have the resources to enforce a law against it.

Hayes reminded the council that home brewing beer is legal and compared it to growing cannabis.

Lawliss added to that comparison.

"You cannot regulate cannabis uses on a more stringent level than you would other nuisances [like alcohol]," she stated.

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Strain also commented on the issue. “You can’t pad every corner, and it’s not like everybody’s gonna be honorable and come in and say, ‘I’m doing this in my house; I have this many plants,’” Strain reasoned. “That’s just not gonna happen, but we do have the basic regulations in place that give us authority to regulate it.”

### ***OTHER REGULATIONS***

The ordinance also requires that there be space regulations. A cannabis manufacture or retail store must be at least 300 feet away from any residence, religious assembly, church, cultural center, government facility, or another cannabis establishment. The council also added parks, libraries, retirement homes, recreation centers, and rehabilitation centers to that list.

Cannabis sales will be allowed from 10 am to 12 am, and people 21 and over can consume it any time between 10 am and 2 am Monday through Saturday. Sunday sales will only be allowed from 10 am to 12 am.

Toward the end of the meeting, Mayor Louis Bonaguidi expressed how amazed he was at the cultural change this ordinance implies.

“You know for 60 years pot was terrible for society, and it was criminal, and then all of a sudden we have to accept it with open arms,” he said. “We’re making a decision that actually gives me goosebumps.”

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