

ORDINANCE NO. 1307

AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR THE ESTABLISHMENT OF A BUSINESS THAT CULTIVATES, PROCESSES, OR DISPENSES NATURAL MEDICINE IN THE CITY OF FORT MORGAN AND THE ESTABLISHMENT OF ANY BUSINESS, OCCUPATION, OR OPERATION FOR HEALING CENTERS IN THE CITY OF FORT MORGAN

WHEREAS, the City of Fort Morgan, Colorado (City) is duly organized and validly exists as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, C.R.S. § 31-16-105 authorizes the City to make and publish emergency ordinances; and

WHEREAS, voters for the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is now designated as the "Natural Medicine Health Act of 2022" (Act); and

WHEREAS, C.R.S. § 12-170-104(12)(a)(I)-(II) establishes that "natural medicine" currently applies to psilocybin and psilocin; and

WHEREAS, C.R.S. § 12-170-104(8) defines "healing center" as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, C.R.S. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (CDOR) to promulgate and enact regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a municipality shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt ordinances that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a municipality shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

WHEREAS, the City's Municipal Code (Code) contains Land Use and Development standards enacted to protect the health, safety, and welfare of residents of the City; and

WHEREAS, under the City's current Land Use and Development standards, the operation of Natural Medicine businesses, facilities, operations, and Healing Centers are not permitted land uses and the City has not approved any such land use; and

WHEREAS, the City does not currently have any zoning regulations addressing Healing Centers and Natural Medicine businesses, facilities, and operations; and

WHEREAS, DORA and CDOR have recently issued regulations pertaining to the Natural Medicine Act and the City requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted by the City; and

WHEREAS, the City requires additional time to prepare and propose for adoption any and all other regulations within its authority including, but not limited to, time, place, and manner of operation regulations for Healing Center and Natural Medicine businesses, facilities, and operations; and

WHEREAS, the temporary moratorium imposed by this Ordinance is intended to prevent the operation of Natural Medicine and/or Healing Center businesses, facilities, and operations in the City on a temporary basis in order to allow the City to analyze and apply the state of the law and regulations, to draft appropriate ordinances pertaining to the same, and to allow public comment prior to adoption of any such ordinance; to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine businesses, facilities, and operations are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding the same; and in order to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, in light of the foregoing, the City Council finds and determines that imposing a temporary six (6) month moratorium on the submission, acceptance, processing, and approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine and the establishment of any business, occupation, or operation for Healing Centers or Natural Medicine in the City is both urgent and necessary to preserve the status quo in order to allow the City the time and ability to engage in a thorough review and analysis of Natural Medicine law and its attendant regulations, to ensure appropriate time for public engagement regarding regulation of the same in the City, and will preserve the status quo during such time to promote the public health, safety, and welfare by allowing a deliberate and well-reasoned decision-making process; and

WHEREAS, the City finds that the ongoing review and analysis of the law, its attendant regulations, and development of time, manner, and place regulations related to Natural Medicine risks being significantly delayed or altered in scope should the City

accept land development and use applications for Natural Medicine and/or Healing Center businesses, facilities, and operations that materially change the physical, natural, and economic fabric of the City prior to the time final decisions are made regarding the adoption of local regulations regarding the same; and

WHEREAS, a temporary moratorium in the amount of six (6) months is a reasonable length of time and no longer than necessary for the City to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations regarding Natural Medicine and/or Healing Center businesses, facilities, and operations in the City's Code; and

WHEREAS, the City also finds and determines that this temporary moratorium is necessary to the immediate preservation of the public health, safety, and welfare and that this Ordinance should therefore become effective upon adoption, as authorized by C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Temporary Moratorium.

(a) Restrictions. During the effective term of this Ordinance, there shall be no submission, acceptance, processing, or approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine or the establishment of any business, occupation, or operation of Healing Centers or Natural Medicine operations or facilities, as defined by Colorado Revised Statutes and any applicable and authorized regulations, by or in the City limits of Fort Morgan.

(b) Effective Date and Termination. This moratorium shall be in effect upon adoption and shall terminate on the 17th day of June, 2025 unless it is terminated at an earlier date or extended by further Ordinance by the Fort Morgan City Council.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

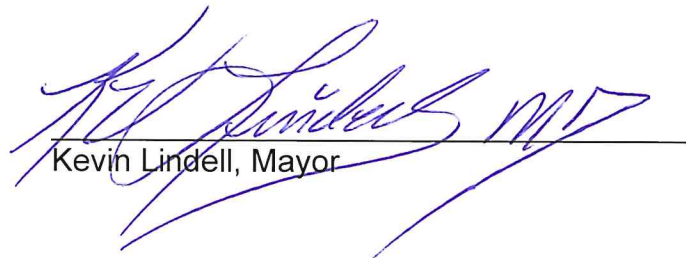
Section 4. *Emergency Declaration.* Pursuant to C.R.S. § 31-16-105, the City Council hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public

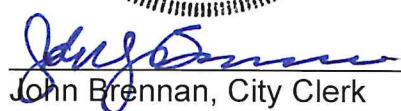
health, safety, and welfare and the financial well-being of the City because an analysis must be conducted on the impact on City residents, property owners, workforce, visitors, and customers concerning the state of the law regarding Natural Medicine and the manner in which it should be regulated in the City of Fort Morgan as permitted by law and any local ordinance surrounding the same must be clear and consistently applied among all residents and property owners without any gaps in enforcement or implementation and, therefore, this Ordinance must be passed as an emergency ordinance.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED
PUBLISHED ON THE 17th DAY OF DECEMBER, 2024.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


Kevin Lindell, Mayor

ATTEST

John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1307** was, as a proposed Emergency Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 17th day of December, 2024. Said ordinance, as proposed, was duly read at length at said meeting and a public hearing was held, after which it was approved as an Emergency Ordinance by a vote of at least three-quarters of the councilmembers present. Thereafter the same was published in full in the next available edition of *The Morgan County Times*, a newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


John Brennan, City Clerk