

ORDINANCE NO. 1311

AN ORDINANCE OF THE FORT MORGAN CITY COUNCIL AMENDING CHAPTER 20 OF THE CITY'S MUNICIPAL CODE BY ADOPTING A NEW SECTION 20-5-100 REGARDING LOCAL REGULATION OF NATURAL MEDICINE AND AMENDING SECTION 20-4-90 REGARDING DISTRICT USE TABLE

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 Council (Council) possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, pursuant to the City Charter and C.R.S. § 31-16-101, *et seq.*, Council has the authority to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to C.R.S. § 31-23-301, *et seq.*, Council has authority to adopt and enforce zoning regulations; and

WHEREAS, Colorado voters adopted citizen initiated Proposition 122 which amended Title 12 of the Colorado Revised Statutes to include Article 170 as the "Natural Medicine Health Act of 2022" (NMHA); and

WHEREAS, the Colorado Natural Medicine Code (Natural Medicine Regulatory Act), codified in C.R.S. §§ 44-50-101 through 904 authorizes Colorado Municipalities to enact ordinances regulating the time, place, and manner of the operation of licenses issued pursuant to the Natural Medicine Regulatory Act; and

WHEREAS, C.R.S. §§ 12-170-115 and 44-50-104 establish that the City shall not adopt, enact, or enforce any ordinance, rule, regulation, or resolution that is otherwise in conflict with the provisions of the NMHA or the Natural Medicine Regulatory Act.; and

WHEREAS, C.R.S. §§ 12-170-104(8) and 44-50-103(6) define "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. § 44-50-103(14) defines "natural medicine business" as "a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, a natural medicine testing facility, or another licensed entity created by the state licensing authority;" and

WHEREAS, the Natural Medicine Regulatory Act authorizes Council to enact zoning ordinances identifying the area where cultivation, manufacturing, testing, storage,

distribution, transfer, and dispensation of natural medicine and natural medicine product as defined by the Natural Medicine Regulatory Act may be permitted in the City; and

WHEREAS, the Natural Medicine Regulatory Act authorizes Council to enact ordinances to establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center, preschool, elementary school, middle school, junior high school, or high school, and a residential child care facility; 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 healing centers and natural medicine businesses 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 natural medicine healing centers and natural medicine businesses; and

WHEREAS, Chapter 20 of the City's Municipal Code addresses Land Use and Council finds it is in the best interest of the health, safety, and welfare of the City and its residents to amend Chapter 20 by adopting a new Section 20-5-100 regarding Local Regulation of Natural Medicine and by amending Section 20-4-90 regarding the District's Use Table pertaining to Natural Medicine Healing Centers and Natural Medicine Businesses other than Healing Centers; and

WHEREAS, on December 17, 2024, Council adopted 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* ("Temporary Moratorium"); and

WHEREAS, Section 2(b) of the Temporary Moratorium established that it shall terminate on the 17th day of June, 2025 unless terminated at an earlier date or extended by further Ordinance by the Fort Morgan City Council.

WHEREAS, the Temporary Moratorium shall expire upon the effective date of this Ordinance.

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. The Fort Morgan Municipal Code is hereby amended by adopting a new Section 20-5-100 titled *Local Regulation of Natural Medicine* within Chapter 20, Article 4 concerning Zoning Districts to read in its entirety as follows:

20-5-100 Local Regulation of Natural Medicine

(a) ***Definitions.*** As it relates to natural medicine as used in this Chapter, the following words shall be interpreted and defined as follows:

Natural medicine means psilocybin or psilocyn and other substances described in the Natural Medicine Regulatory Act as "natural medicine."

Natural medicine business means any of the following entities licensed under the Natural Medicine Regulatory Act including a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, and a natural medicine testing facility or another licensed entity created by the state licensing authority.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Natural Medicine Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Natural Medicine Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Natural Medicine Regulatory Act.

Natural Medicine Regulatory Act means the Colorado Natural Medicine Code codified in Colorado Revised Statutes.

Natural medicine services means a preparation session, administrative session, and integration session, as provided by the Natural Medicine Regulatory Act.

Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Natural Medicine Regulatory Act.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Natural Medicine Regulatory Act.

Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Natural Medicine Regulatory Act.

State licensing authority means the authority created under the Natural Medicine Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Natural Medicine Regulatory Act.

(b) **Purpose.** The purpose of this Chapter is to provide local standards and requirements for the regulation of the time, place, and manner of operation of natural medicine healing centers and natural medicine businesses other than healing centers within the City of Fort Morgan.

(c) **Permitted location for natural medicine healing centers.**

Natural medicine healing centers are a use permitted by right in the Industrial Zone District (I) and are subject to Special Use Review in the General Business Zone District (B-2). All natural medicine healing centers are subject to the distance, time, manner, and place requirements contained in this Section 20-5-100 and are prohibited in all other zoning districts in the City, including a Planned Unit Development (PUD).

(d) **Permitted location for natural medicine businesses other than healing centers.**

Natural medicine businesses - other than natural medicine healing centers - including, but not limited to, cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and other licensed natural medicine business entities created by the state licensing authority are uses permitted by right in the Industrial Zone District (I) subject to the distance, time, manner, and place requirements contained in this Section 20-5-100. Such natural medicine businesses are prohibited in all other zoning districts of the City, including a Planned Unit Development.

(e) **Distance from schools.**

- (1) No natural medicine healing center or natural medicine business shall operate out of a building that is within one thousand (1,000) feet of a child care center, preschool, elementary, middle, junior, or high school, or a residential child care facility (collectively "School").
- (2) Subsection (a) does not apply to a properly licensed natural medicine healing center or natural medicine business located on land owned by the City or the State of Colorado or apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the School was established

and/or constructed within one thousand (1,000) feet of such natural medicine healing center or natural medicine business.

(3) The distances referred to in this Section shall be computed by direct measurement from the nearest property line of the land used for a School to the nearest portion of the building in which the natural medicine healing center or natural medicine business exists or services are provided using a route of direct pedestrian access.

(f) ***Hours of operation – natural medicine services.***

Natural medicine healing centers and natural medicine businesses providing natural medicine services shall be permitted to operate Monday - Saturday between the hours of 8:00 a.m. and 10:00 p.m. with the last dispensation of natural medicine occurring no later than 5:00 p.m.

(g) ***Public view of natural medicine businesses and natural medicine services.***

All doorways, windows, and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities of natural medicine businesses and natural medicine services shall occur indoors.

(h) ***Lighting of natural medicine businesses.***

Primary entrances, parking lots, and exterior walkways of natural medicine businesses shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to all applicable City lighting standards.

(i) ***Storage of natural medicine businesses.***

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(j) ***Odor from natural medicine businesses.***

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(k) ***Natural medicine businesses secure disposal.***

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural

medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

(l) ***Processing of natural medicine.***

- (1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- (2) Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
- (3) The processing of natural medicine shall meet the requirements of all adopted City building and life/safety codes.
- (4) The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

(m) ***Nuisance.***

- (1) It is unlawful and deemed a nuisance to:
 - (a) Operate a natural medicine business in violation of any of the requirements set forth in state law or regulation or this Section 20-5-100.
 - (b) Dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine any foul or noxious liquid or substance of any kind whatsoever including, without limitation, by-products of the natural medicine process into or upon any adjacent ground or lot, into any street, alley, or public place or into any municipal storm sewer and/or system in the City.
- (2) Any violation of this Chapter is subject to the General Penalty for Violations as set forth in the Fort Morgan Municipal Code Chapter 1, Article 4 – General Penalty.

Section 3. Section 20-4-90 of the Fort Morgan Municipal Code contains Table 4-1 – Zoning District Uses and is hereby amended to read as follows:

	P = PERMITTED USES S = SPECIAL USE										
	UA	ER-1	R-1	R-2	R-3	R-4	T	B-1	B-2	BP	I
INDUSTRIAL USES											
...											
Mini-Storage Warehouse								S		P	
<u>Natural Medicine</u> <u>Businesses other than</u> <u>Healing Centers</u>											<u>P</u>
Truck Wash										S	
...											
SERVICES											
...											
Medical and Dental Clinics							P	P	P		P
<u>Natural Medicine</u> <u>Healing Centers</u>									<u>S</u>		<u>P</u>
Professional Offices						P	P	P	P	P	
...											

Section 4. **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.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED PUBLISHED ON THE 20TH DAY OF MAY, 2025.

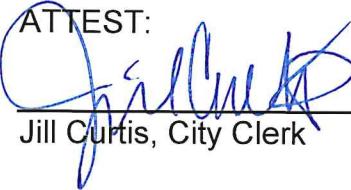


THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO



Kevin Lindell, Mayor

ATTEST:


Jill Curtis, City Clerk

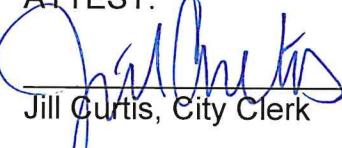
PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS 3rd DAY OF JUNE, 2025.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO


Kevin Lindell, Mayor

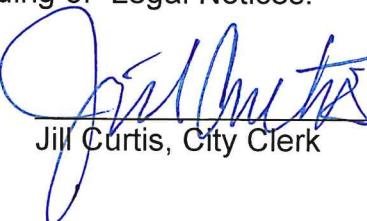
ATTEST:


Jill Curtis, City Clerk

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

CERTIFICATE

I, Jill Curtis, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1311** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of May, 2025. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of May, 2025, published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices." Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 3rd day of June 2025. Within five (5) days after its final passage, said **Ordinance No. 1311** was again published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices."


Jill Curtis, City Clerk