

ORDINANCE NO. 01-2025

AN ORDINANCE TO AMEND CHAPTER 16 – LAND USE AND DEVELOPMENT OF THE GARDEN CITY MUNICIPAL CODE BY THE ADDITION OF ARTICLE 13 CONCERNING THE REGULATION OF NATURAL MEDICINE BUSINESSES IN THE TOWN OF GARDEN CITY, COLORADO

WHEREAS, the People of the State of Colorado approved the citizens’ initiative known as Proposition 122: Access to Natural Psychedelic Substances,” which is now codified in Colo. Rev. Stat. §§ 12-170-101 through 115 (the “Enabling Act”);

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of five (5) natural psychedelic mushrooms (psilocybin and psilocin) and three (3) plant- based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline);

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities;

WHEREAS, the Enabling Act allows the state to expand the type of substances that may be used in licensed facilities to include plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline), starting in 2026;

WHEREAS, the Enabling Act prohibits local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to regulate the time, place and manner of operation of these facilities;

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the “ Regulatory Act”), to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture and testing of these substances;

WHEREAS, the Regulatory Act also provides that local jurisdictions, such as the Town, may enact ordinances or regulations governing the time, place, and manner of the operation of licenses issued within its boundaries;

WHEREAS, the Board of Trustees desires to enact this ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. The Garden City Municipal Code is amended by the addition to Chapter 16 of Article 13 “ Natural Medicine Businesses,” to read as follows:

Article 13 - Natural Medicine Businesses

Sec. 16-13-10. – Purpose and legislative intent. The Colorado Natural Medicine Code, as codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (“the Regulatory Act”) specifically authorize the governing body of a municipality to enact an ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act. The Regulatory Act specifically authorizes the governing body of a municipality to enact zoning ordinances to locate the area where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product, as defined by the Regulatory Act, may be permitted in a municipality. The Regulatory Act specifically authorizes the governing body of a municipality 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, middle, junior or high school; a residential child care facility; or residential dwelling.

Sec. 16-13-20. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

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

Facilitator means a natural person who is twenty-one (21) years of age or older, has the necessary qualifications, training, experience, and knowledge to perform and supervise natural medicine services for a participant, and is licensed as provided by state law to engage in the practice of facilitation.

Natural medicine business means any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or 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 Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the 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 Regulatory Act. Natural medicine services mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

Natural medicine services means a preparation session, administrative session and integration session, as provided in the Natural Medicine Code.

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 Regulatory Act.

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

State licensing authority means the authority created under the 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 Regulatory Act.

Sec. 16-13-30. - Permitted location for a natural medicine businesses. Natural medicine healing center is a use permitted by right in the B-Business District and C-Commercial District, subject to the distance requirements contained in Section 16-13-40 and the time, place and manner requirements contained in Sections 16-13-50 through 16-13-120. Natural medicine businesses are prohibited in all other zoning districts in the Town.

Sec. 16-13-40. - Distance from schools and residential dwellings.

a) No natural medicine business that provides natural medicine services 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”).

b) No natural medicine business that provides natural medicine services shall operate out of a building that is within fifty (50) feet of single family dwellings, duplexes, or multiple- family dwellings (collectively residential dwellings”).

c) Subsections (a) and (b) above do not apply to a licensed facility located on land owned by the Town 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 or residential dwelling was constructed.

Sec. 16-13-50. - Hours of operation – natural medicine services. Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Sec. 16-13-60. - Public view of natural medicine businesses. All doorways, windows and other opening 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 shall occur indoors.

Sec. 16-13-70. - Lighting of natural medicine businesses. Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after- dark visibility for facilitators, participants, and employees.

Sec. 16-13-80. - 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.

Sec. 16-13-90. - 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.

Sec. 16-13-100. - 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.

Sec. 16-13-110. - Processing of natural medicine.

a) 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.

b) 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.

c) The processing of natural medicine shall meet the requirements of all adopted Town building and safety codes.

d) 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.

Sec. 16-13- 120. - Nuisance. It is unlawful and deemed a nuisance to 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 Town.

Section 2. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 4TH, DAY OF FEBRUARY, 2025.

TOWN OF GARDEN CITY

By: _____
Mayor

ATTEST:

Town Clerk