

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-263

AN ORDINANCE ADDING SECTION 17-10-4 TO THE TOWN OF JOHNSTOWN LAND USE AND DEVELOPMENT CODE CONCERNING NATURAL MEDICINE BUSINESSES

WHEREAS, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with the authority to administer the affairs of the Town; and

WHEREAS, in November of 2022, the Colorado voters passed Proposition 122, legalizing the personal use of natural medicine by persons over 21 years of age and the cultivation, manufacturing, testing, storage, distribution, transportation, transfer and dispensation of natural medicine at state-licensed facilities; and

WHEREAS, to implement the voter approved measure, the Colorado legislature adopted the Colorado Natural Medicine Code, codified at §§ 44-50-101 through 904, C.R.S.; and

WHEREAS, the Colorado Natural Medicine Code authorizes the governing body of a municipality to enact ordinances to regulate the time, place and manner of the operation of licenses issued pursuant to the terms thereof, to set forth the area where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product, as defined therein, is permitted, and to establish distance restrictions for buildings where natural medicine services are provided; and

WHEREAS, on or about May 11, 2023, the Town Council adopted the Town of Johnstown Land Use and Development Code (“LUDC”), referenced in Chapter 17 of the Johnstown Municipal Code, containing planning and zoning regulations; and

WHEREAS, the Town Council desires to amend the LUDC to add Section 17-10-4 to the Supplemental Standards contained in Article 10 to provide for the regulation of natural medicine businesses; and

WHEREAS, the regulations provide, among other provisions, that natural medicine businesses are uses permitted by right in the Industrial Light (I-1) and Industrial Heavy (I-2) zones and that such businesses must be one thousand (1,000) feet from a child care center, preschool, elementary, middle, junior or high school, a residential child care facility and a residential dwelling; and

WHEREAS, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the immediate public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. Section 17-10-4: Section 17-10-4 is hereby added to the Town of Johnstown Land Use and Development Code and shall read as follows:

17-10-4 Natural Medicine Businesses

A. Findings and legislative intent.

The Town Council finds and determines that the Colorado Natural Medicine Code, codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the “Natural Medicine Code”), authorizes the governing body of a municipality to enact ordinances to:

1. Regulate the time, place and manner of the operation of licenses issued pursuant to the Natural Medicine Code;
2. Set forth the area where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product, as defined in the Natural Medicine Code, is permitted in a municipality; and
3. Establish distance restrictions for buildings where natural medicine services are provided.

B. Permitted location for natural medicine businesses.

Natural medicine businesses are uses permitted by right in the Industrial Light (I-1) and Industrial Heavy (I-2) zones, subject to the distance requirements contained in Subsection C and the time, place and manner requirements contained in Subsections C through E. Such licensed facilities are prohibited in Planned Unit Development (PUD) zoning districts, including those that permit Industrial Light (I-1) and Industrial Heavy (I-2) zone uses, and all other zoning districts in the Town.

C. Distance from schools and residential dwellings.

1. 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”).
2. No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of single-family dwellings, duplexes or multiple-family dwellings (collectively “residential dwellings”).
3. Subsections (1) and (2) 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.

D. Hours of operation.

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.

E. Storage and disposal.

1. 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.

2. 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.

F. Nuisance.

It shall be unlawful and deemed a nuisance to dispose of, discharge out of or from or permit to flow from any natural medicine business, 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.

G. Definitions.

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

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

Natural medicine business means an entity licensed under the Natural Medicine Code and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, a natural medicine testing facility, and any other 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 to provide and supervise natural medicine services for a participant, 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 further defined in the Natural Medicine Code.

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.

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

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

State licensing authority means the authority created under the Natural Medicine Code 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 in the Natural Medicine Code.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

Section 3. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter and the contents contained herein shall thereafter be included within the Town of Johnstown Land Use and Development Code. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Meghan Martinez, Town Clerk

By: _____
Michael P. Duncan, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Meghan Martinez, Town Clerk

By: _____
Michael P. Duncan, Mayor