



ORDINANCE NO. 25-07

AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR AND/OR THE ESTABLISHMENT OF NATURAL MEDICINE HEALING CENTERS AND BUSINESSES WITHIN TOWN LIMITS

WHEREAS, the Town of Avon, Colorado (Town) is duly organized and validly exists as a Home Rule Town under Article XX, Section 6 of the Colorado Constitution and the Town’s Home Rule Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town 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 and the Avon Home Rule Charter § 6.6 authorize the Town to enact and publish emergency ordinances; and

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

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

WHEREAS, C.R.S. §§ 12-170-115 and 44-50-104 establish that the Town 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 Regulatory Act.; and

WHEREAS, C.R.S. §§ 12-170-104(12)(a)(I)-(II) and 44-50-103(13)(a)(I)-(II) establish that the term “natural medicine” currently applies to psilocybin and psilocin; in the event the substances to which the term “natural medicine” applies is expanded this temporary moratorium shall apply thereto; 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 Town’s Municipal Code (Code) contains Land Use and Development standards enacted to protect the health, safety, and welfare of residents of the Town; and

WHEREAS, under the Town’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 Town has not approved any such land use; and

WHEREAS, the Town does not currently have any zoning regulations addressing natural medicine healing centers and natural medicine businesses; and

WHEREAS, the Colorado Department of Regulatory Agencies (CDOR) and the Colorado Department of Revenue (DORA) have now issued regulations pertaining to the NMHA and the Regulatory Act and the Town requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, local regulations need to be adopted by the Town; and

WHEREAS, the Town requires additional time to prepare and propose for adoption any and all local regulations deemed necessary within its authority including, but not limited to, time, place, and manner of operation regulations for natural medicine healing centers and natural medicine businesses; and

WHEREAS, the six (6) month temporary moratorium imposed by this Ordinance is intended to prevent the establishment and operation of natural medicine healing centers and natural medicine businesses in the Town on a temporary basis in order to allow the Town to analyze and apply the state of the law and regulations, to draft appropriate local ordinances, and to allow public comment prior to adoption of any such ordinance; to ensure that prospective operators and owners of natural medicine healing centers and natural medicine businesses are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding natural medicine; and in order to promote the health, safety, and general welfare of the Avon community; and

WHEREAS, the six (6) month temporary moratorium imposed by this Ordinance also prevents the submission, acceptance, processing, and approval of applications for the establishment of a natural medicine healing center or natural medicine business in the Town; and

WHEREAS, the Town finds and determines that this Temporary Moratorium is necessary for the immediate preservation of public health, safety, and welfare and this Ordinance shall become effective upon adoption as authorized by C.R.S. § 31-16-105 and the Avon Home Rule Charter § 6.6.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Temporary Moratorium.

- (a) Restrictions. During the effective term of this Ordinance, there shall be no establishment or operation of natural medicine healing centers and natural medicine businesses in the Town nor shall the submission, acceptance, processing, or approval of applications for the establishment or operation of a natural medicine healing center or natural medicine business be permitted in the Town. For purposes of this Temporary Moratorium, the terms natural medicine, natural medicine healing center, natural medicine business, and the like are as defined by Colorado Revised Statutes and any applicable and authorized regulations.
- (b) Termination. This moratorium shall terminate on the 25 day of August, 2025 unless it is terminated at an earlier date or extended by further Ordinance by the Avon Town Council.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Emergency Declaration. Pursuant to C.R.S. § 31-16-105 and the Avon Home Rule Charter § 6.6, the Town 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 of the Town because an analysis must be conducted on the impact on Town residents, property owners, workforce, visitors, and customers concerning the state law and regulations concerning Natural Medicine and the manner in which it should be regulated in the Town of Avon 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.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption pursuant to Avon Town Charter § 6.6.

Section 6. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. **Publication by Posting.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

INTRODUCED AND ADOPTED ON FIRST READING by the Avon Town Council on February 25, 2025.

BY:

ATTEST:

Tamra N. Underwood, Mayor

Miguel Jauregui Casanueva, Town Clerk

APPROVED AS TO FORM:

Nina Williams, Town Attorney