

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 3, SERIES 2025

**AN ORDINANCE APPROVING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT OF NATURAL MEDICINE FACILITIES**

WHEREAS, The Town of Timnath (the “Town”) is a home rule municipality operating under the Timnath Home Rule Charter adopted on November 7, 2006, as amended from time to time, (the “Charter”) and the Town’s Municipal Code (the “Code”). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, Section 16-1-10 of the Code states that the Town has adopted by reference the Land Use Code of the Town of Timnath, Colorado (the “Land Use Code”), which is fully incorporated into the Code as fully set forth therein; and

WHEREAS, the Town of Timnath is in the process of amending its Land Use Code; and

WHEREAS, Colorado voters approved Proposition 122, also known as the Natural Medicine Health Act, in 2022 to (1) sets up a legal framework for the supervised use of certain natural medicines (psilocybin and psilocin to start) at licensed natural medicine healing centers with licensed facilitators without retail sales (“natural medicine” as used in this Resolution shall have the meaning set forth in C.R.S. § 12-170-104(12)) and (2) decriminalize the cultivation, possession, consumption, and sharing of natural medicine for personal use; and

WHEREAS, the Colorado General Assembly passed SB 23-290 to amend the regulatory framework for natural medicine; and

WHEREAS, SB 23-290 requires the Colorado Department of Regulatory Agencies and the Director of the Division of Professions and Occupations to oversee the occupational licensing requirements for natural medicine facilitators and employees, including requirements for training and experience; and

WHEREAS, SB 23-290 also creates the State Licensing Authority for the purpose of regulating and licensing the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of natural medicine or natural medicine products between natural medicine licensees; and

WHEREAS, under SB 23-90, a local government cannot prohibit the establishment or operation of natural medicine licenses within its boundaries, cannot adopt ordinances or regulations that are unreasonable or conflict with the Colorado Natural Medicine Code, and cannot prohibit transportation on public roads by licensed individuals; however, local governments, including the Town, may enact ordinances or regulations governing the time, place, and manner of the operation of natural medicine licenses within the Town's boundaries, including without limitation zoning limitations, pursuant to C.R.S. § 44-50-104; and

WHEREAS, pursuant to C.R.S. § 44-50-302(1)(c), the State Licensing Authority shall not receive or act on an application for a natural medicine license, for a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine products as contemplated is not permitted under the applicable zoning laws of the local jurisdiction; and

WHEREAS, the Timnath Land Use Code does not currently authorize cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine products as a permitted use in any zoning district, and Timnath is in the process of amending its Land Use Code add such uses to specific zoning districts; and

WHEREAS, C.R.S. § 44-50-302(1)(d) requires buildings where natural medicine services are provided to be 1,000 feet from the property line of childcare centers, preschools, elementary, middle, junior or high schools or residential childcare facilities, using a direct pedestrian route, unless a municipality varies the distance restrictions or eliminate one or more types of schools or facilities from the list; and

WHEREAS, the Town is reviewing existing state statutes and regulations, and the Town 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 centers and natural medicine facilities and operations; and

WHEREAS, imposing a temporary moratorium on the establishment of natural medicine facilities will allow the Town Staff, Planning Commission, and Town Council to investigate the relevant issues related to natural medicine services and facilities and develop appropriate updates to the Land Use Code related thereto in order to protect the health, safety, and welfare of the residents of the Town; and

WHEREAS, the moratorium imposed by this Ordinance will provide time for the Town to draft appropriate ordinances pertaining to natural medicine and to allow public comment prior to adoption of any such ordinance in order to ensure that prospective operators and owners of

natural medicine facilities and operations are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding the same; and

WHEREAS, the Planning Commission considered this moratorium at its meeting on December 17, 2024 [and recommended approval]; and

WHEREAS, the Town Council finds it to be in the best interest of the Town, its residents, and the general public to place a temporary moratorium establishment of new natural medicine facilities within the boundaries of the Town as set forth herein.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TIMNATH ORDAINS:

SECTION 1 – MORITORIUM

1. A six month temporary moratorium, through July 28, 2025 unless earlier terminated by Ordinance of the Town Council, is hereby imposed on the establishment of any new natural medicine facilities within the Town of Timnath.
2. During the term of the moratorium, there shall be no submission, acceptance, processing, or approval of applications for the establishment of natural medicine businesses or facilities in the Town limits of Timnath, and the Town of Timnath shall not issue any land use approval, building permit, or any other license or permit allowing the operation of a natural medicine business or facility.
3. This moratorium is intended to allow time for the development of Timanath Municipal Code and/or Land Use Code updates, within its jurisdiction, pertaining to cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine products, and Town staff is directed to continue to develop such updates for consideration by the Planning Commission and Town Council.
4. The duration of the moratorium imposed by this resolution is reasonable in length extending only six months after adoption of this Resolution .

SECTION 2 – SEVERABILITY

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

SECTION 3 – REPEAL

Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

ARTICLE 4 – EFFECTIVE DATE

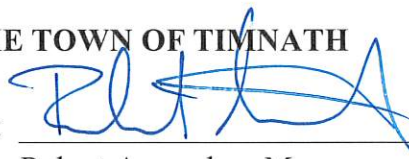
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JANUARY 14, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON JANUARY 28, 2025 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 28, 2025.

THE TOWN OF TIMNATH

By: _____



Robert Axmacher, Mayor

ATTEST:



Milissa Peters-Garcia, CMC

Town Clerk

