

ORDINANCE NO. 1349

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, 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 AND THE ESTABLISHMENT OF ANY BUSINESS, OCCUPATION, OR OPERATION FOR HEALING CENTERS

WHEREAS, the Town of Berthoud (“Town”) is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, voters for the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is now designated as the “Natural Medicine Health Act of 2022” (Act); and

WHEREAS, C.R.S. § 12-170-104(12)(a)(I)-(II) establishes that “natural medicine” currently applies to psilocybin and psilocin; and

WHEREAS, C.R.S. § 12-170-104(8) defines “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. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (DOR) to promulgate and enact regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a municipality shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt ordinances that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a municipality shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

WHEREAS, the Berthoud Municipal Code contains Land Use and Development standards enacted to protect the health, safety, and welfare of residents of the Town; and

WHEREAS, the Berthoud Municipal Code requires that, to the extent the uses would even be allowed as uses in Town, that no natural medicine facility and healing center may operate without having first obtained an approved site plan permit; and

WHEREAS, the Town does not currently have any zoning regulations addressing Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, DORA and DOR have recently issued regulations pertaining to the Natural Medicine Act and the Town requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted by the Town; and

WHEREAS, 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 Center and Natural Medicine facilities and operations; and

WHEREAS, the moratorium imposed by this Ordinance is intended to prevent the operation of Natural Medicine and/or Healing Center facilities and operations 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 ordinances pertaining to the same, and to allow public comment prior to adoption of any such ordinance; to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine facilities and operations are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding the same; and in order to protect the health, safety, and welfare of the residents of the Town; and

WHEREAS, in light of the foregoing, the Town Board of Trustees wishes to institute a six (6) month moratorium on the submission, acceptance, processing, and approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine and the establishment of any business, occupation, or operation for Healing Centers or Natural Medicine in the Town after the date of adoption of this Ordinance.

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

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the Board of Trustees.

Section 2. Temporary Moratorium.

(a) Restrictions. During the effective term of this Ordinance, there shall be no submission, acceptance, processing, or approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine or the establishment of any business, occupation, or operation of Healing Centers or Natural Medicine operations or facilities, as defined by Colorado Revised Statutes and any applicable and authorized regulations, in the Town limits of Berthoud.

(b) Termination. This moratorium shall terminate on the 13th day of May, 2025 unless it is terminated at an earlier date or extended by further Ordinance by the Board of Trustees.

Section 3. 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.

Section 4. Effective Date; Expiration. The moratorium imposed by this Ordinance shall commence as of the effective date of this Ordinance and shall expire six months thereafter, unless repealed prior to that date.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL on this 12th day of November, 2024.

TOWN OF BERTHOUD

By: 
William Karspeck, Mayor

ATTEST:

By: 
Christian Samora, Town Clerk

