

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-15**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
IMPOSING A TEMPORARY SUSPENSION ON NATURAL MEDICINE USES AND
HEALING CENTER FACILITIES TO ALLOW FOR STUDY, REVIEW, AND
REGULATION DEVELOPMENT, DECLARING AN EMERGENCY, AND PROVIDING
FOR AN IMMEDIATE EFFECTIVE DATE**

WHEREAS, the Town of Keystone, Colorado (“Town”) is a home rule municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town Council for the Town of Keystone is obligated to adopt laws to plan for and regulate property within the Town and to provide for the orderly use of land and protection of the environment; and

WHEREAS, in 2022, Colorado voters approved the Natural Medicine Health Act (the “NMHA”) through a statewide ballot measure Proposition 122, which decriminalized the personal use, possession, and cultivation of certain natural medicines, such as psilocybin and psilocin, for individuals over 21 years of age; and

WHEREAS, the NMHA also established a framework for using these substances in therapeutic settings, including the creation of licensed Healing Centers where natural medicines may be administered under the supervision of trained facilitators; and

WHEREAS, under the NMHA, local governments may reasonably regulate the time, place, and manner of the operation of state-licensed natural medicine businesses and uses; and

WHEREAS, the Town was incorporated in February 2024 and is beginning to develop its first comprehensive plan, with the goal to contract for this work by the end of 2024 and to adopt the comprehensive plan by the end of 2025; and

WHEREAS, the Town’s Land Use Code does not currently include zoning regulations addressing Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, the Colorado Department of Regulatory Agencies and the Department of Revenue have recently issued regulations regarding the licensing and operation of natural medicine services, which the Town must thoroughly review to understand these uses and assess what additional regulations, if any, may be appropriate for the Town; and

WHEREAS, a comprehensive plan is essential for analyzing community needs and potential impacts related to natural medicine and Healing Center facilities; and

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WHEREAS, the Planning & Zoning Commission considered this temporary moratorium and recommended approval of this Ordinance; and

WHEREAS, the Town Council finds that a temporary suspension on the operation of Natural Medicine and/or Healing Center facilities in the Town is necessary to allow sufficient time for this analysis, public engagement, and the development of appropriate local regulations, ensuring the protection of public health, safety, and welfare; and

WHEREAS, the Town Council has determined that a temporary suspension through February 1, 2026, is a reasonable and necessary period to complete the comprehensive plan and to properly evaluate and implement any regulations; and

WHEREAS, the Town Council further finds that no individual or entity will be unduly prejudiced by this temporary suspension; and

WHEREAS, the Town Council desires to institute this temporary suspension effective immediately to ensure that natural medicine uses are appropriately regulated in the Town.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Keystone, Colorado, as follows:

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

Section 2. Imposition of Temporary Suspension. A temporary suspension is hereby imposed until February 1, 2026, on the operation and submission, acceptance, processing, and approval of any application 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. The Town Clerk and Town Staff are directed to refuse to accept for filing, and not to process or review any application related to natural medicine during the temporary suspension period.

Section 3. Adoption of Definition of "Natural Medicine". For purposes of this moratorium ordinance, the Town of Keystone adopts the definition of "Natural Medicine" from Proposition 122, C.R.S. § 12-170-104.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the temporary suspension imposed by this Ordinance, Town Staff, will work on completing the comprehensive plan and will investigate, review and analyze potential natural medicine regulations. Such investigation, review and analysis shall be completed promptly and with due diligence, and submitted to the Planning and Zoning Commission and Town Council for consideration. The Town Council declares that it will give due and timely consideration to the adoption of any proposed regulations.

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Section 5. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. 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 provision heretofore repealed or superseded.

Section 7. Emergency declaration; effective date. Pursuant to the Town of Keystone Home Rule Charter Section 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 and the financial well-being of the Town. Absent passage of this Ordinance as an Emergency Ordinance, the Town may risk the operation of natural medicine uses in the Town. Upon passage by a ¾ affirmative vote of the members of the Town Council, this Ordinance shall become effective immediately upon adoption.

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 7 IN FAVOR AND 0 OPPOSED AS AN EMERGENCY ORDINANCE, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 10th DAY OF DECEMBER 2024.

Signed by:
Kenneth D. Riley

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Kenneth D. Riley, Mayor

ATTEST:

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Madeleine Sielw

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TOWN CLERK

APPROVED AS TO FORM:

Signed by:
Jennifer Madsen

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TOWN ATTORNEY