

**TOWN OF SILT
ORDINANCE NO. 11
SERIES 2024**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ADOPTING CHAPTER 5.34 AND CHAPTER 17.08.363 AND AMENDING LAND USE REGULATIONS IN CHAPTER 17.13.020 TO THE SILT MUNICIPAL CODE TO INCLUDE NATURAL MEDICINE HEALING CENTERS, NATURAL MEDICINE CULTIVATION FACILITIES, NATURAL MEDICINE PRODUCTS MANUFACTURING FACILITIES, AND NATURAL MEDICINE TESTING FACILITIES, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) § 31-15-103 and Section 1 of the Town's Home Rule Charter, the Board of Trustees ("Board") of the Town of Silt has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

WHEREAS, on or about November 7, 2022, the voters of the state of Colorado approved Proposition 122, which directed establishment of a regulatory program for natural medicine and decriminalized personal use and sharing for adults; and

WHEREAS, the State legislature enacted Senate Bill 23-290, which is codified in C.R.S. 44-50-101 through 904, to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide the use, cultivation, manufacture, and testing of these substances;

WHEREAS, on or about June 6, 2024, SB24-198 was signed to clarify regulatory authority and incorporated technical clean-up to support the effective implementation of the state's regulated natural medicine program; and

WHEREAS, the enabling act prohibits local governments from banning licensed facilities, services, and use of natural medicine substances permitted by the enabling act, while allowing local governments to adopt local regulations governing the time, place, and manner of operation of these facilities.

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:

Section 1.

Chapter 5.34 is hereby adopted as follows:

5.34 – Licensing and Regulation of Natural Medicine Businesses

5.34.010 Purpose

The Board of Trustees of the Town of Silt (the “Board”) makes the following legislative findings:

- A. The Board finds and determines that the Colorado Natural Medicine Code, as codified in C.R.S. §§ 44-50-101 through 904 (the “Regulatory Act”) specifically authorizes the governing body of a municipality to enact an ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act;
- B. The Town Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact zoning ordinances to locate the area where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product, as defined by the Regulatory Act, may be permitted in a municipality;
- C. The Town Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact ordinances to establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a childcare center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwelling; and
- D. The purpose of this Ordinance is therefore to establish certain time, place, and manner requirements for the regulation of natural medicine establishments. In addition to abiding by the legislation enacted and codified in C.R.S. §§ 44-50-101 through 44-50-904.

5.34.020 State Law Applicable

C.R.S. Title §§ 44-50-101, *et seq.*, and the Rules and Regulations of the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”), as the state licensing authority, with all subsequent supplements thereto, are adopted by the town. A copy of these provisions is on file with the town clerk and is available for inspection. The above-cited provisions are also available on the internet through the Colorado Department of Revenue website. The above statute and regulations are incorporated and adopted as fully as if set out at length in this chapter, except as otherwise provided in this chapter.

5.34.030 Definitions

As used in this chapter, unless context otherwise requires:

- A. "Applicant" means an individual or entity that submitted an application under these rules and the Natural Medicine Code that was accepted by the Division for review but has not been approved or denied by the State Licensing Authority.
- B. "Healing Center" means a facility where an entity is licensed by the State Licensing Authority pursuant to Article 50 of Title 44 that permits a Facilitator to provide and supervise natural medicine services for a participant.
- C. "License" means a license, permit, or registration pursuant to the Natural Medicine Code.
- D. "Licensed Premises" means the premises specified in an application for a license pursuant to this Article 50 that the Licensee owns or is in possession of and within which the Licensee is authorized to cultivate, manufacture, test, store, distribute, transport, transfer, or dispense Regulated Natural Medicine or Regulated Natural Medicine product in accordance with the Natural Medicine Code.
- E. "Licensee" means a person licensed, registered, or permitted pursuant to the Natural Medicine Code or rules promulgated pursuant to Article 50.
- F. "Local Jurisdiction" means a county, municipality, or city and county.
- G. "Natural Medicine" has the same meaning as in section C.R.S. 44-50-103(13).
- H. "Natural Medicine Business" means any of the following entities licensed pursuant to the Natural Medicine Code:
 - i. A Healing Center;
 - ii. A Natural Medicine Cultivation Facility;
 - iii. A Natural Medicine Products Manufacturer;
 - iv. A Natural Medicine Testing Facility; or
 - v. Any other licensed entity created by the state licensing authority.
- I. "Natural Medicine Cultivation Facility" means a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.
- J. "Natural Medicine Products Manufacturer" means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.
- K. "Natural Medicine Services" means a preparation session, administration session, and integration session as provided pursuant to Article 170 of Title 12.

- L. "Natural Medicine Testing Facility" means a public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.
- M. "Participant" means a person who is 21 years of age or older and who receives Natural Medicine Services performed by or under the supervision of a Facilitator.
- N. "Regulated Natural Medicine" means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code. Regulated Natural Medicine includes:
 - i. Psilocybin; or
 - ii. Psilocin;
- O. "Restricted Area" means areas of Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Natural Medicine Testing Facilities where Regulated Natural Medicine is cultivated, access Restricted Areas without supervision or documenting access on a visitor log. A Healing Center may have a Restricted Area, but is not required to have a Restricted Area, unless the Healing Center stores more than 750 mg of Total Psilocin pursuant to Rule 8025.
- P. "Rules" means these Colorado Regulated Natural Medicine Rules at 1 CCR 213-1.
- Q. "State Licensing Authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storage, distribution, transportation, transfer, and dispensation of Regulated Natural Medicine and Regulated Natural Medicine Product in Colorado pursuant to C.R.S 44-50-201.

All other words and phrases used in this Chapter shall have the meanings attached by the state statutes regulating Natural Medicine in C.R.S 44-50.

5.34.040 Zoning and Distance Requirements

Natural Medicine businesses are permissible in accordance with state law except in compliance with zoning and distance restrictions.

- A. Natural Medicine businesses may be allowed in the zone districts indicated in S.M.C 17.13.20 if it is demonstrated that the requirements set forth herein are properly met.
- B. No Natural Medicine Business shall be:
 - i. Within one thousand feet (1,000) of a licensed childcare facility.
 - ii. Within one thousand feet (1,000) of any preschool, elementary, middle, junior, or high school.

5.34.050 Hours of Operations

The hours of operation of any Natural Medicine Business shall occur only from 8:00 am to 6:00 pm Monday through Saturday.

5.34.060 Security for Natural Medicine Businesses.

- A. Security Plan.** All Natural Medicine Businesses and Natural Medicine Healing Centers shall have a security plan for the secure storage of natural medicine and natural medicine products approved by the State of Colorado Natural Medicine Division and shall provide the plan to the Town prior to beginning operation and shall provide any updated plans to the Town within ten (10) business days.
- B. Public view of natural medicine businesses.** All doorways, windows and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities of natural medicine businesses shall occur indoors.
- C. Lighting of Natural Medicine Businesses.** Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees.
- D. Storage of natural medicine businesses.** 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. All storage of regulated natural medicine and regulated natural medicine product shall be in a secured and locked container. Cultivation facilities shall ensure that any natural medicine under cultivation is kept in an enclosed locked area.

5.34.070 Natural medicine businesses secure disposal.

- A.** 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.
- B.** The disposal of, discharge out of or from, or flow from any facility associated with natural medicine or natural medicine product, 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 is prohibited.

5.34.080 Processing of natural medicine.

- A. The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- B. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
- C. The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes.
- D. The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

5.34.090 Issuance of licenses

- A. All licenses shall be granted by the state licensing authority with the conditions set forth in C.R.S 44-50-201, *et seq.*, through C.R.S 44-50-401, *et seq.*
- B. All Natural Medicine businesses must obtain a town business license.
5.04.020 S.M.C

5.34.100 Compliance with State-issued licenses.

The town shall have the authority to receive information about potential violations of any state-issued license and may report any suspected license violations to the state license authority.

5.34.110 Compliance with State law.

- A. Except as otherwise provided herein, the town shall be governed by the Natural Medicine Code now in effect or subsequently amended.
- B. To the extent the state adopts or adopts in the future any additional or stricter laws or regulations governing the administering, cultivation, production, or testing of natural medicine, the town may amend this chapter in accordance.

5.34.120 Indemnification of Town.

By accepting a license issued pursuant to this code, a licensee, jointly and severally if more than one, agrees to indemnify and defend the town, its officers, elected officials,

employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the natural medicine business that is the subject of the license. The licensee further agrees to investigate, handle, respond to and provide defense for and defend against any such liability, claims or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorney fees. The town administrator may require a licensee to execute a written instrument confirming the provisions of this section.

5.34.130 Nuisance.

It is unlawful and deemed a nuisance to:

- A. Operate a Natural Medicine Business in violation of any of the requirements set forth in the Regulatory Act or this Chapter 5.34.
- B. Dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, 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.

Section 2

Adopting the definition in Chapter 17.08.363

- A. Natural Medicine Business” means any of the following entities licensed pursuant to the Natural Medicine Code; a Healing Center, a Natural Medicine Cultivation Facility, a Natural Medicine Products Manufacturer, a Natural Medicine Testing Facility.

Section 3

Amending Chapter 17.13.020 S.M.C.

- A. Schedule of uses to be amended to include Natural Medicine Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Products Manufacturing, and Natural Medicine Testing Facility.

TYPE OF BUSINESS	AG	R-1	R-2	R-3	B-1	B-1	B-2	B-3	PU	DMD
X = permitted use; SU = special use; PR = prohibited use										
Natural Medicine Healing Centers	PR	PR	PR	PR	PR	PR	SU	SU	PR	PR

Natural Medicine Healing Cultivation Facility	SU	PR	PR	PR	PR	PR	PR	PR	PR	PR
Natural Medicine Products Manufacturer	PR	PR	PR	PR	SU	PR	PR	SU	PR	PR
Natural Medicine Testing Facility	PR	PR	PR	PR	SU	PR	PR	SU	PR	PR

Section 4

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 5

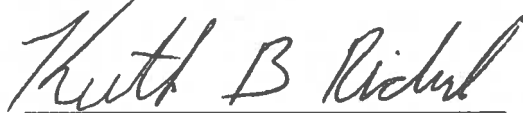
If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED AND CONTINUED FIRST READING, a public hearing, this 12th day of November 2024, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

READ, AND APPROVED ON FIRST READING, a continued public hearing, this 25th day of November 2024, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 9th day of December 2024.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:


 Town Clerk Sheila M. McIntyre, CMC

