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35
36
37

38 3-21-1: **DEFINITIONS.** As used in this chapter, the following words shall have the
39 following meanings, unless the context clearly requires otherwise:

40

41 AMENDMENT 64: Section 16 of Article XVIII of the Colorado Constitution.

42

43 APPLICANT: A corporation, partnership, association, limited liability company, person or
44 person(s) over twenty-one (21) years of age who has submitted an application for a license

1 pursuant to this chapter.

2
3 APPLICATION: An application for license submitted pursuant to this chapter.

4
5 CITY: The City of Littleton, Colorado.

6
7 COLORADO RETAIL MARIJUANA CODE: Article 43.4 of Title 12, C.R.S., 1 CCR 212-2, and
8 any rules or regulations promulgated thereunder.

9
10 DAY: A calendar day, unless otherwise noted.

11
12 DISTRIBUTE: To deliver, with or without remuneration.

13
14 GOOD CAUSE: For the purposes of denying a license or renewal under this chapter:

15
16 1. The licensee or applicant has violated, does not meet, or has failed to comply with
17 any of the terms, conditions, or provisions of this chapter or any rule and regulation
18 promulgated pursuant to this chapter or any provision of Colorado Retail Marijuana Code
19 or any rule or regulation promulgated pursuant thereto or any state or federal law or
20 regulation except any federal law that conflicts with Amendment 64; or

21
22 2. The licensee or applicant has failed to comply with any special terms or conditions
23 that were placed on its license at the time the license was issued, or that were placed on its
24 license in prior disciplinary proceedings or that arose in the context of potential disciplinary
25 proceedings; or

26
27 3. The Retail Marijuana Store has been operated in a manner that adversely affects the
28 public health, welfare or safety of the City. Evidence to support such a finding can include,
29 but is not limited to:

30
31 (a) A continuing pattern of offenses against the public peace, as defined in title 6,
32 chapter 4 of this code;

33
34 (b) A continuing pattern of drug related criminal conduct within the licensed
35 premises;

36
37 (c) A continuing pattern of criminal conduct directly related to or arising from the
38 operation of the Retail Marijuana Store;

39
40 (d) A felony associated with the Retail Marijuana Store, or one or more of its
41 owner(s) or manager(s);

42
43 (e) Failure to provide correct information for each person required in section 3-21-
44 4 of this chapter;

1
2 (f) Failure to pay sales taxes in full by the deadlines specified by this code.
3

4 LICENSE: A license to operate a Retail Marijuana Store issued by the City pursuant to this
5 chapter.
6

7 LICENSED PREMISES: The premises specified in an application for a license pursuant to this
8 chapter and the Colorado Retail Marijuana Code which is owned or in legal possession of the
9 licensee and within which the licensee is authorized to sell marijuana in accordance with the
10 provisions of this chapter, Amendment 64, and the Colorado Retail Marijuana Code.
11

12 LICENSEE: A person to whom a license has been issued pursuant to this chapter.
13

14 LOCAL LICENSING AUTHORITY or AUTHORITY: The City Council appointed board as
15 defined in Title 2, Chapter 10 of this Code.
16

17 MARIJUANA: Shall have the same definition as “cannabis” as set forth in section 6-4-1 of this
18 Code.
19

20 MARIJUANA ACCESSORIES: Any equipment, products, or materials of any kind which are
21 used, intended for use, or designed for use in planting, propagating, cultivating, growing,
22 harvesting, composting, manufacturing, compounding, converting, producing, processing,
23 preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing
24 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
25

26 MEDICAL MARIJUANA CENTER: Shall have the same definition as set forth in section 3-20-
27 1 of this code.
28

29 OPERATING FEES: Fees that must be paid by a licensee for the costs of administering and
30 enforcing this chapter.
31

32 RETAIL MARIJUANA ESTABLISHMENT: A retail marijuana store, a retail marijuana
33 cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing
34 facility.
35

36 RETAIL MARIJUANA STORE: An entity licensed to purchase marijuana from marijuana
37 cultivation facilities and marijuana and marijuana products from marijuana product manufacturing
38 facilities and to sell marijuana and marijuana products to consumers.
39

40 RETAIL MARIJUANA CULTIVATION FACILITY: An entity licensed to cultivate, prepare, and
41 package marijuana and sell marijuana to retail marijuana stores, to marijuana product
42 manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
43

44 RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY: An entity licensed to

1 purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana
2 and marijuana products to other marijuana product manufacturing facilities and to retail marijuana
3 stores, but not to consumers.

4
5 **RETAIL MARIJUANA TESTING FACILITY:** An entity licensed to analyze and certify the safety
6 and potency of marijuana.

7
8 **STATE LICENSING AUTHORITY:** The executive director of the Department of Revenue or the
9 deputy director of the Department of Revenue as set forth in C.R.S. 12-43.4-201.

10
11 **3-21-2: LICENSE REQUIRED.**

12
13 (A) No person shall sell or otherwise distribute for remuneration any marijuana or marijuana
14 products for non-medical use in the City without a valid license issued in accordance with
15 this chapter and the Colorado Retail Marijuana Code.

16
17 (B) This subsection 3-21-2(A) shall not apply to an individual twenty-one (21) years of age or
18 older acting in conformance with Amendment 64.

19
20 (C) Any requirements set forth in this chapter shall be in addition to, and not in lieu of, any
21 other requirements imposed by any State or local law.

22
23 **3-21-3: GENERAL LICENSING PROCEDURES.**

24
25 For the purpose of regulating the commercial offering for sale and sale of marijuana, the Authority
26 in its discretion, upon application in the prescribed form, may issue and grant to the applicant a
27 Retail Marijuana Store License subject to the provisions and restrictions provided in this chapter,
28 Amendment 64 and the Colorado Retail Marijuana Code.

29
30 **3-21-4: APPLICATION FOR LICENSE.**

31
32 (A) A person seeking to obtain a license pursuant to this chapter shall file an application with
33 the city clerk. The form of the application shall be provided by the city clerk.

34
35 (B) A license pursuant to this chapter does not eliminate the need for the licensee to obtain
36 other required City licenses and permits related to the operation of the approved Retail
37 Marijuana Store, including, without limitation:

- 38
39 1. Any required land use approval, if applicable;
40
41 2. A City sales tax license;
42
43 3. A building permit, mechanical permit, plumbing permit, electrical or fire permit.
44

1 (C) An application for a license under this chapter shall contain the following information:
2

3 1. The applicant's name, address, telephone number and social security number;
4

5 2. The street address, and unit number, if applicable, of the proposed Retail Marijuana
6 Store, and a complete description of the site drawn to scale for which the license is being
7 obtained;
8

9 3. If the applicant is not the owner of the proposed location of the Retail Marijuana
10 Store, a notarized statement from the owner of such property authorizing the submission
11 of the application;
12

13 4. A completed set of the applicant's fingerprints;
14

15 5. A statement to be signed by the applicant that the City accepts no legal liability
16 in connection with the approval and subsequent operation of the Retail Marijuana Store;
17

18 6. If the owner is a partnership, association or limited liability company, the names,
19 social security numbers, and addresses of every partner, member and person holding any
20 financial interest in the partnership, association or limited liability company;
21

22 7. If the owner is a corporation, the names, social security numbers, and addresses of
23 every officer or director of the corporation, and person holding any financial interest in the
24 corporation;
25

26 8. Name, social security number, and address of any manager or managers of the
27 Retail Marijuana Store;
28

29 9. A completed set of fingerprints for any person identified in subsections (6) through
30 (8), above;
31

32 10. An acknowledgment from any person identified in subsections (6) through (8),
33 above, that the City will conduct a background investigation as specified in this chapter;
34

35 11. A certified fingerprint based FBI identification record for any person identified in
36 subsections (6) through (8), above;
37

38 12. The applicant(s) must provide a State and City sales tax number to the City at the time
39 of license application;
40

41 13. A statement of whether or not any person identified in subsections (6) through (8),
42 above, has:
43

44 (a) Had a license for a Medical Marijuana Center or Retail Marijuana

1 Establishment suspended or revoked by the State of Colorado, any other state, or by the
2 local licensing authority in this or any other jurisdiction; and
3

4 (b) Been convicted of a felony or has completed any portion of a sentence due
5 to a felony charge within the preceding five (5) years.
6

7 14. Any additional document(s) or information reasonably requested by the
8 Authority.
9

10 (D) Applications shall be processed by the City in order of receipt of a completed application.
11

12 (E) Applications may be amended to change corporate structure, registered manager, change
13 of operation plan or modification of premises by submitting an amendment on a form
14 approved by the city clerk.
15

16 3-21-5: **INVESTIGATION OF APPLICATION.**
17

18 (A) Upon receipt of a properly completed application, together with all information required
19 in connection therewith, the city clerk shall transmit copies of the application to:
20

21 1. The police department;
22

23 2. The department of community development; and
24

25 3. Any other person or agency which the Authority determines should properly
26 investigate and comment upon the application.
27

28 (B) Upon the receipt of a completed application, the police department shall review a
29 fingerprint-based criminal background.
30

31 (C) Within sixty (60) days of receipt of a completed application, those City departments and
32 other referral agencies described in subsection (A) of this section shall provide the city
33 clerk with comments concerning the application.
34

35 3-21-6: **STANDARDS FOR ISSUANCE OF LICENSE.**
36

37 (A) The Authority shall issue a license under this chapter when, after thorough consideration
38 of the application and any comments from City departments or other referral agencies, and
39 from review of such other information as required by this chapter or the Colorado Retail
40 Marijuana Code, the Authority determines that the applicant complies with all of the
41 requirements of this chapter and the Colorado Retail Marijuana Code, including the
42 following:
43

44 1. The application, including any required attachments and submissions, is complete

1 and signed by the applicant;

2
3 2. The applicant has paid the operating fee as required by this chapter;

4
5 3. The application does not contain a material falsehood or misrepresentation;

6
7 4. The location of the Retail Marijuana Store is proposed to be located on a
8 premise permitted by this chapter;

9
10 5. The criminal history of the applicant, and any person identified in 3-21-4(C)(6)
11 through (8), does not identify any matters which would disqualify the applicant from
12 holding a license; and

13
14 6. The applicant meets or otherwise will meet all the requirements of this chapter.

15
16 (B) The Authority shall approve or deny a license application no later than ninety (90) days
17 after a complete application and any comments from City departments or other referral
18 agencies are received by the city clerk. The city clerk shall promptly forward notice of the
19 Authority's decision to the State Licensing Authority.

20
21 (C) Prior to the issuance of the license, the Authority shall make a finding and determination
22 as to the good moral character of the applicant in accordance with the standards and
23 procedures set forth in the Colorado Retail Marijuana Code. In so doing, the Authority may
24 incorporate any findings as to good moral character previously made by the State Licensing
25 Authority. If the background investigation is not complete by the time the Authority must
26 approve or deny the license as provided in subsection (B), the Authority may issue a license
27 conditioned on the review of the criminal background investigation.

28
29 3-21-7: **DENIAL OF LICENSE.**

30
31 (A) The Licensing Authority shall deny an application for a license under this chapter, if the
32 Authority determines that the applicant has failed to meet its burden, because:

33
34 1. Information contained in the application or supplemental information requested from
35 the applicant is found to be false in any material respect; or

36
37 2. The application fails to meet any of the standards or requirements set forth in the
38 Colorado Retail Marijuana Code or this chapter, including a finding of good cause.

39
40 (B) If an application is denied, the Licensing Authority shall set forth in writing the grounds
41 for denial.

42
43 (C) Upon the denial of a license, the city clerk shall notify the State Licensing Authority and
44 refund the operating fee submitted by the licensee as part of its application.

1
2 **3-21-8: AUTHORITY TO IMPOSE CONDITIONS ON LICENSE.**

3
4 The Authority shall have the authority to impose such reasonable terms and conditions on a license
5 as may be necessary to protect the public health, safety and welfare, and to obtain compliance with
6 the requirements of this chapter and applicable law. If an application is conditionally approved,
7 the Authority shall set forth in writing the conditions of the approval.
8

9 **3-21-9: DECISION BY LICENSING AUTHORITY.**

10
11 (A) Upon receipt of an application for a local license, the Authority shall schedule a public
12 hearing upon the application to be held not less than sixty (60) days after the date of receipt
13 by the city clerk of comments from City departments and referral agencies concerning the
14 application. Notice of the hearing shall be posted and published not less than ten (10) days
15 prior to the hearing. The Authority shall give public notice by the posting of notice in a
16 conspicuous place on the Retail Marijuana Store premises for which application has been
17 made and by publication in a newspaper of general circulation in Arapahoe County,
18 Colorado.
19

20 (B) The Authority shall provide to the applicant findings of any investigation into the
21 application ten days (10) prior to the hearing.
22

23 **3-21-10: CONTENTS OF LICENSE.**

24
25 (A) A license shall contain the following information:

- 26
27 1. The name of the licensee;
28
29 2. The date of the issuance of the license;
30
31 3. The address at which the licensee is authorized to operate the Retail Marijuana Store;
32
33 4. Any special conditions of approval imposed upon the license; and
34
35 5. The date of the expiration of the license.
36

37 (B) A license must be signed by both the applicant and the chair of the Licensing Authority to
38 be valid.
39

40 **3-21-11: LICENSE NOT TRANSFERABLE; EXCEPTIONS.**

41
42 A license is nontransferable and nonassignable. Any attempt to transfer or assign a license voids
43 the license. Notwithstanding the foregoing, a transfer of a license shall be permitted in the
44 following circumstance:

1 (A) The transferee applies for and receives approval for a new license, conditioned upon
2 relinquishment of the transferor's license; and
3

4 (B) The license transfer location is permitted under section 3-21-19 of this chapter.
5

6 **3-21-12: NOTICE OF ISSUANCE OF LICENSE.**
7

8 Upon the issuance of a license, the city clerk shall notify the State Licensing Authority and send a
9 copy of the license to the City Council and any department designated by the city manager.
10

11 **3-21-13: DURATION OF LICENSE; RENEWAL.**
12

13 (A) Any license issued pursuant to this chapter shall be valid for one (1) year from the date
14 of issuance, and may be renewed as provided in this chapter and chapter 2 of this title.
15 Any renewal of the license shall be governed by the standards and procedures set forth
16 in the Colorado Retail Marijuana Code and this title.
17

18 (B) An application for the renewal of an existing license shall be made to the city clerk not
19 less than thirty (30) days prior to the date of expiration. No application for renewal
20 shall be accepted by the city clerk after the date of expiration.
21

22 (C) The applicant shall, at the time of an application to renew a license, not be delinquent
23 on any applicable City fees or taxes.
24

25 (D) All renewal applications must be accompanied by the operating fee in effect at the time
26 the licensee files its application for renewal.
27

28 (E) The Authority may refuse to renew a license for good cause. For purposes of this
29 section the burden shall be upon the City by a preponderance of the evidence to show
30 good cause exists to deny the renewal application.
31

32 (F) Failure of the licensee to renew and keep its State license current and valid shall be
33 grounds for revocation of any license issued pursuant to this chapter.
34

35 **3-21-14: DUTIES OF LICENSEE.**
36

37 It is the duty and obligation of each licensee to do the following:
38

39 (A) Comply with all the terms and conditions of the license, and any special conditions on the
40 license.
41

42 (B) Comply with all of the requirements of this chapter.
43

44 (C) Comply with all other applicable City ordinances.

- 1
2 (D) Comply with all state laws and administrative regulations pertaining to marijuana.
3
4 (E) Comply with all applicable federal laws, rules or regulations, other than a federal law,
5 rule or regulation concerning the possession, sale or distribution of marijuana that
6 conflicts with Amendment 64.
7
8 (F) Take all reasonable steps to discourage and correct conditions that constitute a nuisance
9 in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent
10 properties during business hours, if related to the patrons or operation of the Retail
11 Marijuana Store.
12
13 (G) Permit inspection of its records and operation by the City for the purpose of
14 determining the licensee's compliance with the terms and conditions of the license.
15
16 (H) Ensure that any disposal of marijuana or marijuana infused products is done in accordance
17 with applicable state and local laws.
18

19 3-21-15: **POSTING OF LICENSE.**

20
21 A license shall be posted continuously in a conspicuous public location at the Retail Marijuana
22 Store.
23

24 3-21-16: **SUSPENSION OR REVOCATION OF LICENSE.**

- 25
26 (A) A license issued pursuant to this chapter may be suspended or revoked by the Licensing
27 Authority for any of the following reasons:
28
29 1. Fraud, misrepresentation, or a false statement of material fact contained in the license
30 application;
31
32 2. A violation of any City, state or federal law or regulation, other than federal law or
33 regulation concerning the production, transportation, possession, sale or distribution of
34 marijuana that conflicts with Amendment 64;
35
36 3. A violation of any of the terms and conditions of the license, including any special
37 conditions of approval imposed upon the license;
38
39 4. A violation of any of the provisions of this chapter;
40
41 5. Cessations of operations at the Retail Marijuana Store for more than thirty (30) days.
42
43 (B) The city clerk shall notify the licensee of the issuance of a show cause order to suspend
44 or revoke the license. Notice shall be given by mailing a copy of the order to the licensee

1 by regular mail, postage prepaid, at the address shown in the license. Notice is deemed to
2 have been properly given upon mailing.

3
4 (C) A hearing shall then be scheduled before the Licensing Authority within forty five (45)
5 days of the notice of the show cause order.

6
7 1. The burden of proof at the hearing shall be on the City;

8
9 2. If the Authority finds by a preponderance of the evidence that the allegations in
10 the show cause order are sustained, the Authority shall issue such order in writing to the
11 licensee within ten (10) days;

12
13 3. Upon a finding sustaining the show cause, the Authority shall have the power to
14 revoke, suspend and/or place additional reasonable conditions on the license.

15
16 (D) In deciding whether a license should be suspended or revoked in accordance with this
17 section, and in deciding what conditions to impose in the event of a suspension, if any, the
18 Authority shall consider the aggravating and mitigating factors in Section 3-2-14 of this
19 title.

20
21 (E) The remedies provided in this section are in addition to any other remedy provided by
22 applicable law.

23
24 3-21-17: **OPERATING FEES.**

25
26 (A) Operating fees, necessary for the administration, regulation, and implementation of this
27 chapter shall be set by the City Council by resolution.

28
29 (B) The amount of fees charged pursuant to this section shall be reviewed by City Council
30 annually and, if necessary, adjusted to reflect the direct and indirect costs incurred by the
31 City in connection with the administration and enforcement of this chapter, including
32 costs of unannounced compliance checks.

33
34 3-21-18: **RETAIL MARIJUANA STORE REQUIREMENTS AND**
35 **RESTRICTIONS.**

36
37 (A) All Retail Marijuana Store licenses shall be issued for a permanent location, which shall
38 be considered the licensed premises. No Retail Marijuana Store shall be permitted to
39 deliver or operate from a moveable, mobile, or transitory location.

40
41 (B) It shall be unlawful for any Retail Marijuana Store to employ any person at a
42 licensed premises who is younger than twenty-one years of age.

43
44 (C) The name and contact information for the owner or owners and any manager of the Retail

1 Marijuana Store shall be conspicuously posted in the facility, together with the name and
2 contact information of any person designated by the owner to be contacted in the event of
3 an emergency.
4

5 (D) No change shall be made to the floor plan of the interior of any licensed premises unless
6 such modification is approved by the Authority and all other appropriate City
7 departments prior to the time the change is made.
8

9 (E) No marijuana shall be smoked, eaten or otherwise consumed or ingested on or within the
10 licensed premises.
11

12 (F) The license issued pursuant to this chapter shall be posted continuously and
13 conspicuously at the licensed premises.
14

15 (G) All Retail Marijuana Stores shall post a sign in a conspicuous location stating:
16

17 IT IS ILLEGAL TO SELL OR TRANSFER MARIJUANA TO ANYONE UNDER THE AGE
18 OF TWENTY-ONE.
19

20 IT IS ILLEGAL TO SEND OR TRANSPORT MARIJUANA TO ANOTHER STATE.
21

22 THE POSSESSION OF MARIJUANA REMAINS A CRIME UNDER FEDERAL LAW.
23

24 3-21-19: **PROHIBITED LOCATIONS.**
25

26 Prior to the issuance of a license for a Retail Marijuana Store, the Licensing Authority shall
27 determine whether the proposed location of the Retail Marijuana Store complies with the
28 requirements of this section. Failure to comply with the requirements of this section shall preclude
29 issuance of a license.
30

31 (A) No Retail Marijuana Store shall be located at the following locations:
32

33 1. Within five hundred feet (500') of a licensed childcare facility;
34

35 2. Within one thousand feet (1,000') of any educational institution or school, college
36 or university, either public or private;
37

38 3. Within one thousand feet (1,000') of any public park, public pool or public or
39 private recreational facility;
40

41 4. Within one thousand feet (1,000') of any halfway house or correctional facility;
42

43 5. Within one thousand feet (1,000') of any other Retail Marijuana Store or Medical
44 Marijuana Center;

1
2 6. Within any building or structure that contains a residential unit.

3
4 (B) The distances described in subsection (A) of this section shall be computed by direct
5 measurement from the nearest property line of the land used for the above purposes to the
6 nearest portion of the building housing the Retail Marijuana Store, using a straight line.

7
8 (C) The suitability of a location for a Retail Marijuana Store shall be determined at the time of
9 the issuance of the first license for such Retail Marijuana Store. The fact that changes in
10 the neighborhood occur after the issuance of the first license might render the site
11 unsuitable for a Retail Marijuana Store under this section shall not be grounds to suspend,
12 revoke or refuse to renew the license for such Retail Marijuana Store so long as the license
13 for the Retail Marijuana Store remains in effect.

14
15 (D) It shall be unlawful for any person to test, cultivate, produce, manufacture, distribute,
16 transmit, or sell marijuana as a home occupation.

17
18 (E) Any licensee licensed prior to adoption of this chapter as a Medical Marijuana Center must
19 comply with the distance limitations in this section upon conversion to a Retail Marijuana
20 Store license or to operate a dual marijuana business operation.

21
22 (E) The existing location of any Medical Marijuana Center licensed prior to the adoption of
23 this chapter shall not be required to comply with the distance limitations in this section
24 upon conversion to a Retail Marijuana Store license or to operate a dual marijuana business
25 operation.

26
27 3-21-20: **HOURS OF OPERATION.**

28
29 A Retail Marijuana Store may open no earlier than nine o'clock (9:00) A.M. and shall close no
30 later than seven o'clock (7:00) P.M. the same day. A Retail Marijuana Store may be open seven
31 (7) days a week.

32
33 3-21-21: **SIGNAGE.**

34
35 All signage for a Retail Marijuana Store shall comply with the requirements of this code. In
36 addition, no licensee shall display a sign for a Retail Marijuana Store that contains the word
37 "marijuana", "cannabis", or any other word or phrase commonly understood to refer to marijuana
38 or a graphic/image of any portion of a marijuana plant, or paraphernalia associated with marijuana
39 use.

40
41 3-21-22: **PERSONS PROHIBITED AS LICENSEES AND MANAGERS.**

42
43 No license provided by this chapter shall be issued to or held by:
44

- 1 (A) Any person who, in the immediately preceding twelve (12) months had a Medical
2 Marijuana Center license or Retail Marijuana Establishment license revoked or suspended
3 by the State of Colorado, any other state, or by the local licensing authority in this or any
4 other jurisdiction.
5
- 6 (B) Any person who has been convicted of a felony or has completed any portion of a felony
7 sentence within the preceding five (5) years.
8
- 9 (C) Any person of bad moral character as defined by the Colorado Retail Marijuana Code.
10

11 **3-21-23: AGE RESTRICTIONS.**
12

13 No person under the age of twenty-one (21) shall be allowed in any portion of a Retail Marijuana
14 Store. The entrance to a Retail Marijuana Store shall be clearly and legibly posted with the
15 following notice: "You must be twenty-one (21) years of age or older to enter this premises."
16

17 **3-21-24: PACKAGING AND LIMITATIONS ON QUANTITY SOLD.**
18

19 A Retail Marijuana Store may not sell more than one (1) ounce of marijuana or equivalent of a
20 marijuana product per Colorado resident per transaction, or one-quarter (1/4) ounce of marijuana
21 or equivalent of a marijuana product per non-Colorado resident per transaction. All packaging
22 shall comply with the requirements of the Colorado Retail Marijuana Code and any rules or
23 regulations promulgated by the Colorado Marijuana Enforcement Division.
24

25 **3-21-25: SECURITY REQUIREMENTS.**
26

27 A licensee shall provide adequate security on the premises of a Retail Marijuana Store including,
28 but not limited to, the following:
29

- 30 (A) Surveillance: Security surveillance cameras installed to monitor each entrance to the
31 Retail Marijuana Store along with the interior and exterior of the premises to
32 discourage and to facilitate the reporting and investigation of criminal acts and nuisance
33 activities occurring at the premises. The licensed premises shall be monitored and
34 secured twenty-four (24) hours a day including, at a minimum, the following security
35 measures:
36
- 37 1. Installation and use of security cameras to monitor all areas of the licensed
38 premises where persons may gain or attempt to gain access to marijuana, marijuana
39 products, or monies maintained by the Retail Marijuana Store;
 - 40
 - 41 2. Security video shall be preserved for at least ninety (90) days by the licensee, and be
42 made available to law enforcement officers upon demand;
43
 - 44 3. Installation of a monitored user alarm system compliant with the Colorado Retail

1 Marijuana Code and any other applicable State regulations;
2

3 4. Robbery and burglary alarm systems that are professionally installed, monitored
4 and maintained in good working condition.
5

6 (B) Inventory: All salable inventory of marijuana must be kept and stored in a secured,
7 locked manner until removed at the time of sale.
8

9 (C) Safe: A locking safe or secure vault permanently affixed or built into the premises to
10 store any currency or other items of value on site.
11

12 (D) Lighting: Exterior lighting that illuminates the exterior walls of the business, provided
13 such illumination is physically possible.
14

15 (E) Emergency Contact: A licensee shall provide the chief of police with the name and
16 number of an onsite staff person to whom the City may provide notice of any operating
17 problems associated with the Retail Marijuana Store.
18

19 3-21-26: **OPERATING PLANS.**
20

21 In connection with the license application, the applicant shall provide a detailed operations plan
22 and, upon issuance of a license, shall operate the Retail Marijuana Store in accordance with the
23 plan. Such plan shall include:
24

25 (A) Floor Plan: A plan showing the layout of the Retail Marijuana Store and the
26 principal uses of the floor area depicted. The primary entrance of any stand-alone facility
27 shall be located and maintained clear of barriers, landscaping and similar obstructions so
28 that it is clearly visible from public streets, sidewalks or site driveways.
29

30 (B) Storage: A Retail Marijuana Store shall provide a storage plan in compliance with section
31 3-21-25 of this chapter.
32

33 (C) Security Plans: A Retail Marijuana Store shall provide a security plan in compliance with
34 section 3-21-25 of this chapter.
35

36 (D) Lighting Plan: A Retail Marijuana Store shall provide a lighting plan in accordance with
37 this code. Such plan shall also include any mitigation controls to lessen adverse impacts to
38 the surrounding properties.
39

40 (E) Odor Controls: A Retail Marijuana Store shall provide a plan for the mitigation and control
41 of odors and other environmental impacts which may emanate from the Retail Marijuana
42 Store. Such plan shall describe the ventilation system for the premises.
43

44 (F) Product and Service Description: A description of the products and services to be

1 provided by the Retail Marijuana Store.

2
3 3-21-27: **PROVISIONS APPLICABLE TO EXISTING MEDICAL MARIJUANA**
4 **CENTERS.**

5
6 A Medical Marijuana Center licensee in good standing with the City qualified to receive a State
7 license may either apply for a Retail Marijuana Store license in addition to its Medical Marijuana
8 Center license or apply for a Retail Marijuana Store license and surrender its Medical Marijuana
9 Center license when the Retail Marijuana Store license is issued. Any licensee who wishes to
10 apply for an additional Retail Marijuana Store license or convert its Medical Marijuana Center
11 license to a Retail Marijuana Store license must complete the application and approval process and
12 otherwise meet the requirements of the Colorado Retail Marijuana Code and this chapter, including
13 but not limited to the location prohibitions contained in section 3-21-19.

14
15 3-21-28: **DUAL OPERATION.**

16
17 (A) A person who holds both a license to operate a Medical Marijuana Center and a license
18 to operate a Retail Marijuana Store may operate both licenses in the same premises
19 provided the licensee meets the requirements of the Colorado Retail Marijuana Code
20 and this chapter, including but not limited to the location prohibitions in section 3-21-
21 19. For any Retail Marijuana Store that is located in the same premises as a Medical
22 Marijuana Center, the licenses for both must be held by the same licensee.

23
24 (B) A Medical Marijuana Center that does not authorize patients under the age of twenty-
25 one (21) years to be on the premises may hold a Retail Marijuana Store license and
26 operate a dual operation retail business at a shared licensed premises and may share the
27 same entrances and exits, subject to the following:

- 28
29 1. The Medical Marijuana Center must post signage clearly conveying that persons under
30 twenty-one (21) years of age may not enter the establishment.
31 2. Medical marijuana and retail marijuana and medical marijuana-infused products and
32 retail marijuana products must be displayed separately on the same sale floor.
33 3. Record keeping for the business operations of both must enable the State Licensing
34 Authority and Local Licensing Authority to clearly distinguish the inventories and
35 business transactions of medical marijuana and medical marijuana-infused products
36 from retail marijuana and retail marijuana products.

37
38 (C) A Medical Marijuana Center that does authorize patients under the age of twenty-one
39 (21) years to be on the premises may hold a Retail Marijuana Store license and operate
40 a dual operation retail business at a shared licensed premises, subject to the following:

- 41
42 1. The Retail Marijuana Store licensee must post signage clearly conveying that persons
43 under twenty-one (21) years of age may not enter the area that contains the Retail
44 Marijuana Store.

- 1 2. The Medical Marijuana Center and the Retail Marijuana Store but must have separate
2 entrances and exits, and medical marijuana and retail marijuana goods and products
3 must be separately displayed and sold. [A common foyer shall be permitted.]
- 4 3. Record keeping for the business operations of both must enable the Local Licensing
5 Authority and State Licensing Authority to clearly distinguish the inventories and
6 business transaction of medical marijuana and medical marijuana-infused products
7 from retail marijuana and retail marijuana products.
8

9 3-21-29: **FAILURE OF STATE LICENSING AUTHORITY TO ACT.**

10
11 The City shall not issue any license to a Retail Marijuana Store should the State Licensing
12 Authority fail to take action on the license application within 90 days.
13

14 3-21-30: **COMPLIANCE WITH STATE LAW.**

15
16 (A) To the extent the State has adopted or adopts in the future any additional or stricter laws or
17 regulations governing the sale or distribution of marijuana, the additional or stricter
18 regulations shall control the establishment or operation of any Retail Marijuana Store in
19 the City. Compliance with any applicable State law or regulation shall be deemed an
20 additional requirement for issuance or denial of any license under this chapter, and
21 noncompliance with any applicable State law or regulation shall be grounds for revocation
22 or suspension of any license issued hereunder.
23

24 (B) Any Retail Marijuana Store licensed pursuant to this chapter may be required to
25 demonstrate, upon demand by the Authority or by law enforcement officers that the
26 source and quantity of any marijuana found upon the licensed premises is in full
27 compliance with any applicable State law or regulation.
28

29 3-21-31: **RELATION TO COLORADO RETAIL MARIJUANA CODE.**

30
31 Except as otherwise specifically provided herein, this chapter incorporates the requirements and
32 procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict between
33 the provisions of this chapter and the provisions of the Colorado Retail Marijuana Code, the more
34 restrictive provision shall control.
35

36 3-21-32: **MARIJUANA ACCESSORIES.**

37
38 Any person twenty-one (21) years of age or older is hereby authorized to manufacture, possess,
39 distribute, sell or purchase marijuana accessories in conformance with Amendment 64.
40

41 3-21-33: **SALES TAX LICENSE REQUIRED.**

42
43 At all times while a license is in effect the licensee shall possess a valid sales tax license issued
44 under this code.

1
2 3-21-34: **TAXES.**

3
4 Each licensee shall pay sales tax on all marijuana, marijuana accessories and other tangible
5 personal property sold by the licensee in accordance with the City code.
6

7 3-21-35: **NO WAIVER OF GOVERNMENTAL IMMUNITY.**

8
9 In adopting this chapter the City Council is relying on and does not waive or intend to waive any
10 provision of this chapter, the monetary limitations or any other rights, immunities and protections
11 provided by the Colorado governmental immunity act, section 24-10-101 et seq., Colorado
12 Revised Statutes, as from time to time amended, or any other limitation, right, immunity, or
13 protection otherwise available to the City, its officers or its employees.
14

15 3-21-36: **NO CITY LIABILITY.**

16
17 By accepting a license issued pursuant to this chapter, a licensee releases the City, its officers,
18 elected and appointed officials, employees, attorneys and agents from any liability for injuries,
19 damages or liabilities of any kind that result from any arrest or prosecution of Retail Marijuana
20 Store owners, officers, operators, employees, clients or customers for a violation of City, state or
21 federal laws, rules or regulations. The City may require a licensee to execute a written instrument
22 confirming the provisions of this chapter.
23

24 3-21-37: **INDEMNIFICATION OF CITY.**

25
26 By accepting a license issued pursuant to this chapter a licensee, jointly and severally, if more than
27 one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys,
28 agents, insurers, and self-insurance pool against all liability, claims and demands, on account of
29 injury, loss or damage, including, without limitation, claims arising from bodily injury, personal
30 injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever,
31 which arise out of or are in any manner connected with the operation of the Retail Marijuana Store
32 that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and
33 to provide defense for and defend against, any such liability, claims, or demands at its expense,
34 and to bear all other costs and expenses related thereto, including court costs and attorney fees.
35 The City may require a licensee to execute a written instrument confirming the provisions of this
36 chapter.
37

38 3-21-38: **OTHER LAWS REMAIN APPLICABLE.**

39
40 The provisions of this chapter do not protect licensees, operators, employees, customers and clients
41 of a permitted Retail Marijuana Store from prosecution pursuant to any laws that may prohibit
42 sales, use or possession of controlled substances. In addition, as of the date of the adoption of this
43 chapter the sale, possession, distribution and use of marijuana remain violations of federal law,
44 and this chapter affords no protection against prosecution under such federal laws. Licensees,

1 operators, employees, customers and clients of a permitted Retail Marijuana Store assume any and
2 all risk and any and all liability arising or resulting from the operation of the Retail Marijuana
3 Store under any City, state or federal law. Further, to the greatest extent permitted by law, any
4 actions taken under the provisions of this chapter by any public officer or officers, elected or
5 appointed officials, employees, attorneys and agents of the City shall not become a personal
6 liability of such person of the City.

7
8 3-21-39: **PROHIBITED FACILITIES.**

9
10 Retail Marijuana Cultivation Facilities, Retail Marijuana Testing Facilities and Retail Marijuana
11 Product Manufacturing Facilities are prohibited uses in any zone district in the City.

12
13 3-21-40: **LIMITATION ON NUMBER AND SIZE.**

14
15 (A) Collectively, there shall be no more than four (4) Medical Marijuana Centers, Retail
16 Marijuana Stores, or combined Retail Marijuana Stores and Medical Marijuana Centers
17 licensed in the City. A licensee who holds both a license to operate a Medical Marijuana
18 Center and a license to operate a Retail Marijuana Store may operate both licenses in the
19 same premises and those premises shall count as one (1) establishment for the purposes of
20 this section.

21
22 (B) All premises for Retail Marijuana Stores or combined Retail Marijuana Stores and Medical
23 Marijuana Centers shall be limited to a floor plan of two thousand (2,000) square feet total.

24
25 3-21-41: **POINT OF CONTACT FOR STATE LICENSING AUTHORITY.**

26
27 The city clerk shall be the primary point of contact for the State Licensing Authority on matters
28 related to licenses issued pursuant to this chapter.

29
30 **Section 2:** Section 2-10-1 of the City Code shall be amended as follows:

31
32 2-10-1: POWERS AND DUTIES:

33
34 (A) The licensing authority, hereinafter in this chapter referred to as the "authority", shall have
35 such powers and duties as conferred to the local liquor licensing authority by articles 46, 47, and
36 48 of title 12, Colorado Revised Statutes, and any regulations adopted pursuant thereto and shall
37 have such powers and duties as may be conferred to it by Amendment 20, AMENDMENT 64,
38 THE COLORADO RETAIL MARIJUANA CODE, and the administrative regulations issued by
39 the Colorado department of public health and environment found at 5 CCR 1006-2, all as amended
40 from time to time; ~~and~~

41
42 (B) The authority shall have the power to conduct public hearings in accordance with title 3,
43 chapter 2 of this code, related to the licensing of medical marijuana centers and all other powers
44 and duties as conferred by title 3, chapter 20 of this code and any regulations adopted pursuant

1 thereto; AND

2
3 (C) THE AUTHORITY SHALL HAVE THE POWER TO CONDUCT PUBLIC HEARINGS IN
4 ACCORDANCE WITH TITLE 3, CHAPTER 2 OF THIS CODE, RELATED TO THE
5 LICENSING OF RETAIL MARIJUANA STORES AND ALL OTHER POWERS AND DUTIES
6 AS CONFERRED BY TITLE 3, CHAPTER 21 OF THIS CODE AND ANY REGULATIONS
7 ADOPTED PURSUANT THERETO.

8
9 **Section 3:** Section 2-10-2 of the City Code shall be amended as follows:

10
11 2-10-2: COMPOSITION OF AUTHORITY:

12
13 The authority shall consist of five (5) members and two (2) alternate members. No person shall
14 serve as a member of the authority who shall have any interest in the operation of a medical
15 marijuana center, a medical marijuana grow facility, A RETAIL MARIJUANA
16 ESTABLISHMENT, a liquor establishment or in one serving fermented malt beverages or who
17 has a member of his or her immediate family who has such an interest. For purposes of this section,
18 "immediate family" shall mean one's parents, children, brothers, sisters, spouse or the parents,
19 children, brothers or sisters of one's spouse.

20
21 **Section 4:** Section 3-2-16 of the City Code shall be amended as follows:

22
23 3-2-16: LICENSE RENEWAL PROCEDURES:

24
25 (A) The city clerk's office shall review and forward any medical marijuana CENTER, RETAIL
26 MARIJUANA STORE or liquor license renewal application to the chairperson of the authority.
27 The renewal application shall be accompanied by a police report containing information, if any, as
28 to alleged violations of the Colorado liquor or beer codes, THE COLORADO MEDICAL
29 MARIJUANA OR RETAIL MARIJUANA CODES, ~~or~~ amendment 20 OR AMENDMENT 64 of
30 the Colorado constitution and of this code by the licensee or any of his or her employees.

31
32 (B) The chairperson of the authority, or in his or her absence the vice chairperson, is hereby
33 authorized to grant liquor or beer or medical marijuana center OR RETAIL MARIJUANA STORE
34 license renewals as provided herein. All applications for renewal shall initially come before the
35 chairperson and may be approved by him or her so long as all applicable fees have been paid, all
36 required procedures have been complied with, and no information regarding alleged violations of
37 the Colorado liquor and beer codes, THE MEDICAL MARIJUANA OR RETAIL MARIJUANA
38 CODES, ~~or~~ amendment 20 OR AMENDMENT 64 of the Colorado constitution or violations of
39 this code have been referred to him or her by the police department or otherwise.

40
41 (C) In all instances where alleged violations of the Colorado liquor or beer codes, THE
42 COLORADO MEDICAL MARIJUANA OR RETAIL MARIJUANA CODES, ~~or~~ amendment 20
43 OR AMENDMENT 64 of the Colorado constitution or this code have been referred to the
44 chairperson of the authority, approval of the requested renewal shall not be granted by him or her

1 and the application for renewal shall come before the authority and shall be processed in
2 accordance with the provisions of state law and this code

3
4 **Section 5:** Section 3-20-35 of the City Code shall be amended as follows:

5
6 3-20-35: LIMITATION ON NUMBER AND SIZE.

7
8 ~~There shall be no more than four (4) centers licensed in the city.~~ COLLECTIVELY, THERE
9 SHALL BE NO MORE THAN FOUR (4) MEDICAL MARIJUANA CENTERS, RETAIL
10 MARIJUANA STORES, OR COMBINED RETAIL MARIJUANA STORES AND MEDICAL
11 MARIJUANA CENTERS LICENSED IN THE CITY. A LICENSEE WHO HOLDS BOTH A
12 LICENSE TO OPERATE A MEDICAL MARIJUANA CENTER AND A LICENSE TO
13 OPERATE A RETAIL MARIJUANA STORE MAY OPERATE BOTH LICENSES IN THE
14 SAME PREMISES AND THOSE PREMISES SHALL COUNT AS ONE ESTABLISHMENT
15 FOR THE PURPOSES OF THIS SECTION. MEDICAL MARIJUANA Centers AND
16 COMBINED RETAIL MARIJUANA STORES AND MEDICAL MARIJUANA CENTERS shall
17 be limited to a floor plan of two thousand (2,000) square feet TOTAL.

18
19 Any licensee previously licensed as a medical marijuana dispensary shall be exempt from the
20 distance limitations in subsection 3-20-17(A) of this chapter, PROVIDED HOWEVER, ANY
21 SUCH LICENSEE THAT EITHER APPLIES FOR A RETAIL MARIJUANA STORE LICENSE
22 IN ADDITION TO ITS MEDICAL MARIJUANA CENTER LICENSE OR APPLIES FOR A
23 RETAIL MARIJUANA STORE LICENSE AND SURRENDERS ITS MEDICAL MARIJUANA
24 CENTER LICENSE WHEN THE RETAIL MARIJUANA STORE LICENSE IS ISSUED MUST
25 MEET THE REQUIREMENTS OF THE COLORADO RETAIL MARIJUANA CODE AND
26 CHAPTER 21 OF THIS TITLE, INCLUDING BUT NOT LIMITED TO THE LOCATION
27 PROHIBITIONS CONTAINED IN SECTION 3-21-19. ~~Medical marijuana dispensary licenses~~
28 ~~issued prior to June 30, 2010, shall be reissued as medical marijuana center licenses upon a finding~~
29 ~~by the licensing authority of compliance with all the requirements of this section. Such finding of~~
30 ~~approval or denial shall be made within sixty (60) days of the effective date hereof.~~

31
32 **Section 6:** Severability. If any part, section, subsection, sentence, clause or phrase
33 of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of
34 the remaining sections of this ordinance. The City Council hereby declares that it would have
35 passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
36 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
37 may be declared invalid.

38
39 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
40 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
41 clauses of such ordinance nor revive any ordinance thereby.

42
43
44 INTRODUCED AS A BILL at a regularly scheduled meeting of the city council

1 of the City of Littleton on the ___ day of _____, 2016, passed on first reading by a vote of
2 ___ FOR and ___ AGAINST; and ordered published by posting at Littleton Center, Bemis
3 Library, the Municipal Courthouse and on the City of Littleton Website.

4 PUBLIC HEARING on the Ordinance to take place on the ___ day of
5 _____, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue,
6 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

7
8 PASSED on second and final reading, following public hearing, by a vote of _____FOR
9 and _____ AGAINST on the ___ day of _____, 2016 and ordered published by
10 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton
11 Website.

12 ATTEST:

13 _____
14 Wendy Heffner
15 CITY CLERK

Bruce Beckman
MAYOR

16
17 APPROVED AS TO FORM:

18
19 _____
20 Kristin Schledorn
21 CITY ATTORNEY