

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 47**

4
5 **Series, 2020**

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7
8 **AN ORDINANCE OF THE CITY OF LITTLETON,**
9 **COLORADO, AMENDING CHAPTER 20, OF TITLE 3, OF**
10 **THE CITY CODE REGULATING MEDICAL MARIJUANA**
11 **CENTERS**

12
13 **WHEREAS**, Article XVIII, Section 14 of the Colorado Constitution (Amendment
14 20, the "Medical Marijuana Amendment") allows the use, acquisition, possession, production, or
15 transportation of marijuana or related paraphernalia for medical use by patients and their primary
16 caregivers; and

17
18 **WHEREAS**, C.R.S. Section 44-10-301 specifically authorizes municipalities to
19 adopt licensing procedures and requirements for medical marijuana licenses; and

20
21 **WHEREAS**, on November 3, 2020, the Voters of the City of Littleton voted to
22 allow existing medical marijuana facilities to sell retail marijuana; and

23
24 **WHEREAS**, in order to accommodate and clarify the licensing requirements
25 certain changes need to occur to the City's existing ordinances; and

26
27 **WHEREAS**, the City of Littleton has a valid interest in regulating the licensing,
28 zoning, and other impacts of medical marijuana centers in a manner consist with the health, safety
29 and welfare of its citizens.

30
31
32 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
33 **THE CITY OF LITTLETON, COLORADO, THAT:**

34
35 **Section 1:** Littleton City Code Chapter 3, Section 20 is hereby amended as
36 follows:

37
38 **3-20-1: DEFINITIONS:**

39
40 (A) As used in this chapter, the following words shall have the following meanings, unless the
41 context clearly requires otherwise:

42 **AMENDMENT 20:** A voter initiated amendment to the Colorado constitution adopted
43 November 7, 2000, codified as section 14 of article 18 to the Colorado constitution.

44 **APPLICANT:** A corporation, person or person(s) over eighteen (18) years of age who has
45 submitted an application for a license pursuant to this chapter.

46 **APPLICATION:** An application for license submitted pursuant to this chapter.

47 **CITY:** The city of Littleton, Colorado.

48 CULTIVATION: The process by which a person promotes the germination and/or growth of a
49 seed to a mature marijuana plant. Cultivation does not include the storing or watering of mature
50 marijuana plants without the aid of grow lighting.

51 DAY: A calendar day, unless otherwise noted.

52 GOOD CAUSE: For the purpose of denying a license or renewal under this chapter:

53 1. The licensee has violated, does not meet, or has failed to comply with any of the terms,
54 conditions or provisions of this chapter and any rule and regulation promulgated pursuant to this
55 chapter or any state law or regulation or federal law except any federal law that conflicts with
56 amendment 20;

57 2. The licensee has failed to comply with any special terms or conditions that were placed
58 on its license at the time the license was issued, or that were placed on its license in prior
59 disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or

60 3. The licensee's medical marijuana center has been operated in a manner that adversely
61 affects the public health, welfare or safety of the city. Evidence to support such a finding can
62 include, but is not limited to:

63 (a) A continuing pattern of offenses against the public peace, as defined in title 6, chapter
64 4 of this code;

65 (b) A continuing pattern of drug related criminal conduct within the premises of the
66 medical marijuana center;

67 (c) A continuing pattern of criminal conduct directly related to or arising from the
68 operation of the medical marijuana center;

69 (d) A felony associated with the center, one or more of its owner(s) or manager;

70 (e) Failure to provide correct information for each person required in subsection [3-20-](#)
71 [3\(A\)](#) of this chapter;

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

73 LICENSE: A license to operate a medical marijuana center by the city pursuant to this chapter.

74 LICENSEE: The person to whom a license has been issued pursuant to this chapter.

75 LOCAL LICENSING AUTHORITY OR AUTHORITY: The city council appointed board as
76 defined in title 2, chapter 10 of this code.

77 MARIJUANA: Shall have the same definition as "cannabis" as set forth in section [6-4-1](#) of this
78 code.

79 MEDICAL MARIJUANA: Marijuana that is grown and sold pursuant to this chapter and the
80 provisions of Colorado state law.

81 MEDICAL MARIJUANA CENTER OR CENTER: A person licensed pursuant to this chapter to
82 operate a business as described in Colorado Revised Statutes section ~~42-43.3-402-44-10-501~~ that
83 sells medical marijuana to registered patients or primary caregivers as defined in section 14 of
84 article XVIII of the state constitution, but is not a primary caregiver.

85 MEDICAL MARIJUANA INFUSED PRODUCT: A product infused with medical marijuana
86 that is intended for use or consumption other than by smoking, including, but not limited to,
87 edible products, ointments, and tinctures.

88 OPTIONAL PREMISES: The use of any property where the primary use is to grow or cultivate
89 marijuana for a purpose authorized by section 14 of article XVIII of the state constitution. For
90 the purposes of this section any use of a structure where more than twenty percent (20%) of the
91 floor space or any outdoor grow is used to grow or cultivate marijuana shall constitute an
92 optional premises.

93 PATIENT: Has the meaning provided in amendment 20 and any other related regulations
94 promulgated by the state of Colorado.

95 PRIMARY CAREGIVER: Has the meaning provided in amendment 20 and any other related
96 regulations promulgated by the state of Colorado.

97

98 (B) In addition to the definitions provided in subsection (A) of this section, the other defined
99 terms in amendment 20 are incorporated into this chapter by reference. (Ord. 15, Series of 2010)

100

101 **3-20-2: LICENSE REQUIRED:**

102

103 No person shall operate a medical marijuana center within the city without a valid license issued
104 in accordance with this chapter. Except as provided in subsection (A) of this section, it shall be
105 unlawful to distribute, transmit, give, dispense or otherwise provide medical marijuana without a
106 medical marijuana center license.

107 (A) A primary caregiver may dispense medical marijuana in accordance with applicable state
108 and local law. (Ord. 15, Series of 2010)

109

110 **3-20-3: APPLICATION FOR LICENSE:**

111

112 (A) A person seeking to obtain a license pursuant to this chapter shall file an application with
113 the city clerk. The form of the application shall be provided by the city clerk. In the case where
114 there is more than one applicant or the applicant is a business entity, the applicant shall provide
115 the name(s) of each natural person who owns five percent (5%) or more of the ownership interest
116 in the entity.

117 (B) A license pursuant to this chapter does not eliminate the need for the licensee to obtain
118 other required city licenses and permits related to the operation of the approved medical
119 marijuana center, including, without limitation:

120 1. Any required land use approval, if applicable.

121 2. A city sales tax license.

122 3. A building permit, mechanical permit, plumbing permit, electrical or fire permit.

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

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

125 2. The street address, and unit number, if applicable, of the proposed medical marijuana
126 center, and a complete description of the site drawn to scale for which the license is being
127 obtained;

128 3. If the applicant is not the owner of the proposed location of the medical marijuana center,
129 a notarized statement from the owner of such property authorizing the submission of the
130 application;

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

132 5. A statement to be initialed by the applicant that the city accepts no legal liability in
133 connection with the approval and subsequent operation of the medical marijuana center;

134 6. An acknowledgment that the city will conduct a background investigation as specified in
135 this chapter;

136 7. Name and address of any manager of the medical marijuana center, if the manager is
137 proposed to be someone other than the applicant;

138 — ~~8. A certified fingerprint based FBI identification record; and~~
139 98. Any additional information that the city manager or designee reasonably determines to be
140 necessary in connection with the investigation and review of the application.

141 (D) Applications shall be processed by the city in order of receipt of a completed application.

142 (E) Applications shall only be accepted where the approval of the application would not be in
143 conflict with section [3-20-35](#) or [3-20-17](#) of this chapter.

144 (F) Any application for a medical marijuana center shall be accompanied by the application
145 fee.

146 (G) Applications may be amended to change corporate structure, registered manager, change
147 of operation plan or modification of premises by submitting an amendment on a form approved
148 by the city clerk. Such change would be subject to payment of any fee set by council and
149 compliance with other terms of this chapter and chapter 2 of this title. (Ord. 15, Series of 2010)

150

151 **3-20-4: INVESTIGATION OF APPLICATION:**

152

153 (A) Upon receipt of a properly completed application, together with all information required
154 in connection therewith, and the payment of the application fee, the city clerk shall transmit
155 copies of the application to:

- 156 1. The police department;
157 2. The department of planning and development; and
158 3. Any other person or agency which the city manager determines should properly
159 investigate and comment upon the application.

160 (B) Upon the receipt of a completed application, the police department shall review a
161 fingerprint based criminal background.

162 (C) Within sixty (60) days of receipt of a completed application, those city departments and
163 other referral agencies described in subsection (A) of this section shall provide the city clerk with
164 comments concerning the application. (Ord. 15, Series of 2010)

165

166 **3-20-5: STANDARDS FOR ISSUANCE OF LICENSE:**

167

168 The licensing authority shall issue a license under this chapter when, from a consideration of the
169 application and from such other information as may otherwise be obtained, the authority
170 determines, by a preponderance of the evidence, that:

- 171 (A) The application is complete and signed by the applicant.
172 (B) The applicant has paid the application fee and any other fees required.
173 (C) The application does not contain a material falsehood or misrepresentation.
174 (D) The application complies with all of the requirements of this chapter.
175 (E) The applicant, any person with an ownership interest of five percent (5%) or greater or
176 any manager have not previously been convicted of a felony violation.
177 (F) The proposed location of the medical marijuana center is permitted. (Ord. 15, Series of
178 2010)

179

180 **3-20-6: DENIAL OF LICENSE:**

181

182 (A) The licensing authority shall deny an application for a license under this chapter, if the
183 authority determines that the applicant has failed to meet its burden, because:

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

186 2. The application fails to meet any of the standards set forth in this chapter, including a
187 finding of good cause.

188 (B) If an application is denied, the application fee shall not be refunded. (Ord. 15, Series of
189 2010)

190

191 **3-20-7: AUTHORITY TO IMPOSE CONDITIONS ON LICENSE:**

192

193 The licensing authority shall have the authority to impose such reasonable terms and conditions
194 on a license as may be necessary to protect the public health, safety and welfare, and to obtain
195 compliance with the requirements of this chapter and applicable law. (Ord. 15, Series of 2010)

196

197 **3-20-8: DECISION BY LICENSING AUTHORITY:**

198

199 (A) The licensing authority shall approve, deny or conditionally approve an application within
200 ninety (90) days of receipt by the city clerk of the completed application, unless the city or
201 applicant is granted an extension by the authority. Any failure to act on the application within
202 ninety (90) days shall result in the conditional approval of the license pending compliance with
203 the terms of this chapter.

204 (B) If an application is denied, the licensing authority shall set forth in writing the grounds for
205 denial.

206 (C) If an application is conditionally approved, the licensing authority shall set forth in
207 writing the conditions of the approval.

208 (D) Upon the approval or conditional approval of a license, the licensee shall have five (5) days
209 to remit the full annual license fee to the city clerk. Such fee must be paid prior to the issuance
210 of the license. (Ord. 15, Series of 2010)

211

212 **3-20-9: CONTENTS OF LICENSE:**

213

214 (A) A license shall contain the following information:

215 1. The name of the licensee;

216 2. The date of the issuance of the license;

217 3. The address at which the licensee is authorized to operate the medical marijuana center;

218 4. Any special conditions of approval imposed upon the license; and

219 5. The date of the expiration of the license.

220 (B) A license must be signed by both the applicant and the chair of the licensing authority to
221 be valid. (Ord. 15, Series of 2010)

222

223 **3-20-10: LICENSE NOT TRANSFERABLE; EXCEPTIONS:**

224 A license is nontransferable and nonassignable. Any attempt to transfer or assign a license voids
225 the license. Notwithstanding the foregoing, a transfer of a license shall be permitted in the
226 following circumstance:

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

229 (B) The license transfer location is permitted under section [3-20-17](#) of this chapter, without
230 the exception provided for in section [3-20-35](#) of this chapter. (Ord. 24, Series of 2014)

231

232 **3-20-11: NOTICE OF ISSUANCE OF LICENSE:**

233

234 Upon the issuance of a license, the city clerk shall send a copy of the license to the city council
235 and any department designated by the city manager. (Ord. 15, Series of 2010)

236

237 **3-20-12: DURATION OF LICENSE; RENEWAL:**

238

239 (A) Each license issued pursuant to this chapter shall be valid for one year from the date of
240 issuance, and may be renewed as provided in this chapter and chapter 2 of this title.

241 (B) An application for the renewal of an existing license shall be made to the city clerk not
242 less than ninety (90) days prior to the date of expiration. No application for renewal shall be
243 accepted by the city clerk after the date of expiration.

244 (C) The applicant shall, at the time of an application to renew a license, not be delinquent on
245 any applicable city fees or taxes.

246 (D) At the time of the filing of an application for the renewal of an existing license, the
247 applicant shall pay an annual license fee in an amount fixed by resolution by the city council.

248 (E) The licensing authority may refuse to renew a license for good cause. For purposes of this
249 section the burden shall be upon the city by a preponderance of the evidence to show good
250 cause exists to deny the renewal application. (Ord. 15, Series of 2010)

251

252 **3-20-13: DUTIES OF LICENSEE:**

253

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

255 (A) Comply with all the terms and conditions of the license, and any special conditions on the
256 license; and

257 (B) Comply with all of the requirements of this chapter; and

258 (C) Comply with all other applicable city ordinances; and

259 (D) Comply with all state laws and administrative regulations pertaining to the medical use of
260 marijuana; and

261 (E) Comply with all applicable federal laws, rules or regulations, other than a federal law, rule
262 or regulation concerning the possession, sale or distribution of marijuana that conflicts with
263 amendment 20; and

264 (F) Take all reasonable steps to discourage and correct objectionable conditions that
265 constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and
266 adjacent properties during business hours, if related to the patrons of the center; and

267 (G) Permit inspection of its records and operation, except for information required to be
268 private pursuant to amendment 20, by the city manager or designee for the purpose of
269 determining the licensee's compliance with the terms and conditions of the license; and

270 (H) Ensure the center may have on site only an amount of marijuana not in excess of the
271 amount authorized by amendment 20 and any other state law or administrative regulation; and

272 (I) Ensure that any disposal of medical marijuana or medical marijuana infused products is
273 done in accordance with applicable state and local laws. (Ord. 15, Series of 2010)
274

275 **3-20-14: POSTING OF LICENSE:**
276

277 A license shall be posted continuously in a conspicuous public location at the medical marijuana
278 center. (Ord. 15, Series of 2010)
279

280 **3-20-15: SUSPENSION OR REVOCATION OF LICENSE:**
281

282 (A) A license issued pursuant to this chapter may be suspended or revoked by the licensing
283 authority for any of the following reasons:

284 1. Fraud, misrepresentation, or a false statement of material fact contained in the license
285 application;

286 2. A violation of any city, state or federal law or regulation, other than federal law or
287 regulation concerning the production, transportation, possession, sale or distribution of marijuana
288 that conflicts with amendment 20;

289 3. A violation of any of the terms and conditions of the license, including any special
290 conditions of approval imposed upon the license;

291 4. A violation of any of the provisions of this chapter;

292 5. Cessations of operations at the medical marijuana center for more than thirty (30) days;

293 6. For any reason set forth in chapter 2 of this title.

294 (B) The city clerk shall notify the licensee of the issuance of a show cause order to suspend or
295 revoke the license. Notice shall be given by mailing a copy of the order to the licensee by regular
296 mail, postage prepaid, at the address shown in the license. Notice is deemed to have been
297 properly given upon mailing.

298 (C) A hearing shall then be scheduled before the licensing authority within forty-five (45)
299 days of the notice of the show cause order. Such hearing may be continued for good cause.

300 1. The burden of proof at the hearing shall be on the city.

301 2. If the authority finds by a preponderance of the evidence that the allegations in the show
302 cause order are sustained, the authority shall issue such order in writing to the licensee within ten
303 (10) days.

304 3. Upon a finding sustaining the show cause, the authority shall have the power to revoke,
305 suspend and/or place additional reasonable conditions on the license. (Ord. 15, Series of 2010)
306
307

308 **3-20-16: LIMITATION ON DELIVERY:**

309 (A) Each medical marijuana center shall be operated from a permanent location. No medical
310 marijuana center shall be permitted to deliver or operate from a movable, mobile or
311 transitory location. (Ord. 15, Series of 2010)
312

313 **3-20-17: PROHIBITED LOCATIONS; PERMANENT LOCATION REQUIRED:**
314

315 Prior to the issuance of a license for a medical marijuana center, the licensing authority shall
316 determine whether the proposed location of the medical marijuana center complies with the

317 requirements of this section. Failure to comply with the requirements of this section shall
318 preclude issuance of a license.

319 (A) No medical marijuana center shall be located at the following locations:

- 320 1. Within five hundred feet (500') of a licensed childcare facility;
- 321 2. Within one thousand feet (1,000') of any educational institution or school, college or
322 university, either public or private;
- 323 3. Within one thousand feet (1,000') of any public park, public pool or public or private
324 recreational facility;
- 325 4. Within one thousand feet (1,000') of any halfway house or correctional facility;
- 326 5. Within one thousand feet (1,000') of any other medical marijuana center;
- 327 6. Within any building or structure that contains a residential unit.

328 (B) The distances described in subsection (A) of this section shall be computed by direct
329 measurement from the nearest property line of the land used for the above purposes the nearest
330 portion of the building housing the medical marijuana center, using a straight line. THIS
331 MEASUREMENT INCLUDES LOCATIONS OUTSIDE OF CITY LIMITS.

332 (C) The suitability of a location for a medical marijuana center shall be determined at the time
333 of the issuance of the first license for such center. The fact that changes in the neighborhood
334 occur after the issuance of the first license might render the site unsuitable for a medical
335 marijuana center under this section shall not be grounds to suspend, revoke or refuse to renew
336 the license for such center so long as the license for the center remains in effect.

337 (D) It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise
338 provide medical marijuana as a home occupation. (Ord. 15, Series of 2010)

339 (E) THE THREE EXISTING MEDICAL MARIJUANA CENTERS LICENSED IN THE CITY
340 AT THEIR CURRENT LOCATIONS AS OF THE ADOPTION OF THIS SUBSECTION ARE
341 DEEMED TO BE CONFORMING IN USE AND LOCATION.

342

343 **3-20-18: HOURS OF OPERATION:**

344

345 A medical marijuana center may open no earlier than nine o'clock (9:00) A.M. and shall close no
346 later than seven o'clock (7:00) P.M. the same day. A medical marijuana center may be open
347 seven (7) days a week. (Ord. 15, Series of 2010)

348

349 **3-20-19: SIGNAGE:**

350

351 All signage for a medical marijuana center shall comply with the requirements of this code. (Ord.
352 7, Series of 2016)

353

354 **3-20-20: ON SITE CONSUMPTION:**

355

356 The consumption, inhalation or other use of marijuana on or within the premises of a medical
357 marijuana center is prohibited. (Ord. 15, Series of 2010)

358

359 **3-20-21: ON SITE CULTIVATION:**

360

361 The growing, cultivation or processing of marijuana on the premises of a medical marijuana
362 center is limited to twenty percent (20%) of the floor space. (Ord. 15, Series of 2010)

363

364 **3-20-22: PARAPHERNALIA:**

365

366 Paraphernalia as defined in section [6-4-1](#) of this code may lawfully be sold at a medical
367 marijuana center. Such items may not be publicly displayed and may be sold, displayed and
368 provided only to patients or primary caregivers of patients who have designated the licensee as
369 the primary caregiver. (Ord. 15, Series of 2010)

370

371 **3-20-23: AGE RESTRICTIONS:**

372

373 No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana
374 center. The entrance to a center shall be clearly and legibly posted with notice indicating that
375 persons under the age of eighteen (18) are precluded from entering the premises. (Ord. 15, Series
376 of 2010)

377

378 **3-20-24: LEDGER REQUIRED:**

379

380 A licensee shall keep a ledger, for three (3) years from the creation of the record, which shall
381 record the following information, and which shall be made available to the city upon demand:

382 (A) The quantities of medical marijuana dispensed in each transaction;

383 (B) The type of medical marijuana dispensed;

384 (C) The total amount paid by the patient or primary caregiver for the transaction for each of
385 the goods and services provided, before relevant taxes;

386 (D) The patient identifying information permitted by law;

387 (E) Confirmation that the employee confirmed the identity of the patient or primary caregiver
388 receiving the medical marijuana with a valid state issued identification;

389 (F) The date and time dispensed. (Ord. 15, Series of 2010)

390

391

392 **3-20-25: PACKAGING AND LIMITATIONS ON QUANTITY DISPENSED:**

393

394 A medical marijuana center may not dispense more than two (2) ounces of a usable form of
395 medical marijuana and six (6) marijuana plants, three (3) or fewer of which may be mature
396 flowering plants per patient, per day. All marijuana sold or otherwise distributed shall be in a
397 sealed container. Such packaging shall have a label that indicates the quantity and advises the
398 purchaser that the marijuana is intended for use solely by the patient, and that any resale or
399 redistribution to any third person is a criminal violation. (Ord. 15, Series of 2010)

400

401 **3-20-26: SECURITY REQUIREMENTS:**

402

403 A licensee shall provide adequate security on the premises of a medical marijuana center
404 including, but not limited to, the following:

405 (A) Surveillance: Security surveillance cameras installed to monitor each entrance to the
406 center along with the interior and exterior of the premises to discourage and to facilitate the
407 reporting and investigation of criminal acts and nuisance activities occurring at the premises.
408 Security video shall be preserved for at least ninety (90) days by the licensee, and be made
409 available to law enforcement officers upon demand.

410 (B) Inventory: All salable inventory of marijuana must be kept and stored in a secured, locked
411 manner.

412 (C) Safe: A locking safe or secure vault permanently affixed or built into the premises to store
413 any currency on site.

414 (D) Lighting: Exterior lighting that illuminates the exterior walls of the business.

415 (E) Alarm System: Professionally monitored robbery alarm and burglary alarm systems shall
416 be installed and maintained in good working condition within the center at all times.

417 (F) Emergency Contact: A licensee shall provide the chief of police with the name, cellphone
418 number, and facsimile number of an on site community relations staff person to whom the city
419 may provide notice of any operating problems associated with the center.

420 (G) Access: Only a qualified patient or primary caregiver shall be permitted in the designated
421 dispensing area along with center personnel. (Ord. 15, Series of 2010)

422

423 **3-20-27: OPERATING PLANS:**

424

425 In connection with the license application, the applicant shall provide a detailed operations plan
426 and, upon issuance of a license, shall operate the center in accordance with the plan. Such plan
427 shall include:

428 (A) Floor Plan: A plan showing the layout of the center and the principal uses of the floor
429 area depicted. A center shall have a lobby waiting area at the entrance to the center to receive
430 clients, and a separate and secure designated area for dispensing medical cannabis to qualified
431 patients or designated primary caregivers. The primary entrance of any stand alone facility shall
432 be located and maintained clear of barriers, landscaping and similar obstructions so that it is
433 clearly visible from public streets, sidewalks or site driveways.

434 (B) Storage: A center shall provide a storage plan in compliance with subsection [3-20-26\(B\)](#)
435 of this chapter.

436 (C) Security Plans: A center shall provide a security plan in compliance with section [3-20-26](#)
437 of this chapter.

438 (D) Lighting Plan: A center shall provide a lighting plan in accordance with this code. Such
439 plan shall also include any illumination for the purposes of cultivation and any mitigation
440 controls to lessen adverse impacts to the surrounding properties.

441 (E) Odor Controls: A center shall provide a plan for the mitigation and control of odors and
442 other environmental impacts which may emanate from the center. Such plan shall describe the
443 ventilation system for the premises.

444 (F) Product And Service Description: A description of the products and services to be
445 provided by the center. (Ord. 15, Series of 2010)

446

447 **3-20-28: SALES TAX LICENSE REQUIRED:**

448

449 At all times while a license is in effect the licensee shall possess a valid sales tax license issued
450 under this code. (Ord. 15, Series of 2010)

451

452 **3-20-29: TAXES:**

453

454 Each licensee shall pay sales tax on all medical marijuana, paraphernalia and other tangible
455 personal property sold by the licensee at the medical marijuana center. (Ord. 15, Series of 2010)

456

457 **3-20-30: NO WAIVER OF GOVERNMENTAL IMMUNITY:**

458

459 In adopting this chapter the city council is relying on and does not waive or intend to waive any
460 provision of this chapter, the monetary limitations or any other rights, immunities and
461 protections provided by the Colorado governmental immunity act, section 24-10-101 et seq.,
462 Colorado Revised Statutes, as from time to time amended, or any other limitation, right,
463 immunity, or protection otherwise available to the city, its officers or its employees. (Ord. 15,
464 Series of 2010)

465

466 **3-20-31: NO CITY LIABILITY:**

467

468 By accepting a license issued pursuant to this chapter, a licensee releases the city, its officers,
469 elected officials, employees, attorneys and agents from any liability for injuries, damages or
470 liabilities of any kind that result from any arrest or prosecution of center owners, operators,
471 employees, clients or customers for a violation of city, state or federal laws, rules or regulations.
472 The city manager may require a licensee to execute a written instrument confirming the
473 provisions of this chapter. (Ord. 15, Series of 2010)

474

475 **3-20-32: INDEMNIFICATION OF CITY:**

476

477 By accepting a license issued pursuant to this chapter a licensee, jointly and severally, if more
478 than one, agrees to indemnify and defend the city, its officers, elected officials, employees,
479 attorneys, agents, insurers, and self-insurance pool against all liability, claims and demands, on
480 account of injury, loss or damage, including, without limitation, claims arising from bodily
481 injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any
482 kind whatsoever, which arise out of or are in any manner connected with the operation of the
483 medical marijuana center that is the subject of the license. The licensee further agrees to
484 investigate, handle, respond to, and to provide defense for and defend against, any such liability,
485 claims, or demands at its expense, and to bear all other costs and expenses related thereto,
486 including court costs and attorney fees. The city manager may require a licensee to execute a
487 written instrument confirming the provisions of this chapter. (Ord. 15, Series of 2010)

488

489 **3-20-33: OTHER LAWS REMAIN APPLICABLE:**

490

491 The provisions of this chapter do not protect licensees, operators, employees, customers and
492 clients of a permitted medical marijuana center from prosecution pursuant to any laws that may
493 prohibit cultivation, sales, use or possession of controlled substances. In addition, as of the date

494 of the adoption of this chapter the cultivation, sale, possession, distribution and use of marijuana
495 remain violations of federal and state law (except for conduct covered by amendment 20), and
496 this chapter affords no protection against prosecution under such federal and state laws.
497 Licensees, operators, employees, customers and clients of a permitted medical marijuana center
498 assume any and all risk and any and all liability arising or resulting from the operation of the
499 center under any city, state or federal law. Further, to the greatest extent permitted by law, any
500 actions taken under the provisions of this chapter by any public officer or officers, elected or
501 appointed officials, employees, attorneys and agents of the city shall not become a personal
502 liability of such person of the city. (Ord. 15, Series of 2010)
503

504 **3-20-34: PROHIBITED FACILITIES:**

505
506 Optional premises cultivation operations, outdoor cultivation and medical marijuana infused
507 products manufacturing are prohibited uses in any zone district in the city. (Ord. 15, Series of
508 2010)

509 **3-20-35: LIMITATION ON NUMBER AND SIZE:**

510
511 There shall be no more than four (4) centers licensed in the city. Centers shall be limited to a
512 floor plan of two thousand (2,000) square feet.
513 Any licensee previously licensed as a medical marijuana dispensary shall be exempt from the
514 distance limitations in subsection [3-20-17\(A\)](#) of this chapter. Medical marijuana dispensary
515 licenses issued prior to June 30, 2010, shall be reissued as medical marijuana center licenses
516 upon a finding by the licensing authority of compliance with all the requirements of this section.
517 Such finding of approval or denial shall be made within sixty (60) days of the effective date
518 hereof. (Ord. 15, Series of 2010)
519

520
521 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
522 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
523 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
524 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
525 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
526 phrases may be declared invalid.
527

528 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
529 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
530 clauses of such ordinance nor revive any ordinance thereby.
531

532
533 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

534 of the City of Littleton on the 17th day of November, 2020, passed on first reading by a vote of 7
535 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the

536 Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 1st day of December, 2020, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the 1st day of December, 2020 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen L. Norton
CITY CLERK

Jerry Valdes
MAYOR

APPROVED AS TO FORM:

Reid Betzing
CITY ATTORNEY



¹ Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.