

1
2 **CITY OF LITTLETON, COLORADO**

3
4 **ORDINANCE NO. 21**

5
6 **Series, 2024**

7
8 **AN ORDINANCE OF THE CITY OF LITTLETON,**
9 **COLORADO, SUBMITTING TO THE REGISTERED**
10 **ELECTORS OF THE CITY OF LITTLETON, COLORADO A**
11 **BALLOT ISSUE REGARDING A PROPOSED ADDITIONAL**
12 **INCREASE OF A 4 PERCENT TAX ON THE RETAIL SALE**
13 **OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS**
14

15 **WHEREAS**, the City of Littleton is a home rule municipality that has been vested
16 with certain powers pursuant to Article XX, Section 6 of the Colorado Constitution; and
17

18 **WHEREAS**, Section 47 of the Littleton City Charter authorizes the City Council
19 to submit any proposed or adopted ordinances or question to the electors of the City without receipt
20 of a petition; and
21

22 **WHEREAS**, Article XVIII Section 16 of the Colorado Constitution created
23 provisions for the sale of marijuana, and among other things, authorizing the taxation of retail sales
24 of marijuana and marijuana products by the State of Colorado and by local government upon
25 approval of the registered electors; and
26

27 **WHEREAS**, Section 20 of Article X of the Colorado Constitution (TABOR)
28 requires voter approval of any tax increase or change in tax policy; and
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30 **WHEREAS**, City Council wishes to refer a ballot issue to the registered electors
31 of the City asking whether taxes should be raised by a rate of an additional 4% on the purchase
32 price paid or charged for retail marijuana and retail marijuana products as those terms are defined
33 in state law and in the City Code which is in addition to the sales tax and other state tax imposed
34 on sales of retail marijuana and retail marijuana products should be imposed; and
35

36 **WHEREAS**, it is anticipated that the tax would generate approximately \$538,000
37 in its first year; and
38

39 **WHEREAS**, City Council wishes to direct those revenues for the exclusive use of
40 public safety through services such as, but not limited to, mental health crisis response,
41 homelessness prevention, and other proactive safety programs in downtown Littleton and other
42 areas of similar need.
43

44 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
45 **THE CITY OF LITTLETON, COLORADO, THAT:**
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47 **Section 1:** The City Clerk is hereby authorized to submit the following question to
48 the registered voters of the City of Littleton at the November 5, 2024 election:
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SHALL THE CITY OF LITTLETON TAXES BE INCREASED \$646,000 ANNUALLY BEGINNING JANUARY 1, 2025, AND BY WHATEVER AMOUNTS ARE RAISED THEREAFTER THROUGH THE ADOPTION OF AN ADDITIONAL FOUR PERCENT (4%) TAX ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITH SUCH REVENUES SOLELY BEING USED TO SUPPORT PUBLIC SAFETY AND HOMELESSNESS PREVENTION THROUGH SERVICES SUCH AS, BUT NOT LIMITED TO, MENTAL HEALTH CRISIS RESPONSE AND OTHER PROACTIVE SAFETY PROGRAMS IN DOWNTOWN LITTLETON AND OTHER AREAS OF SIMILAR NEED AND SHALL ALL REVENUES FROM SUCH TAXES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

___ YES

___ NO.

Section 2: Subject to voter approval of the ballot issue set forth in Section 1. Littleton City Code Title 3: Business Regulations, Chapter 22 Special Retail Marijuana Sales Tax, subsection 2 will be amended to read as follows:

“3-22-2: IMPOSITION OF TAX:

In addition to the sales tax imposed by chapter 9 of this title, beginning January 1, 2024 there is imposed upon all sales of retail marijuana and retail marijuana products to a consumer by a retail marijuana store a tax at the rate of seven percent (7.00%) of the amount of the sale.

Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 4: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 6th day of August, 2024, passed on first reading by a vote of 7

94 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
95 the Municipal Courthouse and on the City of Littleton Website.

96 PUBLIC HEARING on the Ordinance to take place on the 20th day of
97 August, 2024, in the Council Chamber, Littleton Center, 2255 West Berry Avenue,
98 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

99 PASSED on second and final reading, following public hearing, by a vote of
100 FOR and _____ AGAINST on the 20th day of August, 2024 and ordered published by
101 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of
102 Littleton Website.

103

104 ATTEST:

105

106

107 _____
Colleen L. Norton, City Clerk

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111 APPROVED AS TO FORM:

112

113

114 _____
Reid Betzing, City Attorney

Kyle Schlachter, Mayor

