

**Date:** September 19, 2013

**Subject:** An ordinance of the City of Littleton, Colorado, extending the moratorium on marijuana clubs and prohibiting retail marijuana establishments

**Passed/Failed:** Passed on first reading

**CITY OF LITTLETON, COLORADO**

**ORDINANCE NO. 25**

**Series, 2013**

**INTRODUCED BY COUNCILMEMBERS:** Cernanec & Beckman

**AN ORDINANCE OF THE CITY OF LITTLETON,  
COLORADO, EXTENDING THE MORATORIUM ON  
MARIJUANA CLUBS AND PROHIBITING RETAIL  
MARIJUANA ESTABLISHMENTS**

**WHEREAS**, Colorado voters approved an amendment to the Colorado Constitution, Article XVIII, Section 16, which allows in part for the retail sale and cultivation of marijuana in the State of Colorado; and

**WHEREAS**, Article XVIII, Section 16 of the Colorado Constitution authorizes local governments to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance; and

**WHEREAS**, the City Council, pursuant to Ordinance No. 2013-6, did impose a moratorium on the submission, acceptance, processing and approval of applications and the licensing, permitting, establishment or operation of retail marijuana establishments and marijuana clubs for the purpose of studying the effects of such establishments and clubs; and

**WHEREAS**, the City Council has determined that more time is necessary to study the effects of the marijuana clubs and that the moratorium, with respect to marijuana clubs only, should be extended to October 1, 2014 to allow further study; and

**WHEREAS**, the City Council has carefully considered the provisions of Article XVIII, Section 16, of the Colorado Constitution, and the impact of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores on the health, safety and welfare of the City and the inhabitants thereof, and has determined that such marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores should be prohibited in the City.

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

**Section 1:** The moratorium imposed by Council pursuant to Ordinance No. 2013-6 is hereby extended to October 1, 2014, with respect to marijuana clubs only, unless earlier repealed.

**Section 2:** Title 3 of the City Code shall be amended with the addition of the following:

Chapter 21. "RETAIL MARIJUANA ESTABLISHMENTS"

3-21-1: Definitions

3-21-2: Retail Marijuana Establishments Prohibited

3-21-3: Point of Contact for State Licensing Authority

3-21-4: Special Retail Marijuana Sales Tax

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

CITY: The City of Littleton, Colorado.

MARIJUANA: Shall have the same definition as "cannabis" as set forth in section 6-4-1 of this Code.

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

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

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

RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY: An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

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

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

3-21-2: RETAIL MARIJUANA ESTABLISHMENTS PROHIBITED.

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, and retail marijuana store within the City, and all such uses are hereby prohibited in any location within the City, or within any area hereinafter annexed to the City.

3-21-3: POINT OF CONTACT FOR STATE LICENSING AUTHORITY.

The city clerk is authorized to receive and deny applications for retail marijuana establishments in the City and to notify the State Licensing Authority of such denial, based upon the prohibition of retail marijuana establishments in the City as provided for in this chapter. The city clerk shall be the primary point of contact for the State Licensing Authority on matters related to retail marijuana establishments.

3-21-4: SPECIAL RETAIL MARIJUANA SALES TAX.

Provided chapter 22 of this title 3 takes effect, and notwithstanding any provision therein to the contrary, no sales tax provided therein shall be assessed or collected so long as retail marijuana establishments are prohibited in the City.

**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 17th day of September, 2013, passed on first reading by a vote of 6 FOR and 1 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 1st day of October, 2013, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

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PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_ FOR  
and \_\_\_\_AGAINST on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published by posting at  
Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

/s/Wendy Heffner  
CITY CLERK

/s/Debbie Brinkman  
PRESIDENT OF CITY COUNCIL

/s/Kristin Schledorn  
APPROVED AS TO FORM:  
DEPUTY CITY ATTORNEY