



Legal Notice

Date: 12/07/2020

Subject: An ordinance of the City of Littleton, Colorado amending Chapter 21 of Title 3 of the city code regulating the sale of retail/recreational marijuana and prohibiting option premises cultivation operations and manufacturing operations

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE 48
SERIES 2020**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 48

Series, 2020

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING CHAPTER 21, OF TITLE 3, OF THE CITY CODE REGULATING THE SALE OF RETAIL/ RECREATIONAL, MARIJUANA AND PROHIBITING OPTIONAL PREMISES CULTIVATION OPERATIONS AND MANUFACTURING OPERATIONS

WHEREAS, on November 3, 2020, the registered electors of the City of Littleton voted to pass an initiated ballot question permitting those already licensed in the city as a medical marijuana dispensary to begin selling retail marijuana on and after January 1, 2021; and

WHEREAS, Amendment 64, codified in Section 16 of Article XVIII of the Colorado Constitution, permits adults over the age of twenty-one (21) to use, possess, and cultivate limited amounts of marijuana pursuant to the restrictions therein and permits the state and local governments to license and regulate retail marijuana establishments to grow, sell, produce, and test marijuana and marijuana products for consumers; and

WHEREAS, the Colorado General Assembly enacted the Colorado Retail Marijuana Code, codified in Article 10 of Title 44, C.R.S., as subsequently amended, to further license and regulate retail marijuana establishments; and

WHEREAS, Amendment 64 and the Colorado Retail Marijuana Code, as amended, allow local governments to regulate the time, place, manner, and number of retail marijuana establishments in their community; and

WHEREAS, the city has a valid interest in regulating licensing, zoning, and other impacts regarding the retail/recreational sale of marijuana in a manner consistent with the health, safety, and welfare of its citizens.

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

Section 1: Littleton City Code Chapter 3, Section 21 is hereby amended as follows:

3-21-1: DEFINITIONS:

As used in this chapter, the following words shall have the following meanings, unless the context clearly requires otherwise:

APPLICANT: A CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY

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48 COMPANY, PERSON OR PERSON(S) OVER TWENTY-ONE (21) YEARS OF AGE WHO
49 HAS SUBMITTED AN APPLICATION FOR A LICENSE PURSUANT TO THIS CHAPTER.

50

51 CITY: The City of Littleton, Colorado.

52

53 COLORADO MARIJUANA CODE: ARTICLE 10 OF TITLE 44, C.R.S., AND ANY RULES
54 OR REGULATIONS PROMULGATED THEREUNDER.

55

56 FEES: FEES THAT MUST BE PAID BY A LICENSEE FOR THE COSTS OF
57 ADMINISTERING AND ENFORCING THIS CHAPTER.

58

59 LICENSE: A LICENSE TO OPERATE A RETAIL MARIJUANA STORE ISSUED BY THE
60 CITY PURSUANT TO THIS CHAPTER.

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62 LICENSED PREMISES: THE PREMISES SPECIFIED IN AN APPLICATION FOR A
63 LICENSE PURSUANT TO THIS CHAPTER AND THE COLORADO MARIJUANA CODE
64 WHICH IS OWNED OR IN LEGAL POSSESSION OF LICENSEE AND WITHIN WHICH
65 THE LICENSEE IS AUTHORIZED TO SELL MARIJUANA IN ACCORDANCE WITH
66 PROVISIONS OF THIS CHAPTER, THE COLORADO MARIJUANA CODE, AND
67 AMENDMENT 64.

68

69 LICENSEE: A PERSON TO WHOM A LICENSE HAS BEEN ISSUED PURSUANT TO THIS
70 CHAPTER.

71

72 LOCAL LICENSING AUTHORITY OR AUTHORITY: THE CITY COUNCIL APPOINTED
73 BOARD DEFINED IN TITLE 2, CHAPTER 10 OF THIS CODE.

74

75 LOCATION: A PARTICULAR PARCEL OF LAND THAT IS IDENTIFIED BY THE CITY AS
76 A ZONE LOT AND INCLUSIVE OF ALL STRUCTURES THEREON. TO THE EXTENT
77 THAT A LOCATION CONSISTS OF SEPARATE STREET ADDRESSES, UNITS, SUITES,
78 ROOMS, OR OTHER SIMILAR DESCRIPTOR, THE LOCATION SHALL NEVERTHELESS
79 BE COUNTED AS ONE (1) LOCATION FOR THE PURPOSES OF THIS CHAPTER AND
80 TITLE 3, CHAPTER 20 OF THIS CODE.

81

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

84

85 MARIJUANA ACCESSORIES: SHALL HAVE THE MEANING ASSIGNED TO IT IN THE
86 COLORADO MARIJUANA CODE.

87

88 MEDICAL MARIJUANA CENTER: SHALL HAVE THE SAME DEFINITION AS SET
89 FORTH IN TITLE 3, CHAPTER 20 OF THIS CODE AND SHALL INCLUDE THE THREE (3)
90 EXISTING MEDICAL MARIJUANA CENTERS LICENSED AND AUTHORIZED
91 PURSUANT TO CHAPTER 20 AND THIS CHAPTER. AS THE CONTEXT REQUIRES, THE
92 TERM MEDICAL MARIJUANA CENTER SHALL ALSO MEAN A MEDICAL MARIJUANA

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93 STORE AS DEFINED IN THE COLORADO MARIJUANA CODE.

94

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

98

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

102

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

107

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

111

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

114

115 STATE LICENSING AUTHORITY: The executive director of the department of revenue or the
116 deputy director of the department of revenue as set forth in Colorado Revised Statutes ~~12-43.4-~~
117 ~~201.~~ 44-10-201.

118

119 ~~**3-21-2: RETAIL MARIJUANA ESTABLISHMENTS PROHIBITED:**~~

120 ~~It is unlawful for any person to operate, cause to be operated, or permit to be operated, any
121 marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing
122 facility, and retail marijuana store within the city, and all such uses are hereby prohibited in any
123 location within the city, or within any area hereinafter annexed to the city. (Ord. 13, Series of
124 2014)~~

125

126 **3-21-2: LICENSE REQUIRED:**

127

128 THE THREE EXISTING MEDICAL MARIJUANA CENTER LICENSEES AS OF
129 NOVEMBER 3, 2020, MAY APPLY FOR A RETAIL MARIJUANA STORE LICENSE. THE
130 CURRENT LOCATIONS OF ALL THREE EXISTING MEDICAL MARIJUANA CENTERS
131 SHALL BE DEEMED TO BE IN CONFORMANCE WITH ALL BUFFERING
132 REQUIREMENTS AS CURRENTLY SET FORTH IN THIS CHAPTER.

133

134 (A) NO PERSON SHALL SELL OR OTHERWISE DISTRIBUTE FOR REMUNERATION
135 ANY MARIJUANA OR MARIJUANA PRODUCTS FOR NON-MEDICAL USE IN
136 THE CITY WITHOUT A VALID LICENSE ISSUED IN ACCORDANCE WITH THIS
137 CHAPTER AND THE COLORADO MARIJUANA CODE. MEDICAL MARIJUANA

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138 CENTER LICENSING REQUIREMENTS ARE FOUND IN CHAPTER 20 OF THIS
139 TITLE.

140
141 (B) SUBSECTION 3-21-2(A) SHALL NOT APPLY TO AN INDIVIDUAL TWENTY-ONE
142 (21) YEARS OF AGE OR OLDER ACTING LAWFULLY IN CONFORMANCE WITH
143 AMENDMENT 64.

144
145 (C) ANY REQUIREMENTS SET FORTH IN THIS CHAPTER SHALL BE IN ADDITION
146 TO, AND NOT IN LIEU OF, ANY OTHER REQUIREMENTS IMPOSED BY ANY
147 STATE OR LOCAL LAW.
148

149 **~~3-21-3: POINT OF CONTACT FOR STATE LICENSING AUTHORITY:~~**

150 ~~The city clerk is authorized to receive and deny applications for retail marijuana establishments~~
151 ~~in the city and to notify the state licensing authority of such denial, based upon the prohibition of~~
152 ~~retail marijuana establishments in the city as provided for in this chapter. The city clerk shall be~~
153 ~~the primary point of contact for the state licensing authority on matters related to retail marijuana~~
154 ~~establishments. (ord. 13, series of 2014)~~

155
156 **3-21-3: APPLICATION FOR LICENSE:**

157
158 (A) AN EXISTING MEDICAL MARIJUANA CENTER LICENSEE, LICENSED AS OF
159 THE ADOPTION OF THIS SECTION, THAT APPLIES FOR A RETAIL
160 MARIJUANA STORE LICENSE AT ITS EXISTING LOCATION SHALL NOT BE
161 SUBJECT TO A PUBLIC HEARING.
162

163 (B) AN APPLICATION FOR A LICENSE UNDER THIS CHAPTER SHALL CONTAIN
164 ALL OF THE INFORMATION REQUIRED IN SECTION 3-20-3 AS WELL AS:

- 165 1. IF THE OWNER IS A PARTNERSHIP, ASSOCIATION OR LIMITED LIABILITY
- 166 COMPANY, THE NAMES, SOCIAL SECURITY NUMBERS, AND ADDRESSES
- 167 OF EACH PARTNER, MEMBER OR PERSON HOLDING SUCH FINANCIAL
- 168 INTEREST IN THE PARTNERSHIP, ASSOCIATION OR LIMITED LIABILITY
- 169 COMPANY AS REQUIRED PURSUANT TO THE COLORADO MARIJUANA
- 170 CODE AND THE RULES AND REGULATIONS PROMULGATED THERETO
- 171 BY THE STATE LICENSING AUTHORITY;
- 172
- 173 2. IF THE OWNER IS A CORPORATION, THE NAMES, SOCIAL SECURITY
- 174 NUMBERS, AND ADDRESSES OF EACH OFFICER OR DIRECTOR OF THE
- 175 CORPORATION, AND EACH PERSON HOLDING SUCH FINANCIAL
- 176 INTEREST IN THE CORPORATION AS REQUIRED PURSUANT TO THE
- 177 COLORADO MARIJUANA CODE AND THE RULES AND REGULATIONS
- 178 PROMULGATED THERETO BY THE STATE LICENSING AUTHORITY; AND
- 179 3. THE STATE AND CITY SALES TAX NUMBERS FOR THE RETAIL
- 180 MARIJUANA STORE.
- 181

182 (C) TO THE EXTENT ANY ADDITIONAL APPLICATION MATERIALS HAVE BEEN

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183 INCLUDED WITH THE APPLICANT’S STATE LICENSE APPLICATION AND
184 FORWARDED TO THE CITY BY THE STATE LICENSING AUTHORITY, THE
185 CITY MAY RELY UPON THE INFORMATION FORWARDED FROM THE STATE
186 WITHOUT REQUIRING RESUBMITTAL OF THE SAME MATERIALS IN
187 CONJUNCTION WITH THE LOCAL LICENSE APPLICATION.
188

189 **3-21-4: INVESTIGATION OF APPLICATION:**

190
191 (A) UPON RECEIPT OF A PROPERLY COMPLETED APPLICATION, TOGETHER
192 WITH ALL INFORMATION REQUIRED IN CONNECTION THEREWITH, THE
193 CITY CLERK SHALL TRANSMIT COPIES OF THE APPLICATION TO:

- 194
195 1. THE POLICE DEPARTMENT;
196
197 2. THE DEPARTMENT OF COMMUNITY DEVELOPMENT; AND
198
199 3. ANY OTHER PERSON OR AGENCY WHICH THE AUTHORITY
200 DETERMINES SHOULD PROPERLY INVESTIGATE AND COMMENT UPON THE
201 APPLICATION.
202

203 (B) THE CITY AND ITS DEPARTMENTS AND AGENCIES MAY INCORPORATE ANY
204 FINDINGS AS TO GOOD MORAL CHARACTER OF THE APPLICANT
205 PREVIOUSLY MADE BY THE STATE LICENSING AUTHORITY, AND SHALL
206 NOT BE REQUIRED TO PERFORM A CRIMINAL BACKGROUND CHECK IF THE
207 STATE LICENSING AUTHORITY HAS ALREADY PERFORMED A CRIMINAL
208 BACKGROUND CHECK ON THE APPLICANT IN CONNECTION WITH THE
209 RETAIL MARIJUANA STORE APPLICATION AND/OR OTHER EXISTING
210 LICENSES HELD BY THE APPLICANT IN GOOD STANDING WITH THE STATE
211 LICENSING AUTHORITY.
212

213 (C) AS SOON AS PRACTICABLE, THOSE CITY DEPARTMENTS AND OTHER
214 REFERRAL AGENCIES DESCRIBED IN SUBSECTION (A) OF THIS SECTION
215 SHALL PROVIDE THE CITY CLERK WITH COMMENTS CONCERNING THE
216 APPLICATION.
217

218 **3-21-5: STANDARDS FOR ISSUANCE OF LICENSE:**

219
220 (A) THE AUTHORITY SHALL ISSUE A LICENSE UNDER THIS CHAPTER WHEN,
221 AFTER THOROUGH CONSIDERATION OF THE APPLICATION AND ANY
222 COMMENTS FROM CITY DEPARTMENTS OR REFERRAL AGENCIES, AND
223 FROM REVIEW OF SUCH OTHER INFORMATION AS REQUIRED BY THIS
224 CHAPTER OR THE COLORADO MARIJUANA CODE, THE AUTHORITY
225 DETERMINES THAT THE APPLICANT COMPLIES WITH ALL OF THE
226 REQUIREMENTS OF THIS CHAPTER AND THE COLORADO MARIJUANA CODE,
227 INCLUDING THE FOLLOWING:

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1. THE APPLICATION, INCLUDING ANY REQUIRED ATTACHMENTS AND SUBMISSIONS, IS COMPLETE AND SIGNED BY THE APPLICANT;
2. THE APPLICANT HAS PAID THE OPERATING FEE AS REQUIRED BY THIS CHAPTER;
3. THE APPLICATION DOES NOT CONTAIN A MATERIAL FALSEHOOD OR MISREPRESENTATION; AND
4. THE APPLICANT MEETS OR OTHERWISE WILL MEET ALL THE REQUIREMENTS OF THIS CHAPTER.

- (B) IN ITS REVIEW OF THE APPLICATION, THE AUTHORITY MAY INCORPORATE ANY FINDINGS AS TO THE APPLICANT’S GOOD MORAL CHARACTER PREVIOUSLY MADE BY THE STATE LICENSING AUTHORITY IN CONNECTION WITH THE RETAIL MARIJUANA STORE APPLICATION AND/OR OTHER EXISTING LICENSES HELD BY THE APPLICANT IN GOOD STANDING WITH THE STATE LICENSING AUTHORITY.
- (C) THE AUTHORITY SHALL APPROVE OR DENY A LICENSE APPLICATION NO LATER THAN NINETY (90) DAYS AFTER A COMPLETE APPLICATION IS RECEIVED BY THE CITY CLERK. THE CITY CLERK SHALL PROMPTLY FORWARD NOTICE OF THE AUTHORITY’S DECISION TO THE STATE LICENSING AUTHORITY.
- (D) IF THE APPLICANT’S BACKGROUND INVESTIGATION IS NOT COMPLETED, WHETHER BY THE STATE LICENSING AUTHORITY OR THE CITY, BY THE TIME THE AUTHORITY MUST APPROVE OR DENY THE LICENSE AS PROVIDED IN SUBSECTION (C), THE AUTHORITY MAY ISSUE A LICENSE CONDITIONED ON SUCH FURTHER REVIEW.

3-21-6: DENIAL OF LICENSE:

- (A) THE LICENSING AUTHORITY SHALL DENY AN APPLICATION FOR A LICENSE UNDER THIS CHAPTER, IF THE AUTHORITY DETERMINES THAT THE APPLICANT HAS FAILED TO MEET ITS BURDEN, BECAUSE:
1. INFORMATION CONTAINED IN THE APPLICATION OR SUPPLEMENTAL INFORMATION REQUESTED FROM THE APPLICANT IS FOUND TO BE FALSE IN ANY MATERIAL RESPECT; OR
 2. THE APPLICATION FAILS TO MEET ANY OF THE STANDARDS OR REQUIREMENTS SET FORTH IN THE COLORADO MARIJUANA CODE OR THIS CHAPTER, INCLUDING A FINDING OF GOOD CAUSE.

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- (B) IF AN APPLICATION IS DENIED, THE AUTHORITY SHALL SET FORTH IN WRITING THE GROUNDS FOR DENIAL.
- (C) ANY APPLICANT WHOSE APPLICATION HAS BEEN DENIED SHALL BE ENTITLED TO A HEARING ON SUCH DENIAL BY SUBMITTING A WRITTEN APPEAL TO THE AUTHORITY. DURING THE PENDENCY OF SUCH APPEAL PROCESS AND UNTIL THE DENIED APPLICANT HAS EXHAUSTED ALL AVAILABLE REMEDIES, INCLUDING JUDICIAL REVIEW OR OTHER LEGAL PROCESS, THE AUTHORITY SHALL NOT ACCEPT ADDITIONAL APPLICATIONS FOR OR ISSUE ANY ADDITIONAL RETAIL MARIJUANA STORE LICENSES PURSUANT TO THIS CHAPTER.
- (D) UPON THE DENIAL OF A LICENSE, AND SUBJECT TO ANY FINAL ADJUDICATION BY THE AUTHORITY AFTER A HEARING PURSUANT TO SUBSECTION (C) AND/OR ANY JUDICIAL REVIEW OR OTHER LEGAL PROCEEDINGS, THE CITY CLERK SHALL NOTIFY THE STATE LICENSING AUTHORITY AND REFUND THE OPERATING FEE SUBMITTED BY THE LICENSEE AS PART OF ITS APPLICATION.

3-21-7: AUTHORITY TO IMPOSE CONDITIONS ON LICENSE:

THE AUTHORITY SHALL HAVE THE AUTHORITY TO IMPOSE SUCH REASONABLE TERMS AND CONDITIONS ON A LICENSE AS MAY BE NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO OBTAIN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND APPLICABLE LAW. IF AN APPLICATION IS CONDITIONALLY APPROVED, THE AUTHORITY SHALL SET FORTH IN WRITING THE CONDITIONS OF THE APPROVAL.

3-21-8: DECISION BY LICENSING AUTHORITY:

- (A) THE LICENSING AUTHORITY SHALL APPROVE, DENY OR CONDITIONALLY APPROVE AN APPLICATION WITHIN NINETY (90) DAYS OF RECEIPT BY THE CITY CLERK OF THE COMPLETED APPLICATION, UNLESS THE CITY OR APPLICANT IS GRANTED AN EXTENSION BY THE AUTHORITY. ANY FAILURE TO ACT ON THE APPLICATION WITHIN NINETY (90) DAYS SHALL RESULT IN THE CONDITIONAL APPROVAL OF THE LICENSE PENDING COMPLIANCE WITH THE TERMS OF THIS CHAPTER.
- (B) IF AN APPLICATION IS DENIED, THE LICENSING AUTHORITY SHALL SET FORTH IN WRITING THE GROUNDS FOR DENIAL.
- (C) IF AN APPLICATION IS CONDITIONALLY APPROVED, THE LICENSING AUTHORITY SHALL SET FORTH IN WRITING THE CONDITIONS OF THE APPROVAL.

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319 (D) UPON THE APPROVAL OR CONDITIONAL APPROVAL OF A LICENSE, THE
320 LICENSEE SHALL HAVE FIVE (5) DAYS TO REMIT THE FULL ANNUAL
321 LICENSE FEE TO THE CITY CLERK. SUCH FEE MUST BE PAID PRIOR TO THE
322 ISSUANCE OF THE LICENSE.

323

324

325 **3-21-9: CONTENTS OF LICENSE:**

326

327 (A) A LICENSE SHALL CONTAIN THE FOLLOWING INFORMATION:

- 328 1. THE NAME OF THE LICENSEE;
329 2. THE DATE OF THE ISSUANCE OF THE LICENSE;
330 3. THE ADDRESS AT WHICH THE LICENSEE IS AUTHORIZED TO OPERATE
331 THE RETAIL MARIJUANA STORE;
332 4. ANY SPECIAL CONDITIONS OF APPROVAL IMPOSED UPON THE
333 LICENSE; AND
334 5. THE DATE OF THE EXPIRATION OF THE LICENSE, WHICH SHALL
335 MATCH THE ANNUAL EXPIRATION DATE OF THE LICENSEE'S
336 CORRESPONDING STATE RETAIL MARIJUANA STORE LICENSE, AND
337 FOR WHICH THE FIRST YEAR OF CITY FEES FOR INITIAL LICENSE
338 ISSUANCE SHALL BE PRORATED THEREFOR.

339

340 (B) A LICENSE MUST BE SIGNED BY BOTH THE APPLICANT AND THE CHAIR OF
341 THE LICENSING AUTHORITY TO BE VALID.

342

343 **3-21-10: TRANSFER OF OWNERSHIP:**

344

345 (A) TRANSFER OF OWNERSHIP OF ANY LOCAL RETAIL MARIJUANA STORE
346 LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE GOVERNED BY
347 THE STANDARDS AND PROCEDURES SET FORTH IN THE COLORADO
348 MARIJUANA CODE AND ANY RULES AND REGULATIONS ADOPTED
349 PURSUANT THERETO, AND THE CITY CLERK SHALL ADMINISTER TRANSFER
350 OF SUCH LOCAL LICENSES CONSISTENT WITH 3-21-5 AND IN THE SAME
351 MANNER AS THE STATE LICENSING AUTHORITY ADMINISTERS TRANSFER
352 OF STATE LICENSES.

353

354 (B) ANY TRANSFER OF OWNERSHIP OF A LOCAL RETAIL MARIJUANA STORE
355 LICENSE SHALL NOT AFFECT ANY EXEMPTION THAT THE LOCATION OR
356 THE LICENSEE MAY ENJOY FROM THE DISTANCE RESTRICTIONS SET FORTH
357 IN THIS CHAPTER.

358

359 **3-21-11: NOTICE OF ISSUANCE OF LICENSE:**

360

361 UPON THE ISSUANCE OF A LICENSE, THE CITY CLERK SHALL NOTIFY THE STATE
362 LICENSING AUTHORITY AND SEND A COPY OF THE LICENSE TO THE CITY COUNCIL

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363 AND ANY DEPARTMENT DESIGNATED BY THE CITY MANAGER.

364

365 **3-21-12: DURATION OF LICENSE; RENEWAL:**

366

367 (A) ANY LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE VALID FOR
368 ONE (1) YEAR FROM THE DATE OF ISSUANCE, AND MAY BE RENEWED AS
369 PROVIDED IN THIS CHAPTER AND CHAPTER 2 OF THIS TITLE. ANY RENEWAL
370 OF THE LICENSE SHALL BE GOVERNED BY THE STANDARDS AND
371 PROCEDURES SET FORTH IN THE COLORADO MARIJUANA CODE AND THIS
372 TITLE. UPON THE INITIAL FIRST-YEAR ISSUANCE OF A RETAIL MARIJUANA
373 STORE LICENSE PURSUANT TO THIS CHAPTER, THE CITY LICENSE
374 EXPIRATION DATE SHALL BE SET TO THE SAME EXPIRATION DATE AS THE
375 CORRESPONDING STATE RETAIL MARIJUANA STORE LICENSE, AND THE
376 CITY CLERK SHALL PRORATE THE ANNUAL CITY FEES THEREFOR.

377

378 (B) THE APPLICANT SHALL, AT THE TIME OF AN APPLICATION TO RENEW A
379 LICENSE, NOT BE DELINQUENT ON ANY APPLICABLE CITY FEES OR TAXES.

380

381 (C) ALL RENEWAL APPLICATIONS MUST BE ACCOMPANIED BY THE OPERATING
382 FEE IN EFFECT AT THE TIME THE LICENSEE FILES ITS APPLICATION FOR
383 RENEWAL.

384

385 (D) THE AUTHORITY MAY REFUSE TO RENEW A LICENSE FOR GOOD CAUSE. FOR
386 PURPOSES OF THIS SECTION, THE BURDEN SHALL BE UPON THE CITY BY A
387 PREPONDERANCE OF THE EVIDENCE TO SHOW GOOD CAUSE EXISTS TO
388 DENY THE RENEWAL APPLICATION.

389

390 (E) FAILURE OF THE LICENSEE TO RENEW AND KEEP ITS STATE LICENSE
391 CURRENT AND VALID SHALL BE GROUNDS FOR REVOCATION OF ANY
392 LICENSE ISSUED PURSUANT TO THIS CHAPTER.

393

394 **3-21-13: DUTIES OF LICENSEE:**

395

396 IT IS THE DUTY AND OBLIGATION OF EACH LICENSEE TO DO EACH OF THE
397 FOLLOWING:

398

399 (A) COMPLY WITH ALL THE TERMS AND CONDITIONS OF THE LICENSE, AND
400 ANY SPECIAL CONDITIONS ON THE LICENSE.

401

402 (B) COMPLY WITH ALL OF THE REQUIREMENTS OF THIS CHAPTER.

403

404 (C) COMPLY WITH ALL OTHER APPLICABLE CITY ORDINANCES.

405

406 (D) COMPLY WITH ALL STATE LAWS AND ADMINISTRATIVE REGULATIONS
407 PERTAINING TO MARIJUANA.

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- 408
409 (E) COMPLY WITH ALL APPLICABLE FEDERAL LAWS, RULES OR REGULATIONS,
410 OTHER THAN A FEDERAL LAW, RULE OR REGULATION CONCERNING THE
411 POSSESSION, SALE OR DISTRIBUTION OF MARIJUANA THAT CONFLICTS
412 WITH AMENDMENT 64.
413
414 (F) TAKE ALL REASONABLE STEPS TO DISCOURAGE AND CORRECT
415 CONDITIONS THAT CONSTITUTE A NUISANCE IN PARKING AREAS,
416 SIDEWALKS, ALLEYS AND AREAS SURROUNDING THE PREMISES AND
417 ADJACENT PROPERTIES DURING BUSINESS HOURS, IF RELATED TO THE
418 PATRONS OR OPERATION OF THE RETAIL MARIJUANA STORE.
419
420 (G) PERMIT INSPECTION OF ITS RECORDS AND OPERATION BY THE CITY FOR
421 THE PURPOSE OF DETERMINING THE LICENSEE'S COMPLIANCE WITH THE
422 TERMS AND CONDITIONS OF THE LICENSE.
423
424 (H) ENSURE THAT ANY DISPOSAL OF MARIJUANA OR MARIJUANA INFUSED
425 PRODUCTS IS DONE IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL
426 LAWS.

427
428 **3-21-14: POSTING OF LICENSE:**
429

430 A LICENSE SHALL BE POSTED CONTINUOUSLY IN A CONSPICUOUS PUBLIC
431 LOCATION AT THE RETAIL MARIJUANA STORE.
432

433 **3-21-15: SUSPENSION OR REVOCATION OF LICENSE:**
434

- 435 (A) A LICENSE ISSUED PURSUANT TO THIS CHAPTER MAY BE SUSPENDED OR
436 REVOKED BY THE AUTHORITY UPON ANY OF THE FOLLOWING GROUNDS
437 DEMONSTRATED BY THE CITY BY A PREPONDERANCE OF THE EVIDENCE:
438
439 1. FRAUD, MISREPRESENTATION, OR A FALSE STATEMENT OF
440 MATERIAL FACT CONTAINED IN THE LICENSE APPLICATION;
441
442 2. A MATERIAL VIOLATION OF ANY CITY, STATE OR FEDERAL LAW OR
443 REGULATION, OTHER THAN FEDERAL LAW OR REGULATION CONCERNING
444 THE PRODUCTION, TRANSPORTATION, POSSESSION, SALE OR DISTRIBUTION
445 OF MARIJUANA THAT CONFLICTS WITH AMENDMENT 64;
446
447 3. A VIOLATION OF ANY OF THE TERMS AND CONDITIONS OF THE
448 LICENSE, INCLUDING ANY SPECIAL CONDITIONS OF APPROVAL IMPOSED
449 UPON THE LICENSE; OR
450
451 4. A VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER.
452

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453 (B) THE CITY CLERK SHALL NOTIFY THE LICENSEE OF THE ISSUANCE OF A
454 SHOW CAUSE ORDER TO SUSPEND OR REVOKE THE LICENSE. NOTICE SHALL
455 BE GIVEN BY MAILING A COPY OF THE ORDER TO THE LICENSEE BY
456 CERTIFIED MAIL, POSTAGE PREPAID, AT THE ADDRESS SHOWN IN THE
457 LICENSE. NOTICE IS DEEMED TO HAVE BEEN PROPERLY GIVEN UPON
458 RECEIPT BY THE LICENSEE.

459
460 (C) A HEARING SHALL THEN BE SCHEDULED BEFORE THE AUTHORITY WITHIN
461 FORTY-FIVE (45) DAYS OF THE NOTICE OF THE SHOW CAUSE ORDER. SUCH
462 HEARING MAY BE CONTINUED FOR GOOD CAUSE.

463
464 1. THE BURDEN OF PROOF AT THE HEARING SHALL BE ON THE CITY;

465
466 2. IF THE AUTHORITY FINDS BY A PREPONDERANCE OF THE EVIDENCE
467 THAT THE ALLEGATIONS IN THE SHOW CAUSE ORDER ARE SUSTAINED, THE
468 AUTHORITY SHALL ISSUE SUCH ORDER IN WRITING TO THE LICENSEE
469 WITHIN TEN (10) DAYS; AND

470
471 3. UPON A FINDING SUSTAINING THE SHOW CAUSE, THE AUTHORITY
472 SHALL HAVE THE POWER TO REVOKE, SUSPEND AND/OR PLACE
473 ADDITIONAL REASONABLE CONDITIONS ON THE LICENSE.

474
475 (D) IN DECIDING WHETHER A LICENSE SHOULD BE SUSPENDED OR REVOKED IN
476 ACCORDANCE WITH THIS SECTION, AND IN DECIDING WHAT CONDITIONS
477 TO IMPOSE IN THE EVENT OF A SUSPENSION, IF ANY, THE AUTHORITY
478 SHALL CONSIDER THE AGGRAVATING AND MITIGATING FACTORS IN
479 SECTION 3-2-10 OF THIS TITLE.

480
481 (E) A LICENSEE WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED SHALL
482 BE ENTITLED TO SEEK JUDICIAL REVIEW AND PURSUE ALL OTHER LEGAL
483 REMEDIES PROVIDED BY APPLICABLE LAW. DURING THE PENDENCY OF
484 SUCH JUDICIAL REVIEW OR OTHER LEGAL PROCESS AND UNTIL THE
485 SUSPENDED OR REVOKED LICENSEE HAS EXHAUSTED ALL AVAILABLE
486 REMEDIES, THE AUTHORITY SHALL NOT ACCEPT ADDITIONAL
487 APPLICATIONS FOR OR ISSUE ANY ADDITIONAL RETAIL MARIJUANA STORE
488 LICENSES PURSUANT TO THIS CHAPTER.

489
490 **3-21-16: LIMITATION ON DELIVERY:**

491
492 (A) EACH RETAIL MARIJUANA STORE SHALL BE OPERATED FROM A PERMANENT
493 LOCATION. NO RETAIL MARIJUANA STORE SHALL BE PERMITTED TO
494 DELIVER OR OPERATE FROM A MOVABLE, MOBILE, OR TRANSITORY
495 LOCATION.

496
497 **3-21-17: OPERATING FEES:**

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498 (A) ANNUAL OPERATING FEES, NECESSARY FOR THE ADMINISTRATION,
499 REGULATION, AND IMPLEMENTATION OF THIS CHAPTER SHALL BE \$2,000.00
500 FOR EACH RETAIL MARIJUANA STORE LICENSE, PAYABLE UPON RENEWAL.
501

502 (B) THE AMOUNT OF FEES CHARGED PURSUANT TO THIS SECTION SHALL BE
503 REVIEWED BY CITY COUNCIL ANNUALLY AND, IF NECESSARY, ADJUSTED
504 TO REFLECT THE DIRECT AND INDIRECT COSTS INCURRED BY THE CITY IN
505 CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS
506 CHAPTER, INCLUDING COSTS OF UNANNOUNCED COMPLIANCE CHECKS.
507

508 **3-21-18: RETAIL MARIJUANA STORE REQUIREMENTS AND RESTRICTIONS:**

509 (A) IT SHALL BE UNLAWFUL FOR ANY RETAIL MARIJUANA STORE TO EMPLOY
510 ANY PERSON AT A LICENSED PREMISES WHO IS YOUNGER THAN TWENTY-
511 ONE YEARS OF AGE.
512

513 (B) THE NAME AND CONTACT INFORMATION FOR THE OWNER OR OWNERS AND
514 ANY MANAGER OF THE RETAIL MARIJUANA STORE SHALL BE
515 CONSPICUOUSLY POSTED IN THE FACILITY, TOGETHER WITH THE NAME
516 AND CONTACT INFORMATION OF ANY PERSON DESIGNATED BY THE
517 OWNER TO BE CONTACTED IN THE EVENT OF AN EMERGENCY.
518

519 (C) NO MARIJUANA SHALL BE CONSUMED ON OR WITHIN THE LICENSED
520 PREMISES.
521

522 (D) THE LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE POSTED
523 CONTINUOUSLY AND CONSPICUOUSLY AT THE LICENSED PREMISES.
524

525 (E) ALL RETAIL MARIJUANA STORES SHALL POST A SIGN IN A CONSPICUOUS
526 LOCATION STATING:
527

528 IT IS ILLEGAL TO SELL OR TRANSFER MARIJUANA TO ANYONE UNDER THE
529 AGE OF TWENTY-ONE.

530 IT IS ILLEGAL TO SEND OR TRANSPORT MARIJUANA TO ANOTHER STATE.
531

532 **3-21-19: HOURS OF OPERATION:**

533 A RETAIL MARIJUANA STORE MAY OPEN NO EARLIER THAN NINE O'CLOCK (9:00)
534 A.M. AND SHALL CLOSE NO LATER THAN TEN O'CLOCK (10:00) P.M. THE SAME DAY.
535 A RETAIL MARIJUANA STORE MAY BE OPEN SEVEN (7) DAYS A WEEK.
536

537 **3-21-20: PROHIBITED LOCATIONS; PERMANENT LOCATION REQUIRED:**

538
539 PRIOR TO THE ISSUANCE OF A LICENSE FOR A RETAIL MARIJUANA STORE, THE
540 LICENSING AUTHORITY SHALL DETERMINE WHETHER THE PROPOSED LOCATION
541 OF THE RETAIL MARIJUANA LOCATION COMPLIES WITH THE REQUIREMENTS OF

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542 THIS SECTION. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION
543 SHALL PRECLUDE ISSUANCE OF A LICENSE.

544 (A) NO RETAIL MARIJUANA LOCATION SHALL BE LOCATED AT THE
545 FOLLOWING LOCATIONS:

- 546 1. WITHIN FIVE HUNDRED FEET (500') OF A LICENSED CHILDCARE FACILITY;
- 547 2. WITHIN ONE THOUSAND FEET (1,000') OF ANY EDUCATIONAL INSTITUTION
548 OR SCHOOL, COLLEGE OR UNIVERSITY, EITHER PUBLIC OR PRIVATE;
- 549 3. WITHIN ONE THOUSAND FEET (1,000') OF ANY PUBLIC PARK, PUBLIC POOL
550 OR PUBLIC OR PRIVATE RECREATIONAL FACILITY;
- 551 4. WITHIN ONE THOUSAND FEET (1,000') OF ANY HALFWAY HOUSE OR
552 CORRECTIONAL FACILITY;
- 553 5. WITHIN ONE THOUSAND FEET (1,000') OF ANY OTHER MEDICAL
554 MARIJUANA CENTER;
- 555 6. WITHIN ANY BUILDING OR STRUCTURE THAT CONTAINS A RESIDENTIAL
556 UNIT.

557 (B) THE DISTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL
558 BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY LINE
559 OF THE LAND USED FOR THE ABOVE PURPOSES THE NEAREST PORTION OF THE
560 BUILDING HOUSING THE RETAIL MARIJUANA STORE, USING A STRAIGHT LINE.
561 THIS MEASUREMENT INCLUDES LOCATIONS OUTSIDE OF CITY LIMITS.

562 (C) THE SUITABILITY OF A LOCATION FOR A RETAIL MARIJUANA STORE
563 SHALL BE DETERMINED AT THE TIME OF THE ISSUANCE OF THE FIRST LICENSE
564 FOR SUCH CENTER. THE FACT THAT CHANGES IN THE NEIGHBORHOOD OCCUR
565 AFTER THE ISSUANCE OF THE FIRST LICENSE MIGHT RENDER THE SITE
566 UNSUITABLE FOR A MEDICAL MARIJUANA CENTER UNDER THIS SECTION SHALL
567 NOT BE GROUNDS TO SUSPEND, REVOKE OR REFUSE TO RENEW THE LICENSE
568 FOR SUCH CENTER SO LONG AS THE LICENSE FOR THE CENTER REMAINS IN
569 EFFECT.

570 (D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO DISTRIBUTE, TRANSMIT,
571 GIVE, DISPENSE OR OTHERWISE PROVIDE RETAIL MARIJUANA AS A HOME
572 OCCUPATION. (ORD. 15, SERIES OF 2010)

573 (E) THE THREE EXISTING MEDICAL MARIJUANA CENTERS LICENSED IN THE CITY
574 AT THEIR CURRENT LOCATIONS AS OF NOVEMBER 3, 2020 ARE DEEMED TO BE
575 CONFORMING IN USE AND LOCATION FOR BOTH MEDICAL AND RETAIL SALES
576 AND NOTHING HEREIN SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF
577 THE AFOREMENTIONED BUFFER ZONES TO OTHER LOCATIONS BY THOSE THEN
578 EXISTING OR FUTURE LICENSE HOLDERS.

579

580

581 **3-21-21: SIGNAGE, PACKAGING AND LIMITATIONS ON QUANTITY SOLD:**

582 (A) ALL SIGNAGE FOR A RETAIL MARIJUANA STORE SHALL COMPLY WITH THE
583 REQUIREMENTS OF THIS CODE AND THE COLORADO MARIJUANA CODE.

584

585 (B) ALL PACKAGING SHALL COMPLY WITH THE REQUIREMENTS OF THE
586 COLORADO MARIJUANA CODE AND ANY RULES AND REGULATIONS

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587 PROMULGATED BY THE STATE LICENSING AUTHORITY.

588

589 (C) A RETAIL MARIJUANA STORE SHALL ONLY SELL THE QUANTITY OF
590 MARIJUANA PER TRANSACTION AUTHORIZED BY THE COLORADO
591 MARIJUANA CODE AND ANY RULES AND REGULATIONS PROMULGATED BY
592 THE STATE LICENSING AUTHORITY.

593

594 **3-21-22: SECURITY REQUIREMENTS:**

595 A LICENSEE SHALL PROVIDE ADEQUATE SECURITY ON THE PREMISES OF A
596 RETAIL MARIJUANA STORE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

597

598 (A) SURVEILLANCE: SECURITY SURVEILLANCE CAMERAS INSTALLED TO
599 MONITOR EACH ENTRANCE TO THE RETAIL MARIJUANA STORE ALONG
600 WITH THE INTERIOR AND EXTERIOR OF THE PREMISES TO DISCOURAGE
601 AND TO FACILITATE THE REPORTING AND INVESTIGATION OF CRIMINAL
602 ACTS AND NUISANCE ACTIVITIES OCCURRING AT THE PREMISES. THE
603 LICENSED PREMISES SHALL BE MONITORED AND SECURED TWENTY-FOUR
604 (24) HOURS A DAY INCLUDING, AT A MINIMUM, THE FOLLOWING SECURITY
605 MEASURES:

606

607 1. INSTALLATION AND USE OF SECURITY CAMERAS TO MONITOR ALL
608 AREAS OF THE LICENSED PREMISES WHERE PERSONS MAY GAIN OR
609 ATTEMPT TO GAIN ACCESS TO MARIJUANA, MARIJUANA PRODUCTS, OR
610 MONIES MAINTAINED BY THE RETAIL MARIJUANA STORE;

611

612 2. SECURITY VIDEO SHALL BE PRESERVED BY THE LICENSEE AS
613 REQUIRED BY THE COLORADO MARIJUANA CODE AND ANY RULES AND
614 REGULATIONS PROMULGATED BY THE STATE LICENSING AUTHORITY, AND
615 SHALL BE MADE AVAILABLE TO LAW ENFORCEMENT OFFICERS UPON
616 DEMAND;

617

618 3. INSTALLATION OF A MONITORED USER ALARM SYSTEM COMPLIANT
619 WITH THE COLORADO MARIJUANA CODE AND ANY OTHER APPLICABLE
620 STATE REGULATIONS; AND

621

622 4. ROBBERY AND BURGLARY ALARM SYSTEMS THAT ARE
623 PROFESSIONALLY INSTALLED, MONITORED AND MAINTAINED IN GOOD
624 WORKING CONDITION.

625

626 (B) INVENTORY: ALL SALABLE INVENTORY OF MARIJUANA MUST BE KEPT AND
627 STORED IN A SECURED, LOCKED MANNER AS REQUIRED BY THE COLORADO
628 MARIJUANA CODE AND ANY RULES AND REGULATIONS PROMULGATED BY
629 THE STATE LICENSING AUTHORITY.

630

631 (C) SAFE: A LOCKING SAFE OR SECURE VAULT PERMANENTLY AFFIXED OR

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632 BUILT INTO THE PREMISES TO STORE ANY CURRENCY OR OTHER ITEMS OF
633 VALUE ON SITE.

634
635 (D) LIGHTING: EXTERIOR LIGHTING THAT ILLUMINATES THE EXTERIOR WALLS
636 OF THE BUSINESS, PROVIDED SUCH ILLUMINATION IS PHYSICALLY
637 POSSIBLE.

638
639 (E) EMERGENCY CONTACT: A LICENSEE SHALL PROVIDE THE CHIEF OF POLICE
640 WITH THE NAME AND NUMBER OF AN ONSITE STAFF PERSON TO WHOM THE
641 CITY MAY PROVIDE NOTICE OF ANY OPERATING PROBLEMS ASSOCIATED
642 WITH THE RETAIL MARIJUANA STORE.

643
644
645

646 **3-21-23: OPERATING PLANS:**

647 IN CONNECTION WITH THE LICENSE APPLICATION, THE APPLICANT SHALL
648 PROVIDE A DETAILED OPERATIONS PLAN AND, UPON ISSUANCE OF A LICENSE,
649 SHALL OPERATE THE RETAIL MARIJUANA STORE IN ACCORDANCE WITH THE
650 PLAN. SUCH OPERATIONS PLAN SHALL INCLUDE:

651
652 (A) FLOOR PLAN: A PLAN SHOWING THE LAYOUT OF THE RETAIL MARIJUANA
653 STORE AND THE PRINCIPAL USES OF THE FLOOR AREA DEPICTED. THE
654 PRIMARY ENTRANCE OF ANY STAND-ALONE FACILITY SHALL BE LOCATED
655 AND MAINTAINED CLEAR OF BARRIERS, LANDSCAPING AND SIMILAR
656 OBSTRUCTIONS SO THAT IT IS CLEARLY VISIBLE FROM PUBLIC STREETS,
657 SIDEWALKS OR SITE DRIVEWAYS.

658
659 (B) LIGHTING PLAN: A RETAIL MARIJUANA STORE SHALL PROVIDE A LIGHTING
660 PLAN IN ACCORDANCE WITH THIS CODE. SUCH PLAN SHALL ALSO INCLUDE
661 ANY MITIGATION CONTROLS TO LESSEN ADVERSE IMPACTS TO THE
662 SURROUNDING PROPERTIES.

663
664 (C) ODOR CONTROLS: A RETAIL MARIJUANA STORE SHALL PROVIDE A PLAN
665 FOR THE MITIGATION AND CONTROL OF ODORS AND OTHER
666 ENVIRONMENTAL IMPACTS WHICH MAY EMANATE FROM THE RETAIL
667 MARIJUANA STORE. SUCH PLAN SHALL DESCRIBE THE VENTILATION
668 SYSTEM FOR THE PREMISES.

669
670 (D) PRODUCT AND SERVICE DESCRIPTION: A DESCRIPTION OF THE PRODUCTS
671 AND SERVICES TO BE PROVIDED BY THE RETAIL MARIJUANA STORE.

672
673 **3-21-24: PROVISIONS APPLICABLE TO EXISTING MEDICAL MARIJUANA**
674 **CENTERS:**

675 (A) A MEDICAL MARIJUANA CENTER LICENSEE IN GOOD STANDING WITH THE
676 CITY MAY EITHER APPLY FOR A RETAIL MARIJUANA STORE LICENSE IN

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677 ADDITION TO ITS MEDICAL MARIJUANA CENTER LICENSE, OR MAY APPLY
678 FOR A RETAIL MARIJUANA STORE LICENSE AND SURRENDER ITS MEDICAL
679 MARIJUANA CENTER LICENSE WHEN THE RETAIL MARIJUANA STORE
680 LICENSE IS ISSUED.

681
682 (B) FOR ANY APPLICATION BY AN EXISTING MEDICAL MARIJUANA CENTER
683 LICENSEE TO ADD A RETAIL MARIJUANA STORE LICENSE AT THE SAME
684 LOCATION, THE LICENSEE/APPLICANT MUST DEMONSTRATE THAT IT HAS
685 LEGAL POSSESSION OF AT LEAST TWO THOUSAND (2,000) SQUARE FEET OF
686 AVAILABLE SPACE FOR ITS COMBINED MEDICAL MARIJUANA CENTER AND
687 RETAIL MARIJUANA STORE LICENSED PREMISES. SUCH RESTRICTION
688 SHALL NOT APPLY TO A MEDICAL MARIJUANA CENTER LICENSEE THAT
689 FULLY CONVERTS TO A RETAIL MARIJUANA STORE LICENSE.

690
691 **3-21-25: DUAL OPERATION OF MEDICAL MARIJUANA CENTER AND RETAIL**
692 **MARIJUANA STORE:**

693 (A) A PERSON WHO HOLDS BOTH A LICENSE TO OPERATE A MEDICAL
694 MARIJUANA CENTER AND A LICENSE TO OPERATE A RETAIL MARIJUANA
695 STORE MAY OPERATE BOTH LICENSES IN THE SAME PREMISES AND IN THE
696 SAME LOCATION, SUBJECT TO COMPLIANCE WITH SECTION 3-21-22(B). FOR
697 ANY RETAIL MARIJUANA STORE THAT IS LOCATED AT THE SAME PREMISES
698 AS A MEDICAL MARIJUANA CENTER, BOTH LICENSES MUST BE HELD BY
699 THE SAME LICENSEE.

700
701 (B) A MEDICAL MARIJUANA CENTER THAT DOES NOT AUTHORIZE PATIENTS
702 UNDER THE AGE OF TWENTY-ONE (21) YEARS TO BE ON THE PREMISES MAY
703 HOLD A RETAIL MARIJUANA STORE LICENSE AND OPERATE A DUAL
704 OPERATION RETAIL BUSINESS AT A SHARED LICENSED PREMISES AND MAY
705 SHARE THE SAME ENTRANCES AND EXITS, SUBJECT TO THE FOLLOWING:

706
707 1. THE MEDICAL MARIJUANA CENTER MUST POST SIGNAGE CLEARLY
708 CONVEYING THAT PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE MAY
709 NOT ENTER THE ESTABLISHMENT.

710
711 2. MEDICAL MARIJUANA AND RETAIL MARIJUANA AND MEDICAL
712 MARIJUANA-INFUSED PRODUCTS AND RETAIL MARIJUANA PRODUCTS
713 MUST BE DISPLAYED SEPARATELY ON THE SAME SALE FLOOR.

714
715 3. RECORD KEEPING FOR THE BUSINESS OPERATIONS OF BOTH MUST
716 ENABLE THE STATE LICENSING AUTHORITY AND LOCAL AUTHORITY TO
717 CLEARLY DISTINGUISH THE INVENTORIES AND BUSINESS TRANSACTIONS
718 OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS
719 FROM RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

720
721 (C) A MEDICAL MARIJUANA CENTER THAT DOES AUTHORIZE PATIENTS UNDER

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722 THE AGE OF TWENTY-ONE (21) YEARS TO BE ON THE PREMISES MAY HOLD
723 A RETAIL MARIJUANA STORE LICENSE AND OPERATE A DUAL OPERATION
724 RETAIL BUSINESS AT A SHARED LICENSED PREMISES, SUBJECT TO THE
725 FOLLOWING:

726
727 1. THE RETAIL MARIJUANA STORE LICENSEE MUST POST SIGNAGE
728 CLEARLY CONVEYING THAT PERSONS UNDER TWENTY-ONE (21) YEARS OF
729 AGE MAY NOT ENTER THE AREA THAT CONTAINS THE RETAIL MARIJUANA
730 STORE.

731
732 2. THE MEDICAL MARIJUANA CENTER AND THE RETAIL MARIJUANA
733 STORE MUST HAVE SEPARATE ENTRANCES AND EXITS, AND MEDICAL
734 MARIJUANA AND RETAIL MARIJUANA GOODS AND PRODUCTS MUST BE
735 SEPARATELY DISPLAYED AND SOLD. THE SHARED LICENSED PREMISES
736 MAY INCLUDE A COMMON FOYER, VESTIBULE, CHECK-IN AREA, OR
737 WAITING AREA FOR BOTH RETAIL MARIJUANA STORE CUSTOMERS AND
738 MEDICAL MARIJUANA CENTER PATIENTS. PROVIDED THAT IT COMPLIES
739 WITH THE REQUIREMENTS FOR PHYSICAL SEPARATION UNDER THIS
740 SECTION, THE MEDICAL MARIJUANA CENTER MAY SELL MEDICAL
741 MARIJUANA TO PATIENTS UNDER TWENTY-ONE (21) YEARS OF AGE AND
742 MAY OTHERWISE CONDUCT ITS MEDICAL MARIJUANA OPERATIONS AS
743 ALLOWED UNDER THE COLORADO MARIJUANA CODE.

744
745 3. RECORD KEEPING FOR THE BUSINESS OPERATIONS OF BOTH MUST
746 ENABLE THE LOCAL AUTHORITY AND STATE LICENSING AUTHORITY TO
747 CLEARLY DISTINGUISH THE INVENTORIES AND BUSINESS TRANSACTION
748 OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS
749 FROM RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

750
751 **3-21-26: MODIFICATION OF PREMISES:**

752
753 (A) ANY PHYSICAL MODIFICATION OF THE LICENSED PREMISES OF A RETAIL
754 MARIJUANA STORE SHALL BE GOVERNED BY THE STANDARDS AND
755 PROCEDURES SET FORTH IN THE COLORADO MARIJUANA CODE AND ANY
756 RULES AND REGULATIONS ADOPTED PURSUANT THERETO, AND THE CITY
757 CLERK SHALL ADMINISTER APPLICATIONS FOR MODIFICATION OF
758 PREMISES IN THE SAME MANNER AS THE STATE LICENSING AUTHORITY
759 ADMINISTERS MODIFICATION OF PREMISES FOR STATE LICENSES.

760
761 (B) ANY PROPOSED OR APPROVED MODIFICATION OF PREMISES OF A RETAIL
762 MARIJUANA STORE LICENSE SHALL NOT AFFECT ANY EXEMPTION THAT
763 THE LOCATION OR THE LICENSEE MAY ENJOY FROM THE DISTANCE
764 RESTRICTIONS SET FORTH IN THIS CHAPTER.

765
766 **3-21-27: COMPLIANCE WITH STATE LAW:**

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(A) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED HEREIN, THIS CHAPTER INCORPORATES THE REQUIREMENTS AND PROCEDURES SET FORTH IN THE COLORADO MARIJUANA CODE.

(B) A RETAIL MARIJUANA STORE LICENSEE’S COMPLIANCE WITH APPLICABLE STATE LAW AND REGULATIONS SHALL BE DEEMED AN ADDITIONAL REQUIREMENT UNDER THIS CHAPTER, AND NONCOMPLIANCE WITH ANY SUCH APPLICABLE STATE LAW OR REGULATION SHALL BE GROUNDS FOR REVOCATION OR SUSPENSION OF ANY LICENSE ISSUED HEREUNDER.

(C) ANY RETAIL MARIJUANA STORE LICENSED PURSUANT TO THIS CHAPTER MAY BE REQUIRED TO DEMONSTRATE, UPON DEMAND BY THE AUTHORITY OR BY LAW ENFORCEMENT OFFICERS, THAT THE SOURCE AND QUANTITY OF ANY MARIJUANA FOUND UPON THE LICENSED PREMISES IS IN FULL COMPLIANCE WITH ANY APPLICABLE STATE LAW OR REGULATION.

3-21-28: MARIJUANA ACCESSORIES:

ANY PERSON TWENTY-ONE (21) YEARS OF AGE OR OLDER IS HEREBY AUTHORIZED TO MANUFACTURE, POSSESS, DISTRIBUTE, SELL OR PURCHASE MARIJUANA ACCESSORIES IN CONFORMANCE WITH AMENDMENT 64.

3-21-29: SALES TAX LICENSE REQUIRED:

AT ALL TIMES WHILE A RETAIL MARIJUANA STORE LICENSE IS IN EFFECT THE LICENSEE SHALL POSSESS A VALID SALES TAX LICENSE ISSUED UNDER THIS CODE.

3-21-30: PROHIBITED FACILITIES:

RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES ARE PROHIBITED USES IN ANY ZONE DISTRICT IN THE CITY.

3-21-32: NO WAIVER OF GOVERNMENTAL IMMUNITY:

IN ADOPTING THIS CHAPTER THE CITY COUNCIL IS RELYING ON AND DOES NOT WAIVE OR INTEND TO WAIVE ANY PROVISION OF THIS CHAPTER, THE MONETARY LIMITATIONS OR ANY OTHER RIGHTS, IMMUNITIES AND PROTECTIONS PROVIDED BY THE COLORADO GOVERNMENTAL IMMUNITY ACT, SECTION 24-10-101 ET SEQ., COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED, OR ANY OTHER LIMITATION, RIGHT, IMMUNITY, OR PROTECTION OTHERWISE AVAILABLE TO THE CITY, ITS OFFICERS OR ITS EMPLOYEES.

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812

813 **3-21-32: NO CITY LIABILITY:**

814

815 BY ACCEPTING A LICENSE ISSUED PURSUANT TO THIS CHAPTER, A LICENSEE
816 RELEASES THE CITY, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES,
817 ATTORNEYS AND AGENTS FROM ANY LIABILITY FOR INJURIES, DAMAGES OR
818 LIABILITIES OF ANY KIND THAT RESULT FROM ANY ARREST OR PROSECUTION
819 OF CENTER OWNERS, OPERATORS, EMPLOYEES, CLIENTS OR CUSTOMERS FOR A
820 VIOLATION OF CITY, STATE OR FEDERAL LAWS, RULES OR REGULATIONS. THE
821 CITY MANAGER MAY REQUIRE A LICENSEE TO EXECUTE A WRITTEN
822 INSTRUMENT CONFIRMING THE PROVISIONS OF THIS CHAPTER.

823

824 **3-21-33: INDEMNIFICATION OF CITY:**

825

826 BY ACCEPTING A LICENSE ISSUED PURSUANT TO THIS CHAPTER A LICENSEE,
827 JOINTLY AND SEVERALLY, IF MORE THAN ONE, AGREES TO INDEMNIFY AND
828 DEFEND THE CITY, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES, ATTORNEYS,
829 AGENTS, INSURERS, AND SELF-INSURANCE POOL AGAINST ALL LIABILITY,
830 CLAIMS AND DEMANDS, ON ACCOUNT OF INJURY, LOSS OR DAMAGE,
831 INCLUDING, WITHOUT LIMITATION, CLAIMS ARISING FROM BODILY INJURY,
832 SICKNESS, DISEASE, DEATH, PROPERTY LOSS OR DAMAGE, OR ANY OTHER LOSS
833 OF ANY KIND WHATSOEVER, WHICH ARISE OUT OF OR ARE IN ANY MANNER
834 CONNECTED WITH THE OPERATION OF THE RETAIL MARIJUANA CENTER THAT IS
835 THE SUBJECT OF THE LICENSE. THE LICENSEE FURTHER AGREES TO
836 INVESTIGATE, HANDLE, RESPOND TO, AND TO PROVIDE DEFENSE FOR AND
837 DEFEND AGAINST, ANY SUCH LIABILITY, CLAIMS, OR DEMANDS AT ITS EXPENSE,
838 AND TO BEAR ALL OTHER COSTS AND EXPENSES RELATED THERETO,
839 INCLUDING COURT COSTS AND ATTORNEY FEES. THE CITY MANAGER MAY
840 REQUIRE A LICENSEE TO EXECUTE A WRITTEN INSTRUMENT CONFIRMING THE
841 PROVISIONS OF THIS CHAPTER.

842

843 **3-21-34: SPECIAL RETAIL MARIJUANA SALES TAX:**

844 The special retail marijuana sales tax provided for in chapter 22 of this title shall ~~not~~ be imposed,
845 assessed ~~or~~ and collected ~~so long as retail marijuana establishments are prohibited in the city~~
846 ~~pursuant to this chapter.~~

847

848 **3-21-35: LIMITATION ON SIZE:**

849 Retail marijuana establishment shall be limited to a maximum floor plan of two thousand (2,000)
850 square feet.

851

852

853 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
854 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
855 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
856 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase

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857 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
858 phrases may be declared invalid.

859
860 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
861 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
862 clauses of such ordinance nor revive any ordinance thereby.

863
864
865 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
866 of the City of Littleton on the 17th day of November, 2020, passed on first reading by a vote of 7
867 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
868 Municipal Courthouse and on the City of Littleton Website.

869 PUBLIC HEARING on the Ordinance to take place on the 1st day of December,
870 2020, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
871 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

872 PASSED on second and final reading, following public hearing, by a vote of 5
873 FOR and 2 AGAINST on the 1st day of December 2020 and ordered published by posting at
874 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

875 ATTEST:
DocuSigned by:
876 Colleen Norton
877 Colleen L. Norton
878 CITY CLERK

DocuSigned by:
Jerry Valdes
7FAF2EA831B9462
879 Jerry Valdes
880 MAYOR

880 APPROVED AS TO FORM:
DocuSigned by:
881 Reid Betzing
882 Reid Betzing
883 CITY ATTORNEY



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