



City of Littleton

Meeting Agenda - Final

City Council

Tuesday, January 19, 2021

6:30 PM

Virtual Regular Meeting (Study Session immediately follows)

Viewing and Participation Options for Virtual Meetings:

Due to COVID-19, 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.

Options for viewing and participating in city council meetings are as follows: watch the live telecast on Comcast or Century Link Channel 8, live on Facebook (www.Facebook.com/CityofLittleton), or visit www.littletongov.org/channel8 to watch the live stream on the city's website.

To provide written remarks during the Public Comment part of the agenda, or to comment on an agenda item during a Public Hearing, submit a statement using the Agenda Item Comment Form at www.littletongov.org/agenda-comment. Comments received prior to 4 p.m. on the date of the council meeting will be presented to the mayor and council members.

To provide live comments during the meeting, use one of the following phone numbers to call in: **669-900-6833** (or) **346-248-7799** (or) **408-638-0968**. When prompted, enter the Webinar ID: **953 8897 3187**. Contact the City Clerk's Office at **303-795-3780** with any questions regarding this process.

NOTE: Comments left on Facebook Live will not be moderated and will not be included in the meeting minutes. Those wishing to participate in any public comment portion of the meeting are advised to view the meeting here: <https://www.littletongov.org/my-littleton/littleton-8-tv>. This broadcast has the least amount of delay.

1. Roll Call

2. Approval of Agenda

3. Comments / Reports

- a) City Manager
- b) City Attorney
- c) Council Members
- d) Mayor

4. Citizen Appearances - None

5. Public Comment

Citizens wishing to provide public comment prior to the meeting, or who wish to participate via phone, please see instructions listed at the top of the agenda.

6. Consent Agenda Items

Consent agenda items can be adopted by a simple motion. All ordinances must be read by title prior to a vote on the motion. Any consent agenda item may be removed at the request of a Council Member.

- a) [Ordinance 02-2021](#) Ordinance 02-2021: An ordinance on first reading adding Chapter 24, entitled Firearms Retailer, to Title 3 Business Regulations
- Attachments:** [1. Ordinance No. 02-2021](#)
[2. Safe Storage Plan Requirements](#)
[3. Tips for Constructing Safe Storage Plan](#)
- b) [Ordinance 01-2021](#) Ordinance 01-2021: An ordinance on first reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew
- Attachments:** [1. Ordinance No. 01-2021](#)
- c) [ID# 21-006](#) Approval of the January 5, 2021 virtual regular meeting minutes
- Attachments:** [1. 01-05-2021 - CC Minutes - DRAFT](#)

7. General Business - None

8. Ordinances on Second Reading and Public Hearing - None

9. Adjournment

The public is invited to participate in, and/or attend, all regular meetings or study sessions of the City Council or any city Authority, Board or Commission. ***The Littleton Center is currently closed to the public and meetings are being conducted virtually.***



Staff Communication

File #: Ordinance 02-2021, **Version:** 1

Agenda Date: 01/19/2021

Subject:

Ordinance 02-2021: An ordinance on first reading adding Chapter 24, entitled Firearms Retailer, to Title 3 Business Regulations

Prepared by: Reid Betzing, City Attorney

PURPOSE:

To introduce a proposed licensing ordinance for firearms retailers operating within the City of Littleton.

PRESENTATIONS:

Staff Presenter(s): Reid Betzing, City Attorney and Doug Stephens, Chief of Police

Additional Presenter(s): N/A

SUMMARY:

Recent burglaries at gun stores throughout the metropolitan area, including the City of Littleton, have resulted in scores of stolen firearms becoming available for criminal use in our communities. Often these burglaries could have been prevented through use of deterrent methods by firearms retailers. The proposed licensing ordinance for firearms retailers will help to ensure that those selling firearms are less likely to become targets and in so doing helps ensure the health, safety and welfare of our community at large.

PRIOR ACTIONS OR DISCUSSIONS:

A study session occurred on September 15, 2020 to receive direction as to whether Council would be in favor of proposed regulations relating to firearms retailers. At the study session staff presented recommendations to Council including:

- locking up all firearms in guns safes or reinforced safe rooms during non-business hours;
- making the police department the first contact for any alarm notifications; and
- having the police department partner with retailers to do on site assessments to identify security enhancements.

Council provided direction to staff to proceed and staff met with the licensed firearms retailers in our City to discuss the proposed changes.

ANALYSIS:

Staff Analysis

Crime data shows the City of Littleton has experienced 10 burglaries at five different gun stores, including pawn shops, in the past four years, resulting in 144 firearms illegally entering the criminal market and greatly

jeopardizing the safety of our community. Six of the 10 burglaries occurred at two businesses (three times each), one business was burglarized twice, and two businesses were burglarized one time each. A review of crime reports shows that almost all gun store burglaries involved the loss of firearms that were not secured in a gun safe, or safe room, designed to deter or delay burglars from quickly accessing the firearms. In only two cases were firearms secured properly and those burglaries resulted in no firearms stolen (and no repeat burglaries at those two businesses). In every other instance, the stolen firearms were left in glass display cases, were unsecured on wall displays, or had inadequate security measures which were easily defeated by burglars. Burglars utilized a variety of methods to defeat exterior security, including alarms, video, tempered glass, metal gates, and vehicle bollards to gain access to businesses and then quickly gathered dozens of unsecured weapons.

The “typical” burglary would be completed in under three minutes from the time of entry and would result in the theft of 14 firearms on average; in the last burglary 52 firearms were stolen in under three minutes. In all cases it can be safely assumed these firearms quickly found their way into the hands of other criminals who use them in the commission of further crimes against our community. In each of these cases the burglary could have been prevented through the practice of securing firearms in gun safes or vault rooms designed to prevent the ability to quickly access weapons after business hours. In two instances, that was proven true by the retailer’s proper storage of firearms which resulted in no loss, and no repeat burglary attempt.

Council Goal, Objective, and/or Guiding Principle

Building a quality community and aligning with the Envision Littleton 2040 Report valuing safety and security from crime.

Fiscal Impacts

N/A

Alternatives

Continue without regulations which may lead to the reoccurrence of the successful burglaries of firearms retailers.

STAFF RECOMMENDATION:

Staff recommends approval of the licensing requirements for firearms retailers.

PROPOSED MOTION:

I move to approve the ordinance on first reading adding chapter 24 entitled Firearms Retailers to Title 3 Business regulations and to set the second reading and public hearing for February 2, 2021.

1 The local licensing system implemented pursuant to this Chapter ensures the health, safety and
2 welfare of citizens of Littleton and the community at large. The licensing provisions help mitigate
3 the risks to the citizens of Littleton and the community at large by requiring certain safeguards to
4 ensure that firearms do not illegally enter society where they might be used in furtherance of other
5 crimes.

6 **3-24-2: DEFINITIONS:**

7
8 The following definitions shall apply to this Chapter:
9

10 **AMMUNITION:** means various projectiles, including bullets, missiles, slugs or balls together with
11 fuses, propelling charges and primers that may be fired, ejected, projected, released, or emitted
12 from firearms or weapons
13

14 **APPLICANT:** The owner(s) of the business that sells firearms for which a firearm retailer license
15 is sought.
16

17 **FINANCE DIRECTOR:** shall mean the Finance Director of the City of Littleton.

18 **FIREARM:** any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device
19 capable or intended to be capable of discharging bullets, cartridges, or other explosive charges
20

21 **FIREARMS RETAILER:** (A) any person engaged in the business of selling firearms at wholesale
22 or retail; (B) any person engaged in the business of repairing firearms or of making or fitting
23 special barrels, stocks, or trigger mechanisms to firearms; or (C) any person who is a pawnbroker.
24

25 **GUN CABINET OR GUN SAFE:** A safe designed specifically for the storage of firearms and/or
26 ammunition for guns. The door to a gun cabinet must be made of at least 14 gauge steel. The door
27 may be recessed, flush, or overlapping. If the door is flush or overlapping, it must be designed to
28 conceal the location of the locking bolts and hinges from the outside of the cabinet. The door must
29 be reinforced and must be attached to the body by one continuous hinge or at least two hinges that
30 are located either inside or outside the body. If the hinges are located outside the body of the safe,
31 the safe must have an interior locking system consisting of permanent or moveable locking pins
32 securing the door from the inside when it is in the closed position. The body of a gun cabinet must
33 be made of hot rolled steel of at least 14 gauge thickness, and must be continuously welded to
34 create a single, solid structure. A gun cabinet must have either a UL-listed group two combination
35 lock or a UL-listed key lock that is encased in a high security, drill-resistant lock body. A key lock
36 must use a restricted key that can only be duplicated by a factory-authorized source. A safe have
37 either a combination lock, digital lock, fingerprint identification or other biometric identification.
38

39 **SAFE:** A place or receptacle with a locking mechanism whereby the door to the safe should be
40 recessed or flush and made of at least seven gauge steel. The body of a safe must be made of hot
41 rolled steel of at least 12 gauge thickness. A safe should have either a combination lock, digital
42 lock, fingerprint identification or other biometric identification.

1 SAFE ROOM: A safe room means a physical room within the retail location whose walls are
2 reinforced and fortified to deter and inhibit entry by general means. Safe rooms shall have one
3 entry into the room with no other means of entry secured by a locked steel door.
4

5 **3-24-3: LICENSE REQUIRED:**
6

7 No person or business may sell firearms within the City unless a license to sell firearms has been
8 first issued as provided in this Chapter and in compliance with any and all applicable laws and
9 regulations adopted pursuant thereto and in conformance with both State and Federal law.

10 **3-24-4: LICENSE APPLICATION:**
11

12 Before any license under this Chapter is issued, an application shall be submitted. All applications
13 shall be made upon forms provided by the Finance Director. The Finance Director may, at the
14 Finance Director's discretion, require additional documentation associated with the application as
15 may be necessary to enforce the requirements of this Chapter.
16

17 **3-24-5: LICENSING REQUIREMENTS:**
18

19 (a) Firearms Retailer. The following are the minimum requirements that must be satisfied by
20 the applicant for the issuance of a firearms retailer license.

- 21 (1) The applicant must obtain a valid sales/use tax license from the City of Littleton
22 pursuant to 3-9-2 of the Littleton City Code.
- 23 (2) The applicant must provide a valid Federal firearms license issued in accordance with
24 the federal Gun Control Act by the Bureau of Alcohol, Tobacco, Firearms and
25 Explosives.
- 26 (3) A Safe Storage and Security Measures Plan approval by the Littleton Police
27 Department.

28 (b) Safe Storage and Security Measures Plan Requirements: Each applicant for a firearms retailer
29 license shall be required to obtain approval of their Safe Storage and Security Measures Plan
30 by the Littleton Police Department prior to the issuance of a firearm retailer license. The
31 Safe Storage and Security Measures Plan requires at a minimum:

- 32 (1) Security/burglary alarm system: All firearms retailers are required to have an operating
33 security/burglary alarm system in place with video recording at all points of entry and
34 at all points where firearms are displayed, stored, or sold. All initial calls upon an alarm
35 triggering shall be first routed to the Littleton Police Department (911).
- 36 (2) Storage of firearms: During non-business hours, all firearms that are located in the
37 retailers place of business shall be stored in a locked safe, locked steel gun cabinet, or
38 secured safe room.

1 (3) The submittal of a Safe Storage and Security Measures Plan shall not be subject to
2 disclosure under the Colorado Open Records Act unless by Court order or as requested
3 by law enforcement personnel.

4 (4) The Safe Storage and Security Measures Plan template shall be submitted to those
5 applicants wishing to obtain a firearms retailer license and required to be approved by
6 Littleton Police Department.

7 (c) Inspections. All firearm retailers shall be subject to inspection during regular-business
8 hours at least annually.

9 (d) All licensees shall provide at least two (2) authorized individuals who can respond
10 within thirty (30) minutes to the alarm source. This list shall contain names, home
11 address, and phone numbers.

12 **3-24-6: ISSUANCE OF LICENSE:**

13 Upon compliance with the requirements of this Chapter, the Finance Director shall issue a firearms
14 retail license. No license issued shall be transferable. A license shall terminate upon transfer of
15 ownership of the licensed premises.

16
17 **3-24-7: DENIAL OF LICENSE:**

18
19 A firearms retailer license shall be denied if not in conformance with this Chapter or if an applicant
20 has not received approval by the Littleton Police Department of the Safe Storage and Security
21 Measures Plan.

22
23 **3-24-8: LICENSE TERM, RENEWAL, SUSPENSION:**

24
25 (a) All licenses issued under this Chapter shall be valid for a period of one (1) year from the date
26 of their issuance.

27
28 (b) If the licensee has received notice of violation of any law or regulation, including disciplinary
29 action against the licensee, the application for renewal shall include a copy of the notice or
30 disciplinary action.

31
32 (c) In addition to the grounds set forth in 3-1-3 and 3-9-1 *et seq* of the Littleton City Code, a
33 firearms retailer license may not be renewed if there are causes for denial, suspension,
34 revocation or other licensing sanctions as provided in this Chapter, or rules and regulations
35 promulgated thereto.

36
37 (d) Except where the Finance Director has received a complete renewal application along with
38 the requisite fees, if any, it shall be unlawful for any person to operate a firearms retailer
39 establishment past the expiration date recorded upon the license.

40
41 (e) A license may be suspended or revoked after a hearing by an issuance of a Notice to Show

1 Cause for violations of the City’s Code, or state or federal laws to the operation of the
2 firearms retailer by a preponderance of the evidence standard as found by the Finance
3 Director or their designee.
4

5 **3-24-9: UNLAWFUL ACTS:**

- 6
7 (a) It shall be unlawful to operate a firearms retailer without having a current firearms retailer
8 license.
9
10 (b) It shall be unlawful to operate a firearms retailer without being in conformance with the
11 approved Safe Storage and Security Measures Plan.
12

13 **3-24-10: VIOLATIONS AND PENALTIES:**

14
15 In addition to the suspension, revocation or refusal to renew any license issued hereunder, any
16 licensee who violates any provision of this Chapter may be punished by a fine or imprisonment
17 or both, in accordance with 1-4-1 of the Littleton City Code. Additionally, the City may take any
18 other legal action available to address violations of the provisions of this Chapter.

19 **3-24-11: ADMINISTRATION:**

20
21 The Finance Director and Littleton Police Department shall administer the provisions of this
22 Chapter and are authorized to jointly promulgate rules and regulations for its administration and
23 implementation.

24 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
25 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
26 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
27 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
28 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
29 phrases may be declared invalid.
30

31 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
32 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
33 clauses of such ordinance nor revive any ordinance thereby.
34
35

36 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
37 of the City of Littleton on the 19th day of January, 2021, passed on first reading by a vote of ____
38 FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
39 the Municipal Courthouse and on the City of Littleton Website.

40 PUBLIC HEARING on the Ordinance to take place on the 2nd day of February,
41 2021, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
42 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

43
44 PASSED on second and final reading, following public hearing, by a vote of _____FOR
45 and _____ AGAINST on the 2nd day of February, 2021 and ordered published by posting at
46 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

47

48 ATTEST:

49 _____
50 Colleen L. Norton
51 CITY CLERK

Jerry Valdes
MAYOR

52 APPROVED AS TO FORM:

53 _____
54 Reid Betzing
55 CITY ATTORNEY



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

63
64

SAFE STORAGE AND SECURITY PLAN REQUIREMENTS

(a) Certified licensees maintaining a retail firearms location shall develop a plan that addresses the safe storage of firearms during retail hours, after closing, and any off-site storage areas where firearm inventory is maintained. Safe Storage and Security Plans shall address the following areas:

- 1) Storage of firearms during retail hours, after closing, and any off-site storage areas and in accordance with storage requirements set forth in 3-24-1 et seq of the Littleton City Code;
- 2) Alarm systems and theft deterrence systems;
- 3) Access to firearms during retail hours (business practices);
- 4) Procedures for removing/replacing firearms to show to customers;
- 5) Loss or theft reporting;
- 6) Description of anti-theft measures and practices;
- 7) Disaster plan;
- 8) Structural Security; e.g. physical hardening of the premises which includes but not limited to bollards, break resistance windowing, secured bars across windows, locking metal reinforced doors, and reinforced walls;
- 9) Inventory Security;
- 10) Employee Screening; and,
- 11) Employee training and education about licensee's policy and procedures and loss prevention measures, if applicable.

(b) Safe Storage Plans shall be submitted to the Littleton Police Department for approval.

If your Safe Storage and Security Plan is determined to be inadequate by the Littleton Police Department a written letter documenting the inadequacies will be sent to you. You have 60 days to resubmit a corrected Safe Storage Plan for review. If you resubmit the same plan with no changes to correct the inadequacies noted by the Littleton Police Department in the written letter, the Littleton Police Department will revoke your certification.

(c) A licensee maintaining a retail location shall ensure the following practices are implemented within their plans:

- 1) Store all firearms in inventory in a safe, vault, or safe room and in such a manner as to prevent theft or loss.
- 2) Keep all safes, vaults, displays, other equipment, or areas used for the storage of firearms in inventory securely locked or protected from entry, except for the actual time required to remove, replace or show for sale or transfer the firearm(s) in inventory. Do not remove trigger locks or similar device, if used, until firearm sale or transfer is completed;
- 3) Keep all locks and security equipment in good working order;

- 4) Prohibit keys from being left in locks and do not store or place keys in a location accessible to persons other than specifically authorized personnel;
- 5) Prohibit other security measures, such as combination numbers, keys, codes, passwords or electronic or biometric security systems, from being accessible to persons other than specifically authorized personnel;
- 6) Keep the retail location securely locked and protected from unauthorized entry at all times when closed for business or unoccupied by authorized personnel;
- 7) Ensure inventory records are protected by securing the records after business hours in a location separate from the firearms inventory and only permit authorized personnel or law enforcement to view or handle the inventory records;
- 8) Complete a firearms inventory on a regular basis, no less than once annually. Inventories must be conducted by at least two persons, unless owner operated.
- 9) Keep timely and accurate acquisition and disposition records. These records shall be made available to law enforcement entities upon request;
- 10) Maintain a disaster plan that adequately ensures the timely securing of firearms in inventory in the event of a natural or man-made disaster. The plan shall be made available to the Department upon request; and,
- 11) Ensure employees with access to firearms in inventory or who otherwise handle firearms in inventory are not prohibited from possessing firearms under State or Federal law.

(d) If a retail location presents special security issues, such as exposed handling or unusual vulnerability to diversion, theft or loss, the Littleton Police Department may require additional safeguards.

(e) If a loss, theft or diversion of firearms in inventory has occurred from a retail location, the certified licensee shall notify the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the appropriate local law enforcement authority within 24 hours after the loss or theft is discovered. If any firearms previously reported as lost or stolen are subsequently recovered by the licensee, the licensee shall notify the ATF and appropriate local law enforcement authority of the recovery.

(f) Any licensee whose certification is revoked or not renewed shall dispose of its entire inventory under conditions approved by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Department and provide notice to the Department and plan to transfer or otherwise dispose of inventory.

(g) Retail locations operating in a space that is 5,000 square feet or greater, or maintaining more than 100 firearms in inventory, shall provide current copies of floor plans to the Littleton Police Department upon request.

(h) Notwithstanding the requirements of this Part, nothing shall prohibit members of the Littleton Police Department or other federal, state or local government officials from entering any area of a location if necessary to perform their governmental duties.

TIPS FOR CONSTRUCTING SAFE STORAGE PLAN

STRUCTURAL SECURITY OF RETAIL LOCATION AND ANY OFF-SITE STORAGE LOCATIONS:

- **Business location** – (i.e. High crime area) Do you need an external fence and/or lighting to secure your location?
- **Door and window locks, including window frames and doorjambs** – Does each external window and door have a lock? Are the locks being utilized? Do you need additional security features such as, but not limited to, bars on your external windows, reinforced door locks, shatter resistant glass coatings, etc.
- **Unsecured opening** – (i.e. air conditioning units in windows, holes in exterior walls, vents, chimneys, etc.) Do you have additional security features which hinder their exploitation to allow entry?
- **Walls and ceilings** – Are your walls and ceiling made of sturdy material? Is your safe room constructed in such a way as to significantly deter or delay entry by unauthorized persons (i.e. no windows, solid constructed walls, reinforced doors/door frames and locks?)
- **Exterior lighting and surrounding structures** – (i.e. shrubs, trees, ladders, dumpsters, etc.) Have you removed objects which criminals may use to their advantage to gain entry into your building?
- **Front windows and entrance** – Are you able to see customers approach your entrance? Can someone inside conceal themselves from public view so that a robbery would be undetected while it was being committed?
- **Alarm system** – Required for each licensee maintaining an inventory of firearms for sale or transfer. You should make sure your alarm system is always in proper working order.
- **Protect your alarm codes, safe combinations, and keys to the premises and firearm/ammunition cabinets.** It is highly recommended you change your alarm code(s) on a regular basis and reduce the number of keys copied. You may also find it useful to maintain a key log to sign them in and out.
- **Video surveillance system** – Required for each licensee operating a retail location.
The video surveillance system shall maintain video surveillance of critical areas of the business premises, including, but not limited to, all places where firearms in inventory are stored, handled, sold, or transferred and each entrance and exit. Best practice is to have a system which stores the video recordings off-site and regularly backs-up. If not feasible, it is recommended to place the video recording system in a locked room or in a locked cabinet to avoid theft of recordings. The ability to export still images (.jpg, .bmp or .gif) and video (industry standard format which can be played on a standard computer operating system) for law enforcement purposes is required. All

video surveillance records, along with any sound recordings obtained from them, shall be kept for a period of not less than 90 days.

INVENTORY SECURITY:

Inventory security is the way in which business merchandise and equipment is accounted for from the date it is received (acquired) by the business to the date of its disposition (sale, trade, etc.). At the core of inventory security is the practice of complete and consistent documentation. The following additional steps are recommended practices to help protect inventory:

- **Evaluate your business-hours store layout while you are open.** Are unsecured firearms displayed within reach of customers? Does your business have blind spots in which customers can access inventory? Are display cases kept locked unless an employee is showing an item from that case? Are all cases and firearms secured if an employee has to step away from the location firearms are being viewed by the customer (i.e. Has to go to the storage room in back).
- **Conduct periodic physical inventories and reconcile to book inventory.** Complete physical inventory counts and reconciliation to book inventory enable a Firearms licensee to know which firearms have been transferred legally and which firearms may have been lost or stolen. Without reliable records, it is impossible to determine if firearms have been transferred or are still in inventory. If this cannot be established and a crime occurs, the licensee will not be able to provide ATF and/or LPD with an accurate list of lost or stolen firearms. An inaccurate report could result in the arrest of an honest citizen or the inability to prosecute a criminal. Without reliable records, you may not even become aware that a crime has occurred. An inventory of firearms shall be completed at least annually. LPD recommends monthly to ensure the safeguard of your firearm inventory.
- Recommended you store your inventory logs in a fireproof, water-tight safe or backup your data off-site with a secure electronic storage system.
- It is highly recommended to only remove one firearm at a time while with a customer. If the customer wants to view another firearm, place original firearm back in the display case / storage area before removing another firearm.
- Display case construction should include (but not required) smash resistant or shatterproof glass, reinforced metal locking cabinets, or a combination of other security features.
- Recommended employee/customer ratio (1:1). Having one employee with a customer at a time allows for better observation and control of your inventory and safety.
- Highly recommended all dealers, at a minimum, check and verify the serial numbers of firearms received in shipping match the bill of lading from the shipping company or supplier.

AFTER HOUR STORAGE:

- Encouraged to conduct an overall count of firearms on hand at the close of business. This will help determine if anything is lost or has been stolen. If a firearm is determined to be lost or stolen, you must report it as instructed in letter (e) above on page 2 in the Safe Storage Plan Requirements.
- Ensure both video surveillance and alarm systems are functioning and activated before the last person leaves at the close of business.
- If you do not store your inventory at a retail location and utilize an off-site storage location such as your home; you may want to take extra precautions when loading firearms into the transportation vehicle. It is recommended, if feasible, to load the firearms within a fenced in area with a second person observing the surrounding area for anything out of the ordinary. It is suggested to take different routes to and from your retail location each day to avoid criminals learning your routine.
- By wiping down all countertops and door knobs each night you may help law enforcement apprehend criminals more quickly with the use of fingerprints left behind. It could be the difference between an unsolved crime and capturing the criminal(s).
- It is not recommended to leave personal messages on your answering machine which discloses your vacation plans or other significant amounts of time you may be away from your firearm inventory.

EMPLOYEE SCREENING:

The same care that is given to the safe handling and storage of firearms should be given to the selection of the people whom the licensee authorizes to do that work. Reluctance to embarrass or offend strangers or acquaintances must be set aside to ensure the security of the business. It is neither lawful nor in the licensee's interest to knowingly allow a prohibited person to possess firearms or engage in firearms sales. The importance of conscientiousness and trustworthiness is underscored by the high level of responsibility placed upon persons who are in a position to transfer firearms.

- **Institute an employee screening process.** LPD recommends conducting background checks on all employees and applicants (even relatives). Many private companies are available to perform these checks on a fee basis. Background checks should be repeated after an established period of time has elapsed. Applicants/employees should also provide references. These references should be contacted, interviewed, and asked to provide the names of other potential references, not listed by the applicant/employee.
- **Require proof of identity.** Require that each applicant/employee produce a government-issued identification card – a driver's license, for example – and a social security card.
- All employees who are a Colorado resident, are required to have a valid Colorado Driver's License or Identification card in accordance with State Law.

- Discuss questions with the local police or ATF. If it appears that an applicant or employee may not be eligible to possess or transfer firearms, the local police or local ATF office should be contacted

DISASTER PREPAREDNESS:

Every business should have a disaster plan. Federal firearms licensees have a double interest in having a plan in place because they need to safeguard their business to facilitate a quick recovery, and they need to protect the public from the risk of theft/loss of firearms and ammunition in the event of a disaster. The following suggestions can form a guide for developing a plan to follow in the event of impending disaster:

- Create and maintain a current set of records (and consider a second set maintained at an off-site location) that includes: insurance policies; supplier and contact list; computer records backup; and a second set of business records.
- Create a list of employee phone numbers and establish a plan under which, in the event of a disaster, they have a phone number to call to report that they are OK.
- Secure your inventory. Utilize safes, secure storage rooms, and other theft prevention devices such as cable locks that can retain and protect inventory.
- Perform a full inventory and take Acquisition and Disposition records to a safe location until the threat has passed.
- Make your disaster plan “multi-hazard” by taking into account each possibility: fire; tornado; flooding; civil unrest; etc.



Staff Communication

File #: Ordinance 01-2021, **Version:** 1

Agenda Date: 01/19/2021

Subject:

Ordinance 01-2021: An ordinance on first reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew

Prepared by: Lucy Lucero, Executive Assistant to the City Manager

PURPOSE:

Does city council support establishing changes to the code regarding recent changes required by the Colorado Department of Public Health and Environment's Board of Health regulations to control the handling and disposal of TENORM containing materials?

PRESENTATIONS:

Staff Presenter(s): Keith Reester, Public Works Director
Additional Presenter(s): Blair Corning, Deputy Director, Environmental Programs, South Platte Renew

SUMMARY:

The Colorado Department of Public Health and Environment's Board of Health recently promulgated regulations to control the handling and disposal of TENORM containing materials through registration and licensing. This regulation sets a level of TENORM under which the requirements of the rule are not applicable. Based on current testing, the cities are not aware of any current discharges of non-exempt TENORM to the South Platte Renew (SPR) plant. These code changes are designed to prevent potential future discharges of non-exempt TENORM from sources such as water treatment plant residuals or industrial wastes from entering the plant.

PRIOR ACTIONS OR DISCUSSIONS:

Approving the TENORM-related municipal code changes will prohibit the future discharge or deposit of any non-exempt amounts of TENORM into the wastewater treatment system. These code changes were reviewed by the city attorneys of Littleton and Englewood and approved by the SPR Supervisory Committee on December 17, 2020.

ANALYSIS:

Staff Analysis

SPR currently applies biosolids to farmland jointly owned by the Cities of Littleton and Englewood. Testing has shown these biosolids to be within the exempt level for TENORM. If levels of TENORM were to rise above the non-exempt threshold, this would require SPR to obtain registration and licensing to handle this material. A significant consequence of this would be limitations on the number of years the plant could land apply biosolids to the currently owned farmland.

Council Goal, Objective, and/or Guiding Principle

Council Goal 3 - Good Governance; Objective 3 - Strategic Partnerships

Fiscal Impacts

Potential financial impacts that would arise from exceeding the non-exempt level of TENORM in plant biosolids include costs associated with loss of farmland viability due to restrictions on the number of application years allowed. Additional financial impacts would be incurred as a result of required TENORM testing and the creation and implementation of a radiation management program.

There are no current costs associated with the implementation of the proposed TENORM ordinance. Additionally, it is anticipated the proposed changes will have no impact on current businesses within the SPR service area.

Alternatives

By not instituting the proposed TENORM ordinance changes, both the cities of Littleton and Englewood and the SPR facility may be at risk of receiving non-exempt levels of TENORM, resulting in a potential loss of long-term viability of farmland for biosolids application.

STAFF RECOMMENDATION:

South Platte Renew (SPR), owned by the cities of Littleton and Englewood, recommends Littleton City Council approve, by ordinance, changes to the municipal code related to technologically enhanced naturally occurring radioactive material (TENORM). These changes prohibit the discharge or deposit of any non-exempt amounts of TENORM into the wastewater treatment system.

PROPOSED MOTION:

I move to approve the ordinance on first reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew and to set the second reading and public hearing for February 2, 2021.

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 01

4
5 Series, 2021

6
7
8 AN ORDINANCE AMENDING TITLE 7, CHAPTER 5, SECTION 25
9 APPLICABLE TO THE WASTEWATER UTILITY ORDINANCE AND
10 PROHIBITING THE DISCHARGE OR DEPOSIT OF ANY NON-EXEMPT
11 AMOUNTS OF TECHNOLOGICALLY ENHANCED NATURALLY
12 OCCURRING RADIOACTIVE MATERIAL (TENORM) INTO THE
13 WASTEWATER TREATMENT SYSTEM OF THE CITY
14

15 WHEREAS, on November 18, 2020; effective January 14, 2021, the Board of
16 Health, Colorado Department of Public Health and Environment, promulgated regulations under
17 6 CCR 1007-1 Part 20 titled “*Radiation Control – Registration and Licensing of Technologically*
18 *Enhanced Naturally Occurring Radioactive Material (TENORM)*” (the “TENORM
19 Regulations”); and
20

21 WHEREAS, the TENORM regulations establish “requirements and provisions
22 for the generation, handling, processing, transfer, receipt, transportation, disposal, possession,
23 distribution, and beneficial use of technologically enhanced naturally occurring radioactive
24 materials (TENORM) and for the registration and issuance of licenses authorizing these
25 activities.”; and
26

27 WHEREAS, among other things, the TENORM regulations specify exempt
28 concentrations and amounts of TENORM that publicly owned treatment works (“POTWs”) may
29 accept for treatment without registering or being licensed as TENORM-treating facilities; and
30

31 WHEREAS, among other things, the TENORM regulations establish a maximum
32 number of years that POTWs may land apply biosolids containing TENORM in non-exempt
33 amounts or concentrations at the same site or facility; and
34

35 WHEREAS, the Cities of Littleton and Englewood (the “Cities”) jointly own and
36 operate a POTW known as South Platte Renew (*f.k.a.*, the Littleton/Englewood Wastewater
37 Treatment Plant and/or the Bi-City Plant) that treats wastewater from the cities and special
38 connector districts that have contracted with one or both cities (the “Special Connector
39 Districts”); and
40

41 WHEREAS, South Platte Renew land applies its wastewater treatment residual
42 biosolids at farms owned by the cities; and
43

44 WHEREAS, based on current testing, the cities are not aware of any user in the
45 cities or the Special Connector Districts that currently discharges wastewater containing non-
46 exempt amounts of TENORM to South Platte Renew; and

47
48 **WHEREAS**, South Platte Renew is not intended to treat wastewater containing
49 TENORM in non-exempt amounts, and the cities do not wish to accept wastewater containing
50 TENORM in non-exempt amounts from any user in the cities or the Special Connector Districts;
51 and

52
53 **WHEREAS**, the cities do not wish to land apply biosolids containing TENORM
54 in non-exempt amounts at the farms jointly owned by the cities; and

55
56 **WHEREAS**, by this ordinance, and similar ordinance adopted by the City
57 Council of the City of Englewood, the cities intend to prohibit the discharge or deposit of any
58 TENORM in non-exempt amounts into South Platte Renew by any user in the cities or the
59 Special Connector Districts.

60
61 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
62 **THE CITY OF LITTLETON, COLORADO, THAT:**

63
64 In accordance with the provisions of the Littleton Municipal Code the following
65 amendments to Title 7, Chapter 5, Wastewater Utility, are hereby approved:

66
67 **Section 1.** Amendment of Title 7, Chapter 5, Section 25(B). Title 7, Chapter 5,
68 Section 25(B), *Definitions, Abbreviations And Acronyms*, shall be amended to include the
69 following abbreviation, which shall have the following designated meaning:

70

TENORM Technologically Enhanced Naturally Occurring Radioactive Material(s)

71

72 **Section 2.** Amendment of Title 7, Chapter 5, Section 25(B). Title 7, Chapter 5,
73 Section 2, *Definitions, Abbreviations And Acronyms*, shall be amended to include the following
74 definitions:

75

76 **BACKGROUND RADIATION:** Radiation from (a) extraterrestrial sources; (b)
77 naturally occurring radioactive material (which has not been technologically enhanced),
78 including radon (except as a decay product of source or special nuclear material; and (c) global
79 fallout as it exists in the environment from the testing of nuclear explosive devices or from past
80 nuclear accidents such as Chernobyl that are not under the control of the license or registrant.
81 Background radiation does not include sources of radiation from radioactive materials regulated
82 by the Nuclear Regulatory Commission (NRC).

83

84 **TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING**
85 **RADIOACTIVE MATERIAL(S) OR TENORM:** Naturally occurring radioactive material whose
86 radionuclide concentrations are increased by or as a result of past or present human practices.
87 TENORM does not include: (a) Background Radiation or the natural radioactivity of rocks or
88 soils; (b) "byproduct material" or "source material", as defined by Colorado statute or rule; or (c)

89 enriched or depleted uranium by Colorado or federal statute or rule. Acceptable natural
90 background values are established the Colorado Department of Public Health and Environment.

91

92 **NON-EXEMPT CONCENTRATIONS OF TENORM:** Materials that contain or
93 are contaminated at concentrations in dry weight in excess of the following, excluding natural
94 background:

95

Isotope	Picocuries/gram (pCi/g)
Radium-226	5
Radium-228	5
Lead-210	5
Polonium-210	5

96

97 The radioactive progeny of the isotopes present in non-exempt concentrations are
98 also non-exempt. Dry weight refers to the mass of a material excluding the mass of any water or
99 moisture present within the material. For the purposes of liquid TENORM sample analysis,
100 unfiltered (total samples which include both suspended and dissolved solids must be analyzed for
101 activity and shall represent the total dry weight mass of the sample.

102

103 **Section 3.** Amendment of Title 7, Chapter 5, Section 25(C)(1). Title 12, Chapter
104 2, Section 25(C)1, *General Wastewater Prohibitions and Limitations*, shall be amended to
105 include:

106

107 Non-Exempt Concentrations of TENORM.

108

109 **Section 4.** Severability. If any part, section, subsection, sentence, clause or
110 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
111 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
112 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
113 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
114 phrases may be declared invalid.

115

116 **Section 5.** Repealer. All ordinances or resolutions, or parts thereof, in conflict
117 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
118 clauses of such ordinance nor revive any ordinance thereby.

119

120

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

122 of the City of Littleton on the 19th day of January, 2021, passed on first reading by a vote of ____

123 FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,

124 the Municipal Courthouse and on the City of Littleton Website.

125 PUBLIC HEARING on the Ordinance to take place on the 2nd day of February,
126 2021, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
127 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

128 PASSED on second and final reading, following public hearing, by a vote of
129 FOR and _____ AGAINST on the 2nd day of February, 2021 and ordered published by posting at
130 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

131 ATTEST:

132 _____
133 Colleen L. Norton
134 CITY CLERK

Jerry Valdes
MAYOR

135
136 APPROVED AS TO FORM:
137
138 _____
139 Reid Betzing
140 CITY ATTORNEY



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



Staff Communication

File #: ID# 21-006, **Version:** 1

Agenda Date: 01/19/2021

Subject:

Approval of the January 5, 2021 virtual regular meeting minutes

Prepared by: Colleen L. Norton, City Clerk

RECORDING SECRETARY'S CERTIFICATION:

I hereby certify that the attached minutes are an accurate representation of motions made and action taken at the January 5, 2021 virtual regular meeting of the city council. I have also reviewed the video recording for the January 5, 2021 virtual regular meeting of the Littleton City Council and certify that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video of the recording.

PROPOSED MOTION:

I move to approve the minutes for the January 5, 2021 virtual regular meeting of the Littleton City Council.



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Minutes - Draft

City Council

Tuesday, January 5, 2021

6:30 PM

Virtual Regular Meeting

1. Roll Call

Present: 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro-Tem Melin, Council Member Milliman and Council Member Grove

2. Approval of Agenda

3. Comments / Reports

a) City Manager

Summary of the CARES Act: Littleton received funds from Arapahoe and Jefferson counties totaling approximately 4.4 million dollars. Expenditure of CARES Act funds had a deadline of December 31, 2020 and had to be directly tied to the public health emergency and could not be spent on projects that had already been budgeted for by the city/county/state. The city funded one million of the 4.4 million dollars to local business grants and non-profits; 111 business grants and 20 non-profits. The county funded an additional 500 thousand to our local businesses. The city also used funding to make improvements to the council chamber, HVAC system, and technology. / 5-Star Certification Program: Governor Polis lowered the COVID level from red to orange which allows our business to operate at a higher in-person level. Business who apply, and are approved, for the 5-Star Certification program would be able to operate at the capacity one level lower, i.e. yellow. There are metrics in the region that need to be met before that takes affect.

b) City Attorney

Shout out to Littleton Adventist Hospital; administering vaccinations to our first responders. Issues have been reported in other regions regarding rollout of the vaccine. We have not experienced that with Littleton Adventist.

c) Council Members

Council Member Driscoll - No report. Happy New Year!

Council Member Elrod - No report. Happy New Year!

Council Member Fey - There will be a District III citizen meeting on Thursday, January 21 at 6:00 p.m. via Zoom. Citizens wishing to participate can register via a link on the city's website.

Council Member Grove - No report. Happy New Year!

Council Member Milliman - No report. Happy New Year!

Mayor Pro Tem Melin - Echoes the City Attorney's praise for Littleton Adventist Hospital for vaccinating our first responders as well as our educators. Happy New Year!

d) Mayor

Kudos to Littleton Adventist Hospital. The next council meeting is a study session next Tuesday, January 12, 2021

4. Citizen Appearances - None

5. Public Comment

Citizens wishing to provide public comment prior to the meeting, or who wish to participate via phone, please see instructions listed at the top of the agenda.

Pam Chadbourne - Happy New Year! Concerns about consent agenda items 6(b) and 6(c). LACC documents don't include mention of historic preservation, architecture or city design. Concerned about vagueness of item; will it really provide the housing we need?

Frank Atwood - Concerned about changing the number of members for LACC; 11 is too many, 7 is better. Echoes Pam Chadbourne's concerns about architecture and the loss of Littleton's small town character.

6. Consent Agenda Items

- a) [Resolution 01-2021](#) Resolution 01-2021: Specifying where notices of public meetings are posted and identifying the newspaper where notices and other information required to be published will be printed
approved
- c) [Resolution 04-2021](#) Resolution 04-2021: Supporting the submission of a Low-Income Housing Tax Credit (LIHTC) application by South Metro Housing Options (SMHO) to the Colorado Housing and Finance Authority (CHFA)
approved
- d) [ID# 21-001](#) Approval of the December 15, 2020 virtual regular meeting minutes
approved

Approval of the Consent Agenda

Council Member Milliman moved and Council Member Driscoll second to approve consent agenda items a, c, and d. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

Items Removed from the Consent Agenda

- b) [Resolution 03-2021](#) Resolution 03-2021: Amending the Littleton Arts and Culture Commission (LACC) Charter

Council Member Elrod removed item 6(b) from the consent agenda

Council Member Elrod moved and Council Member Milliman seconded to amend the LACC Charter from "membership shall be comprised of..." to read "membership may be comprised of...". The vote is 5-2 with Mayor Pro Tem Melin and Council Member Fey voting no. The motion to amend carries.

Council Member Elrod moved and Council Member Milliman seconded to approve Resolution 03-2021 amending the Littleton Arts and Culture Commission (LACC) Charter, as amended. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

7. General Business - None

8. Ordinances on Second Reading and Public Hearing

Mayor Valdes opened the public hearing for both items at 7:19 p.m.

Pam Chadbourne - Opposed

Mayor Valdes closed the public hearing at 7:23 p.m.

- a) [Ordinance 49-2020](#) Ordinance 49-2020: An ordinance on second reading repealing Chapter 7, Title 2, of the city code regarding the establishment of the Library Board

Council Member Driscoll moved and Council Member Milliman seconded to approve Ordinance 49-2020 repealing Chapter 7, Title 2, of the city code regarding the establishment of the Library Board. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

- b) [Ordinance 50-2020](#) Ordinance 50-2020: An ordinance on second reading repealing Chapter 8, Title 2, of the city code regarding the establishment of the Museum Board

Council Member Elrod moved and Council Member Driscoll seconded to approve Ordinance 50-2020 repealing Chapter 8, Title 2, of the city code regarding the establishment of the Museum Board. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

9. Adjournment

Mayor Valdes adjourned the meeting at 7:31 p.m.