

**Date:** 01/21/2010  
**Subject:** Ordinance Amending City Code Sections 2-10-1 and 2-10-2 to Expand the Jurisdiction of the Licensing Authority related to Medical Marijuana Dispensaries and Amending City Code Sections 3-2-16 and 3-2-24 to Authorize the Licensing Authority to conduct public hearings in accordance with Chapter 2 of Title 3

**Passed/Failed:** Passed on second and final reading

**CITY OF LITTLETON, COLORADO**

**Ordinance No. 3**

**Series of 2010**

**INTRODUCED BY COUNCILMEMBERS: Brinkman and Stahlman**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, AMENDING CITY CODE SECTIONS 3-2-1 AND 2-2-1, CHANGING THE NAME OF THE LIQUOR AUTHORITY TO THE LICENSING AUTHORITY, AMENDING SECTIONS 2-10-1 AND 2-10-2 TO EXPAND THE JURISDICTION OF THE LICENSING AUTHORITY RELATED TO MEDICAL MARIJUANA DISPENSARIES AND AMENDING CITY CODE SECTIONS 3-2-16 AND 3-2-24 TO AUTHORIZE THE LICENSING AUTHORITY TO CONDUCT PUBLIC HEARINGS RELATED TO THE ISSUANCE, SUSPENSION, REVOCATION OR NONRENEWAL OF ANY LICENSE OF A MEDICAL MARIJUANA DISPENSARY IN ACCORDANCE WITH CHAPTER 2 OF TITLE 3

**WHEREAS**, the City Council has enacted regulations and procedures for medical marijuana dispensaries; and

**WHEREAS**, the establishment of the process includes a licensing procedure; and

**WHEREAS**, the Council finds and determines a license procedure with a public hearing process conducted by the licensing authority is in the interests of 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 Sections 2-10-1 and 2-10-2 are hereby amended as follows:

**Chapter 10**  
**~~LIQUOR~~ LICENSING AUTHORITY**

**2-10-1: POWERS AND DUTIES:**

A. The ~~Liquor~~ LICENSING Authority, hereinafter in this Chapter referred to as the "Authority",

shall have such powers and duties as conferred to the local liquor licensing authority by articles 46, 47, and 48 of [title 12](#) Colorado Revised Statutes, and any regulations adopted pursuant thereto AND SHALL HAVE SUCH POWERS AND DUTIES AS MAY BE CONFERRED TO IT BY AMENDMENT 20 AND THE ADMINISTRATIVE REGULATIONS ISSUED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOUND AT 5 CCR 1006-2, ALL AS AMENDED FROM TIME TO TIME; AND.

B. THE AUTHORITY SHALL HAVE THE POWER TO CONDUCT PUBLIC HEARINGS IN ACCORDANCE WITH TITLE 3, CHAPTER 2, RELATED TO THE LICENSING OF MEDICAL MARIJUANA DISPENSARIES AND ALL OTHER POWERS AND DUTIES AS CONFERRED BY TITLE 3, CHAPTER 20 OF THIS CODE AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

**2-10-2: COMPOSITION OF AUTHORITY:**

The Authority shall consist of five (5) members and two (2) alternate members. No person shall serve as a member of the Authority who shall have any interest in the operation of A MEDICAL MARIJUANA DISPENSARY, A MEDICAL MARIJUANA GROW FACILITY, a liquor establishment or in one serving fermented malt beverages or who has a member of his or her immediate family who has such an interest. For purposes of this Section, "immediate family" shall mean one's parents, children, brothers, sisters, spouse or the parents, children, brothers or sisters of one's spouse.

**SECTION 2:** Littleton City Code Sections 3-2-16 and 3-2-24 are hereby amended as follows:

**Chapter 2  
ALCOHOLIC BEVERAGES AND MEDICAL MARIJUANA DISPENSARIES**

**3-2-16: LIQUOR LICENSE RENEWAL PROCEDURES:**

(A) The City Clerk's office shall review and forward any MEDICAL MARIJUANA OR liquor license renewal application to the chairperson of the Authority. The renewal application shall be accompanied by a police report containing information, if any, as to alleged violations of the Colorado liquor or beer codes OR AMENDMENT 20 OF THE COLORADO CONSTITUTION and of this Code by the licensee or any of his or her employees.

(B) The chairperson of the Authority, or in his or her absence the vice-chairperson, is hereby authorized to grant liquor or beer OR MEDICAL MARIJUANA DISPENSARY license renewals as provided herein. All applications for renewal shall initially come before the chairperson and may be approved by him OR HER so long as all applicable fees have been paid, all required procedures have been complied with, and no information regarding alleged violations of the Colorado Liquor and Beer Codes OR AMENDMENT 20 OF THE COLORADO CONSTITUTION or violations of this Code have been referred to him or her by the Police Department or otherwise.

(C) In all instances where alleged violations of the Colorado Liquor or Beer codes OR AMENDMENT 20 OF THE COLORADO CONSTITUTION or this Code have been referred to

the chairperson of the Authority, approval of the requested renewal shall not be granted by him or her and the application for renewal shall come before the Authority and shall be processed in accordance with the provisions of State law and this Code.

**3-2-24: POSTING OF SIGNS SPECIFYING GROUNDS FOR LICENSE SUSPENSION:**

In addition to the signage requirements of state law, any licensee whose license has been suspended shall also post one sign on the exterior of the licensed premises and another in the interior, as close to the other required signs as possible and in conspicuous locations, in the following form:

*GROUNDS FOR SUSPENSION*

*~~THE LIQUOR~~ LICENSE HELD BY THIS LICENSEE HAS BEEN SUSPENDED FOR A VIOLATION OF SECTION [Set forth Section or Regulation Number violated.] WHICH PROHIBITS [Briefly identify the violation or violations which were the basis for the suspension imposed].*

The signs shall be provided by the city clerk, shall measure fourteen inches (14") in height and twenty four inches (24") in width, shall contain lettering one inch (1") in height, and shall specify the grounds upon which the license was suspended.

**SECTION 3:** Littleton City Code Sections 2-2-1 and 3-2-1 are hereby amended as follows:

**2-2-1: CREATION:**

There is hereby created a board of adjustment, a building board of appeals, a fine arts committee, a library board, a museum board, a planning commission, a historical preservation board and a ~~liquor~~ LICENSING authority which shall hereinafter for the purposes of this title be referred to as "boards and commissions".

**3-2-1: DEFINITIONS:**

As used in this chapter, the following words or phrases shall have the following meanings unless the text otherwise requires:

LOCAL LICENSING AUTHORITY: City's ~~liquor~~ LICENSING authority as created in section 2-2-1 of this code, except as otherwise provided herein.

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

**SECTION 5:** Repealer. All ordinances or resolutions, or parts thereof, in

conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 5th day of January, 2010, passed on first reading by a vote of 6 FOR and 1 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website on the 6<sup>th</sup> day of January, 2010.

PUBLIC HEARING on the Ordinance to take place on the 19<sup>th</sup> day of January, 2010, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 6 FOR and 1 AGAINST on the 19<sup>th</sup> day of January, 2010, and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website on the 21<sup>st</sup> day of January, 2010.

ATTEST:

/s/ Wendy Heffner  
CITY CLERK

/s/ Doug Clark  
PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:  
/s/ Suzanne Staiert