

Date: 01/21/2010

Subject: Ordinance enacting title 3, chapter 20 of the city code establishing regulations and procedures for medical marijuana dispensaries

Passed/Failed: Passed on second and final reading

CITY OF LITTLETON, COLORADO

Ordinance No. 2

Series of 2010

INTRODUCED BY COUNCILMEMBERS: Brinkman and Stahlman

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, ENACTING TITLE 3, CHAPTER 20 OF THE CITY CODE ESTABLISHING REGULATIONS AND PROCEDURES FOR MEDICAL MARIJUANA DISPENSARIES

WHEREAS, Article XVIII, Section 14 of the Colorado Constitution (Amendment 20, the “Medical Marijuana Amendment”) allows the use, acquisition, possession, production, or transportation of marijuana or related paraphernalia for medical use by patients and their primary caregivers; and

WHEREAS, the regulations for primary caregivers, also operating as “dispensaries,” are not adequately articulated at the state level, making it appropriate for local regulation of the impacts of such uses; and

WHEREAS, the City of Littleton has a valid interest in regulating licensing, zoning and other impacts of medical marijuana businesses in a manner that is consistent with the Medical Marijuana Amendment; and

WHEREAS, the City of Littleton values and wishes to preserve its family friendly character; and

WHEREAS, if not closely monitored and regulated, the presence of marijuana, even for the purposes legally permitted by Amendment 20, could cause an increase in illegal activities within the City affecting the health, safety, order, comfort, convenience and general welfare of the residents of the City; and

WHEREAS, if medical marijuana dispensaries operating pursuant to Amendment 20 were allowed to be established and operated without appropriate local regulation, medical marijuana dispensaries might be operated in a manner that would be inconsistent with surrounding uses; or would otherwise be detrimental to the public health, safety and welfare.

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

SECTION 1. Littleton City Code is hereby amended with the addition of the following:

3-20-1. Definitions.

(a) As used in this Chapter, the following words shall have the following meanings, unless the context clearly requires otherwise:

Amendment 20 means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000, codified as Section 14 of Article 18 to the Colorado Constitution.

Applicant means a corporation, person or person(s) over eighteen (18) years of age who has submitted an application for a license pursuant to this Chapter.

Application means an application for license submitted pursuant to this Chapter.

City means the City of Littleton, Colorado.

Cultivation means the process by which a person promotes the germination and/or growth of a seed to a mature marijuana plant. *Cultivation* does not include the storing or watering of mature marijuana plants without the aid of grow lighting.

Day means a calendar day, unless otherwise noted.

Good Cause for the purpose of denying a license or renewal under this Chapter means: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Chapter and any rule and regulation promulgated pursuant to this Chapter; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or (3) the licensee's medical marijuana dispensary has been operated in a manner that adversely affects the public health, welfare or safety of the City. Evidence to support such a finding can include, but is not limited to: (i) a continuing pattern of offenses against the public peace, as defined in Title 6 of Chapter 4 of the Littleton Municipal Code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana dispensary; (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana dispensary; (iv) a felony associated with the dispensary, one or more of its owner(s) or manager; (v) failure to provide correct information for each person required in Section 3-20-3(a); (vi) failure to pay sales taxes in full by the deadlines specified by City code.

License means a license to operate a medical marijuana dispensary issued by the City pursuant to this Chapter.

Licensee means the person to whom a license has been issued pursuant to this Chapter.

Licensing Authority or Authority means the City Council appointed board as defined in Chapter 10, Title 2 of this code.

Marijuana shall have the same definition as Cannabis as set forth in Section 6-4-34 of

this Code.

Medical marijuana dispensary or *dispensary* means the use of any property or structure within the City by any person to distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients and primary caregivers in accordance with Amendment 20. The term “medical marijuana dispensary” shall not include any person or entity that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall not include the private possession and medical use of marijuana by an individual patient to the extent permitted by Amendment 20.

Medical marijuana grow facility shall mean a property or structure where the primary use is to cultivate marijuana plants for distribution to any dispensary or patient. For the purposes of this section, primary use may be defined, but not limited to, as the use of more than 20% of the floor space.

Operational shall mean open for active business, engaged in the collection of sales tax, holding regular hours of operation and available to provide products and services to patients and/or primary caregivers.

Patient has the meaning provided in Amendment 20.

Primary caregiver has the meaning provided in Amendment 20.

(b) In addition to the definitions provided in Subsection (a) of this Section, the other defined terms in Amendment 20 are incorporated into this Chapter by reference.

Section 3-20-2 . License required. No person shall operate a medical marijuana dispensary within the City without a valid license issued in accordance with this Chapter.

Section 3-20-3. Application for license.

(a) A person seeking to obtain a license pursuant to this Chapter shall file an application with the City Clerk. The form of the application shall be provided by the City Clerk. In the case where there is more than one applicant or the applicant is a business entity, the applicant shall provide the name(s) of each natural person who owns five percent (5%) or more of the ownership interest in the entity.

(b) A license pursuant to this Chapter does not eliminate the need for the licensee to obtain other required City licenses and permits related to the operation of the approved medical marijuana dispensary, including, without limitation:

(1) Any required land use approval, if applicable.

(2) A City sales tax license.

(3) A building permit, mechanical permit, plumbing permit, electrical or fire permit.

(c) An application for a license under this Chapter shall contain the following information:

- (1) The applicant's name, address, telephone number and social security number;
- (2) The street address, and unit number, if applicable, of the proposed medical marijuana dispensary, and a complete description of the site drawn to scale for which the license is being obtained;
- (3) If the applicant is not the owner of the proposed location of the medical marijuana dispensary, a notarized statement from the owner of such property authorizing the submission of the application;
- (4) A completed set of the applicant's fingerprints;
- (5) A statement to be initialed by the applicant that the City accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary;
- (6) An acknowledgment that the City will conduct a background investigation as specified in this Chapter; and
- (7) Name and address of any manager of the medical marijuana dispensary, if the manager is proposed to be someone other than the applicant.
- (8) Any additional information that the City Manager or designee reasonably determines to be necessary in connection with the investigation and review of the application.

(d) Applications shall be processed by the City in order of receipt. Applications shall first be processed for dispensaries having obtained a sales tax license by December 22, 2009, in the order in which the dispensary became operational.

(e) Applications shall only be accepted where the approval of the application would not be in conflict with section 3-20-35 or 3-20-17.

(f) Any application for a medical marijuana dispensary shall be accompanied by the application fee.

(g) Applications may be amended to change corporate structure, registered manager, change of operation plan or modification of premises by submitting an amendment on a form approved by the City Clerk. Such change would be subject to payment of any fee set by Council and compliance with other terms of this chapter and Title 3, Chapter 2 of the city code.

Section 3-20-4. Investigation of application.

(a) Upon receipt of a properly completed application, together with all information required

in connection therewith, and the payment of the application fee, the City Clerk shall transmit copies of the application to:

- (1) The Police Department;
 - (2) The Department of Planning and Development; and
 - (3) Any other person or agency which the City Manager determines should properly investigate and comment upon the application.
- (b) Upon the receipt of a completed application, the Police Department shall obtain and review a criminal background.
- (c) Within sixty (60) days of receipt of a completed application, those City departments and other referral agencies described in Subsection (a) of this Section shall provide the City Clerk with comments concerning the application.

Section 3-20-5. Standards for issuance of license. The Licensing Authority shall issue a license under this Chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Authority determines, by a preponderance of the evidence, that:

- (a) The application is complete and signed by the applicant.
- (b) The applicant has paid the application fee and any other fees required.
- (c) The application does not contain a material falsehood or misrepresentation.
- (d) The application complies with all of the requirements of this Chapter.
- (e) The applicant, any person with an ownership interest of five percent (5%) or greater or any manager have not previously been convicted of a felony violation.
- (f) The proposed location of the medical marijuana dispensary is permitted.
- (g) That the issuance of a dispensary license, for the square footage requested, is justified to meet the needs of the community.

Section 3-20-6. 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, and therefore:
 - (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 set forth in this Chapter,

including a finding of good cause.

- (b) If an application is denied, the application fee shall not be refunded.

Section 3-20-7. Authority to impose conditions on license. The Licensing 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.

Section 3-20-8. 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 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.

(d) Upon the approval or conditional approval of a license, the licensee shall have five days to remit the full annual license fee to the City Clerk. Such fee must be paid prior to the issuance of the license.

Section 3-20-9. Contents of License.

(a) A license shall contain the following information:

(1) The name of the licensee;

(2) The date of the issuance of the license;

(3) The address at which the licensee is authorized to operate the medical marijuana dispensary;

(4) Any special conditions of approval imposed upon the license; and

(5) The date of the expiration of the license.

(b) A license must be signed by both the applicant and the Chair of the Licensing Authority to be valid.

Section 3-20-10. License not transferable. A license is nontransferable and nonassignable. Any attempt to transfer or assign a license voids the license.

Section 3-20-11. Notice of issuance of license. Upon the issuance of a license, the City Clerk shall send a copy of the license to the City Council and any department designated by the City Manager.

Section 3-20-12. Duration of license; renewal.

- (a) Each license issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance, and may be renewed as provided in this Chapter and Title 3, Chapter 2 of the City Code.
- (b) An application for the renewal of an existing license shall be made to the City Clerk not less than ninety (90) days prior to the date of expiration. No application for renewal shall be accepted by the City Clerk after the date of expiration.
- (c) The applicant shall, at the time of an application to renew a license, not be delinquent on any applicable City fees or taxes.
- (d) At the time of the filing of an application for the renewal of an existing license the applicant shall pay an annual license fee in an amount fixed by resolution by the City Council.
- (e) The Licensing Authority may refuse to renew a license for good cause. For purposes of this section the burden shall be upon the City by a preponderance of the evidence to show good cause exists to deny the renewal application.

Section 3-20-13. Duties of licensee. It is the duty and obligation of each licensee to do the following:

- (a) Comply with all the terms and conditions of the license, and any special conditions on the license; and
- (b) Comply with all of the requirements of this Chapter; and
- (c) Comply with all other applicable City ordinances; and
- (d) Comply with all state laws and administrative regulations pertaining to the medical use of marijuana, including, but not limited to, Amendment 20; Section 18-18-406.3, C.R.S.; 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
- (e) Comply with all applicable federal laws, rules or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20; and
- (f) Take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if related to the patrons of the

dispensary; and

- (g) Permit inspection of its records and operation, except for information required to be private pursuant to Amendment 20, by the City Manager or designee for the purpose of determining the licensee's compliance with the terms and conditions of the license; and
- (h) Ensure the dispensary may have on site only an amount of marijuana not in excess of the amount authorized by Amendment 20.

Section 3-20-14. Posting of license. A license shall be posted continuously in a conspicuous public location at the medical marijuana dispensary.

Section 3-20-15. Suspension or revocation of license.

- (a) A license issued pursuant to this Chapter may be suspended or revoked by the Licensing Authority for any of the following reasons:
 - (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
 - (2) A violation of any City, state or federal law or regulation, other than federal law or regulation concerning the production, transportation, possession, sale or distribution of marijuana that conflicts with Amendment 20;
 - (3) A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license;
 - (4) A violation of any of the provisions of this Chapter;
 - (5) Cessations of operations at the medical marijuana dispensary for more than thirty (30) days;
 - (6) For any reason set forth in Title 3, Chapter 2 of the City Code.
- (b) The City Clerk shall notify the licensee of the issuance of a show cause order to suspend or revoke the license. Notice shall be given by mailing a copy of the order to the licensee by regular mail, postage prepaid, at the address shown in the license. Notice is deemed to have been properly given upon mailing.
- (c) A hearing shall then be scheduled before the licensing authority within forty-five (45) days of the notice of the show cause order. Such hearing may be continued for good cause.
 - (1) The burden of proof at the hearing shall be on the City.
 - (2) If the Authority finds by a preponderance of the evidence that the allegations in the show cause order are sustained, the Authority shall issue such order in writing

to the licensee within 10 days.

- (3) Upon a finding sustaining the show cause, the Authority shall have the power to revoke, suspend and/or place additional reasonable conditions on the license.

Section 3-20-16. Limitation on the sale of marijuana.

(a) A licensee may not sell, give away or transfer marijuana to a patient or primary caregiver unless the patient or the patient of the primary caregiver has designated the licensee as a primary caregiver.

(b) Any licensee selling marijuana in the form of prepared food shall be required to comply with any and all applicable state and local regulation related to the preparation, labeling and sale of prepared food items.

Section 3-20-17. Prohibited Locations; Permanent Location Required. Prior to the issuance of a license for a medical marijuana dispensary, the licensing authority shall determine whether the proposed location of the medical marijuana dispensary complies with the requirements of this Section. Failure to comply with the requirements of this Section shall preclude issuance of a license.

- (a) No medical marijuana dispensary shall be located at the following locations:
 - (1) Within 500 feet of a licensed child care facility;
 - (2) Within 1000 feet of any educational institution or school, college or university, either public or private;
 - (3) Within 1000 feet of any public park, public pool or public or private recreational facility;
 - (4) Within 1000 feet of any halfway house or correctional facility;
 - (5) Within 1000 feet of any other medical marijuana dispensary;
 - (6) Within any building or structure that contains a residential unit.
- (b) The distances described in subsection (a) shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the nearest portion of the building housing the medical marijuana dispensary, using a straight line.
- (c) Each medical marijuana dispensary shall be operated from the permanent location. No medical marijuana dispensary shall be permitted to operate from a moveable, mobile or transitory location.
- (d) The suitability of a location for a medical marijuana dispensary shall be determined at the

time of the issuance of the first license for such dispensary. The fact that changes in the neighborhood occur after the issuance of the first license might render the site unsuitable for a medical marijuana dispensary under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such dispensary so long as the license for the dispensary remains in effect.

Section 3-20-18. Hours of Operation. A medical marijuana dispensary may open no earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A medical marijuana dispensary may be open seven (7) days a week.

Section 3-20-19. Signage. All signage for a medical marijuana dispensary shall comply with the requirements of the Littleton Municipal Code. In addition, no licensee shall display a sign for medical marijuana dispensary that contains the word “marijuana,” “cannabis,” or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant, or paraphernalia associated with medicinal marijuana use.

Section 3-20-20. On-site consumption. The consumption, inhalation or other use of marijuana on or within the premises of a medical marijuana dispensary is prohibited.

Section 3-20-21. On-site cultivation. The growing, cultivation or processing of marijuana on the premises of a medical marijuana dispensary is limited to twenty percent of the floor space. Outdoor cultivation is prohibited.

Section 3-20-22. Paraphernalia. Paraphernalia as defined in Section 6-4-37(d) of the City Code may lawfully be sold at a medical marijuana dispensary. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients who have designated the licensee as the primary caregiver.

Section 3-20-23. Age Restrictions. No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana dispensary. The entrance to a dispensary shall be clearly and legibly posted with notice indicating that persons under the age of 18 are precluded from entering the premises.

Section 3-20-24. Ledger Required. A licensee shall keep a ledger, for three years from the creation of the record, which shall record the following information, and which shall be made available to the City upon demand:

- (a) The quantities of medical marijuana dispensed in each transaction;
- (b) The type of medical marijuana dispensed;
- (c) The total amount paid by the patient or primary caregiver for the transaction for each of the goods and services provided, before relevant taxes;
- (d) The patient identifying information permitted by law;
- (e) Confirmation that the employee confirmed the identity of the patient or primary caregiver

receiving the medical marijuana with a valid state issued identification.

- (f) The date and time dispensed.

Section 3-20-25. Packaging and Limitations on Quantity Dispensed. A dispensary may not dispense more than two ounces of a usable form of medical marijuana and six marijuana plants, three or fewer of which may be mature flowering plants per patient, per day. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any re-sale or re-distribution to any third person is a criminal violation.

Section 3-20-26. Security Requirements. A licensee shall provide adequate security on the premises of a medical marijuana dispensary including, but not limited to, the following:

- (a) **Surveillance.** Security surveillance cameras installed to monitor each entrance to the dispensary along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety days by the licensee, and be made available to law enforcement officers upon demand.
- (b) **Inventory.** All saleable inventory of marijuana must be kept and stored in a secured, locked manner.
- (c) **Safe.** A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
- (d) **Lighting.** Exterior lighting that illuminates the exterior walls of the business.
- (e) **Alarm System.** Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.
- (f) **Emergency Contact.** A licensee shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.
- (g) **Access.** Only a qualified patient or primary caregiver shall be permitted in the designated dispensing area along with dispensary personnel.

Section 3-20-27. Operating Plans. In connection with the license application, the applicant shall provide a detailed operations plan and, upon issuance of a license, shall operate the dispensary in accordance with the plan. Such plan shall include:

- (a) **Floor Plan.** A plan showing the layout of the dispensary and the principle uses of the floor area depicted. A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

- (b) Storage. A dispensary shall provide a storage plan in compliance with 3-20-26(b).
- (c) Security Plans. A dispensary shall provide a security plan in compliance with 3-20-26.
- (d) Lighting Plan. A dispensary shall provide a lighting plan in accordance with this code. Such Plan shall also include any illumination for the purposes of cultivation and any mitigation controls to lessen adverse impacts to the surrounding properties.
- (e) Odor Controls. A dispensary shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from the dispensary. Such plan shall describe the ventilation system for the premises.
- (f) A description of the products and services to be provided by the dispensary.

Section 3-20-28. Sales tax license required. At all times while a license is in effect the licensee shall possess a valid sales tax license issued under the Littleton Municipal Code.

Section 3-20-29. Taxes. Each licensee shall pay sales tax on all medical marijuana, paraphernalia and other tangible personal property sold by the licensee at the medical marijuana dispensary.

Section 3-20-30. 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.*, C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the City, its officers or its employees.

Section 3-20-31. No City liability. By accepting a license issued pursuant to this Chapter, a licensee releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of city, state or federal laws, rules or regulations. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Chapter.

Section 3-20-32. Indemnification of City. By accepting a license issued pursuant to this Chapter a licensee, jointly and severally, if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims and demands, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana dispensary that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Chapter.

Section 3-20-33. Other laws remain applicable. The provisions of this Chapter do not protect

licensees, operators, employees, customers and clients of a permitted medical marijuana dispensary from prosecution pursuant to any laws that may prohibit cultivation, sales, use or possession of controlled substances. In addition, as of the date of the adoption of this Chapter the cultivation, sale, possession, distribution and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 20), and this Chapter affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers and clients of a permitted medical marijuana dispensary assume any and all risk and any and all liability arising or resulting from the operation of the dispensary under any city, state or federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this Chapter by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the City shall not become a personal liability of such person of the City.

Section 3-20-34. Medical Marijuana Grow Facilities. Medical marijuana grow facilities are a prohibited use in any zone district in the City.

Section 3-20-35. Limitation on Number. There shall be no more than four dispensaries licensed in the City.

Section 3-20-36. Existing Dispensary. Any medical marijuana dispensary having been operational as of December 22, 2009 shall be exempt from the distance limitations in 3-20-17(a) and the provisions of 3-20-5(g), but shall otherwise comply with all provisions of this Chapter. Any applicant subject to this exception must submit an application within thirty (30) days of adoption of this Ordinance. Any dispensary failing to obtain a license in accordance with this chapter shall immediately cease operations.

SECTION 2: 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 3: 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 6th day of January, 2010.

PUBLIC HEARING on the Ordinance to take place on the 19th 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 19th 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 21st day of January, 2010.

ATTEST:

/s/ Wendy Heffner

CITY CLERK

/s/ Doug Clark

PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:

/s/ Suzanne Staiert