



# Legal Notice

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**Date:** 08/15/2023

**Subject:** An ordinance of the City of Littleton, Colorado, submitting to the registered electors of the City of Littleton, Colorado, a ballot issue regarding a proposed additional increase of a 3.5 percent tax on the retail sale of marijuana and marijuana products

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

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**CITY OF LITTLETON, COLORADO**

**ORDINANCE 16  
SERIES 2023**

1  
2 **CITY OF LITTLETON, COLORADO**

3  
4 **ORDINANCE NO. 16**

5  
6 **Series, 2023**

7  
8 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
9 **COLORADO, SUBMITTING TO THE REGISTERED**  
10 **ELECTORS OF THE CITY OF LITTLETON, COLORADO A**  
11 **BALLOT ISSUE REGARDING A PROPOSED ADDITIONAL**  
12 **INCREASE OF A 3.5 PERCENT TAX ON THE RETAIL**  
13 **SALE OF MARIJUANA AND MARIJUANA PRODUCTS**  
14

15 **WHEREAS**, the City of Littleton is a home rule municipality that has been vested  
16 with certain powers pursuant to Article XX, Section 6 of the Colorado Constitution; and  
17

18 **WHEREAS**, Section 47 of the Littleton City Charter authorizes the City Council  
19 to submit any proposed or adopted ordinances or question to the electors of the City without receipt  
20 of a petition; and  
21

22 **WHEREAS**, Article XVIII Section 16 of the Colorado Constitution created  
23 provisions for the sale of marijuana, and among other things, authorizing the taxation of retail sales  
24 of marijuana and marijuana products by the State of Colorado and by local government upon  
25 approval of the registered electors; and  
26

27 **WHEREAS**, Section 20 of Article X of the Colorado Constitution (TABOR)  
28 requires voter approval of any tax increase or change in tax policy; and  
29

30 **WHEREAS**, City Council wishes to refer a ballot issue to the registered electors  
31 of the City asking whether taxes should be raised by a rate of an additional 3.5% on the purchase  
32 price paid or charged for retail marijuana and retail marijuana products as those terms are defined  
33 in state law and in the City Code which is in addition to the sales tax and other state tax imposed  
34 on sales of retail marijuana and retail marijuana products should be imposed; and  
35

36 **WHEREAS**, it is anticipated that the tax would generate approximately \$460,000  
37 in its first year; and  
38

39 **WHEREAS**, City Council wishes to direct those revenues for the exclusive use of  
40 public safety through services such as, but not limited to, mental health crisis response and other  
41 proactive safety programs in Downtown Littleton, on open spaces and trails, and other areas of  
42 similar need.  
43

44 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
45 **THE CITY OF LITTLETON, COLORADO, THAT:**  
46

47 **Section 1:** The City Clerk is hereby authorized to submit the following question to  
48 the registered voters of the City of Littleton at the November 7, 2023 election:  
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50 SHALL THE CITY OF LITTLETON TAXES BE INCREASED \$460,000  
51 ANNUALLY BEGINNING JANUARY 1, 2024, AND BY WHATEVER AMOUNTS ARE  
52 RAISED THEREAFTER THROUGH THE ADOPTION OF AN ADDITIONAL THREE AND  
53 ONE-HALF PERCENT (3.5%) TAX ON THE SALE OF RETAIL MARIJUANA AND RETAIL  
54 MARIJUANA PRODUCTS WITH SUCH REVENUES SOLELY BEING USED TO SUPPORT  
55 PUBLIC SAFETY THROUGH SERVICES SUCH AS, BUT NOT LIMITED TO, MENTAL  
56 HEALTH CRISIS RESPONSE AND OTHER PROACTIVE SAFETY PROGRAMS IN  
57 DOWNTOWN LITTLETON, ON OPEN SPACES AND TRAILS, AND OTHER AREAS OF  
58 SIMILAR NEED. AND SHALL ALL REVENUES FROM SUCH TAXES AND ANY  
59 EARNINGS THEREON BE COLLECTED, RETAINED AND SPENT AS A VOTER-  
60 APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND  
61 NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED  
62 IN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER  
63 LAW?

64  
65  YES

66  
67  NO.

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69 **Section 2:** Subject to voter approval of the ballot issue set forth in Section 1.  
70 Littleton City Code Title 3: Business Regulations, Chapter 22 Special Retail Marijuana Sales Tax,  
71 subsection 2 will be amended to read as follows:

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73 “3-22-2: IMPOSITION OF TAX:

74  
75 In addition to the sales tax imposed by chapter 9 of this title, beginning January 1,  
76 2024 there is imposed upon all sales of retail marijuana and retail marijuana products to a  
77 consumer by a retail marijuana store a tax at the rate of six and one-half percent (6.50%)  
78 of the amount of the sale.

79  
80 **Section 3:** Severability. If any part, section, subsection, sentence, clause or  
81 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
82 validity of the remaining sections of this ordinance. The City Council hereby declares that it would  
83 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase  
84 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or  
85 phrases may be declared invalid.

86  
87 **Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict  
88 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer  
89 clauses of such ordinance nor revive any ordinance thereby.

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91  
92 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

93 of the City of Littleton on the 15<sup>th</sup> day of August, 2023, passed on first reading by a vote of 5

94 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library,  
95 the Municipal Courthouse and on the City of Littleton Website.

96 PUBLIC HEARING on the Ordinance to take place on the 22<sup>nd</sup> day of  
97 August, 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue,  
98 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

99 PASSED on second and final reading, following public hearing, by a vote of  
100 FOR and \_\_\_\_\_ AGAINST on the 22<sup>nd</sup> day of August, 2023 and ordered published by  
101 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of  
102 Littleton Website.

103

104 ATTEST:

105

106

107 \_\_\_\_\_  
Colleen L. Norton, City Clerk

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111 APPROVED AS TO FORM:

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114 \_\_\_\_\_  
Reid Betzing, City Attorney

\_\_\_\_\_  
Kyle Schlachter, Mayor

