CITY OF LITTLETON, COLORADO

ORDINANCE NO. 02

Series, 2021

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ADDING CHAPTER 24, ENTITLED FIREARMS RETAILER, TO TITLE 3 BUSINESS REGULATIONS

WHEREAS, Section 5, of Chapter 1, of Title 3 entitled Business Regulations allows for the City to establish business regulations at the time of issuance or subsequent to issuance that businesses must abide by.

WHEREAS, the sale of firearms from businesses within our community is an ongoing activity within the City; and

WHEREAS, over the past several years there have been a number of burglaries of businesses that sell firearms; and

WHEREAS, the burglaries of these businesses has led to a number of unlicensed firearms being on the streets and potentially used in the commission of further crimes; and

WHEREAS, the presence of unlicensed firearms in our community presents a health, welfare, and safety threat to our citizens and the community at large; and

WHEREAS, the city council finds that the proposed additions to the city code are in the best interest of the city and will promote the public health, safety and welfare of its inhabitants.

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

Section 1: Chapter 24 of Title 3, Firearms Retailer, is hereby added to the Littleton City Code to read as follows:

CHAPTER 24. FIREARMS RETAILER.

3-24-1: LEGISLATIVE PURPOSE:

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

3-24-2: DEFINITIONS:

The following definitions shall apply to this Chapter:

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

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

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

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

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

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

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

lock, fingerprint identification or other biometric identification.

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

3-24-3: LICENSE REQUIRED:

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

3-24-4: LICENSE APPLICATION:

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

3-24-5: LICENSING REQUIREMENTS:

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

(1) The applicant must obtain a valid sales/use tax license from the City of Littleton pursuant to 3-9-2 of the Littleton City Code.

(2) The applicant must provide a valid Federal firearms license issued in accordance with the federal Gun Control Act by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

(3) A Safe Storage and Security Measures Plan approved by the Littleton Police Department.

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

(1) Security/burglary alarm system: All firearms retailers are required to have an operating security/burglary alarm system in place with video recording at all points of entry and at all points where firearms are displayed, stored, or sold. All initial calls upon an alarm triggering shall be first routed to the Littleton Police Department (911).

(2) Storage of firearms: During non-business hours, all firearms that are located in the retailers place of business shall be stored in a locked safe, locked steel gun cabinet, or secured safe room.

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

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

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

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

3-24-6: ISSUANCE OF LICENSE:

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

3-24-7: DENIAL OF LICENSE:

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

3-24-8: LICENSE TERM, RENEWAL, SUSPENSION:

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

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

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

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

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

Cause for violations of the City's Code, or state or federal laws to the operation of the firearms retailer by a preponderance of the evidence standard as found by the Finance Director or their designee. A Notice to Show Cause for violations of the City Code may be issued to the firearms retailer. A license may be suspended or revoked upon a subsequent hearing based on a preponderance of the evidence standard as found by the Finance Director or their designee.

3-24-9: UNLAWFUL ACTS:

(a) It shall be unlawful to operate a firearms retailer without having a current firearms retailer license.

(b) It shall be unlawful to operate a firearms retailer without being in conformance with the approved Safe Storage and Security Measures Plan.

3-24-10: VIOLATIONS AND PENALTIES:

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

3-24-11: ADMINISTRATION:

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

Section 2: Effective Date. The effective date for this ordinance shall be August 1, 2021.

Section 3: 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 4: 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 19th day of January, 2021, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 2nd day of February 2021, in the Council Chamber[1], Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____FOR and _____ AGAINST on the 2nd day of February, 2021 and ordered published by posting at Littleton Center [1], Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

_____
Colleen L. Norton
CITY CLERK

_____
Jerry Valdes
MAYOR

APPROVED AS TO FORM:

_____
Reid Betzing
CITY ATTORNEY

[1] *Due to COVID19, 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.*