

ORDINANCE NO. 17-02

AN ORDINANCE OF THE CITY OF ASTORIA IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER

Recital

Whereas, ORS 475B.345 provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

Whereas, during the November 8, 2016 general election, the voters of the City of Astoria approved a proposal to impose a three percent tax on the sale of marijuana items by a marijuana retailer in the City of Astoria.

Whereas the City Council of the City of Astoria wishes to provide for the effective collection of the tax approved by the voters.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

Marijuana item has the meaning given that term in ORS 475B.015(16).

Marijuana retailer means a person who sells marijuana items to a consumer in this state.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

Section 2. Tax Imposed. As described in ORS 475B.345 the City of Astoria imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the City of Astoria.

Section 3. Collection. Every marijuana retailer shall collect this tax at the point of sale at the time at which the retail sale occurs.

Section 4. Tax Returns. Every marijuana retailer shall pay the taxes collected to the Oregon Department of Revenue and shall file all returns reporting this tax as required by any rules and procedures established by the Oregon Department of Revenue.

Section 5. Interest and Penalty.

- (A) Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the Oregon Department of Revenue was originally required to be filed by the marijuana retailer to the time of payment.

- (B) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400.
- (C) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of Revenue.
- (D) Taxes, interest and penalties transferred to the City of Astoria by the Oregon Department of Revenue will be distributed to the City's General Fund.
- (E) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the Oregon Department of Revenue and the City of Astoria under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

Section 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 7. Effective Date. This ordinance will be effective thirty (30) days after its passage.


ADOPTED BY THE CITY COUNCIL THIS 17TH DAY OF JANUARY 2017.

APPROVED BY THE MAYOR THIS 17TH DAY OF JANUARY 2017.

Arline LaMear

 Mayor

ATTEST:



 City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Nemlowill	X		
Brownson	X		
Price	X		
Jones	X		
Mayor LaMear	X		