

ORDINANCE NO. 5873

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

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, the Albany City Council wants to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1. Title 3, Revenue and Finance of the Albany Municipal Code hereby adds a new Chapter 3.06 entitled "Marijuana Tax," establishing a tax on the sale of marijuana and marijuana-infused products as follows:

SECTION 3.06. Purpose.

For the purposes of this Chapter, every person who sells recreational marijuana or marijuana-infused products in the City of Albany is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the retail sale of marijuana and marijuana-infused products.

SECTION 3.06.020. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

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 3.06.030 Tax Imposed. As described in ORS 475B.345 the City of Albany hereby imposes a tax of three percent (3%) on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City.

SECTION 3.06.040 Collection of Tax. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

SECTION 2. This ordinance shall be referred to the electors of Albany at the next statewide general election on Tuesday, November 8, 2016.

SECTION 3. Repeal of AMC 3.05: Upon approval of this measure by the electors of the City of Albany at the next general election on Tuesday, November 8, 2016, AMC 3.05 shall be repealed.

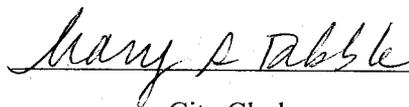
SECTION 4. If marijuana sales are banned by act of the City Council or act of the voters, then the tax rate shall be set at zero (0) percent for the duration of the ban. Upon conclusion of the ban, a new tax rate may be imposed as provided for under this section.

Passed by Council: July 27, 2016

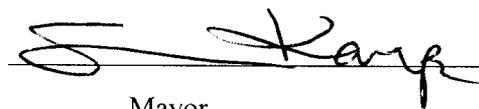
Approved by Mayor: July 27, 2016

ATTEST:

Effective Date: August 26, 2016



City Clerk



Mayor