

INTRODUCED BY ALDERMAN BOHL

**AN ORDINANCE LEVYING AN ADDITIONAL SALES TAX ON SALES OF ADULT USE MARIJUANA AND CALLING AN ELECTION FOR VOTER APPROVAL OF SUCH TAX.**

**WHEREAS**, on November 8, 2022, the people of Missouri enacted an amendment to the Missouri Constitution relating to the legalization, regulation and taxation of marijuana; and

**WHEREAS** among the provision enacted by the people was Section 2.6(5) of Art. XIV of the Missouri Constitution which authorizes the governing body of any local government to impose an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in the political subdivision in addition to any and all other tangible personal property retail sales tax allowed by law if approved by the voters of the political subdivision at a municipal, county or state general, primary or special election; and

**WHEREAS**, we believe it is in the best interests of the people of our community to act in accord with the authority which the voters of Missouri granted to offer our voters an opportunity to approve such a sales tax so some of the revenue derived from adult marijuana sales can be kept here and put to use to enhance services to the residents of our city;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OWENSVILLE, MISSOURI AS FOLLOWS:**

**Section One.** *Conditional Levy of Tax.* If approved by the voters as hereinafter provided, there is imposed an additional sales tax in an amount of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City in addition to any and all other tangible personal property retail sales tax allowed by law.

**Section Two.** *Calling an Election.* At the general municipal election to be held on April 4, 2023, the following proposition shall be submitted to the voters of the City:

**Proposition M**

Shall the City of Owensville, Missouri, be authorized to impose an additional sales tax in the amount of three percent (3%) on all tangible personal property retail sales of adult use, non-medical marijuana sold in the city of Owensville?

Yes

No

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

**Section Three.** *Election Administration.* The city clerk and other administrative officers of the city are hereby authorized and directed to do all things necessary to certify the proposition specified herein to the election authority for submission to the voters at the April 4, 2023, general municipal election.

**Section Four.** *Notice of Tax Levy.* If a majority of the votes cast are in favor of the proposition the city clerk and other administrative officers of the city are authorized and directed within ten days after receipt of the certified election results to forward to the Missouri director of revenue by United States registered mail or certified mail a certified copy of this ordinance and the election results in accord with the provisions of Sec. 32.087, RSMo., and to do all things necessary or prudent to effectuate the levying and collection of the tax provided herein and account for revenues provided thereby.

**Section Five.** *Effective Date.* This ordinance shall be in full force and effect from and after its passage and approval by the mayor. In accord with the provisions of Sec. 32.087.2, RSMo., the tax levied hereby shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax, and shall be imposed on all transactions on which the tax is applicable pursuant to Art. XIV, Section 2.6(5) of the Missouri Constitution.

**Section Six.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section Seven.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of Owensville, Missouri upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section Eight.** This Ordinance shall be in full force and effect from and after its passage and approval.

READ two (2) times and passed as read this 17<sup>th</sup> day of January 2023.

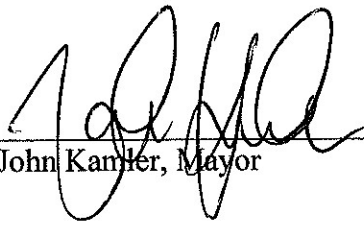
**VOTES CAST:**

**YES:** Alderman Kramme, Lahmeyer, McFadden, Bohl


**NO:**

**ABSENT:**

**APPROVED THIS 17<sup>th</sup> DAY OF JANUARY, 2023.**

  
\_\_\_\_\_  
John Kamler, Mayor

**Attest:**

  
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Peggy Farrell, MMC/MPCC  
City Clerk