

ORDINANCE NO. 2018

**AN ORDINANCE AMENDING CHAPTER 3.30 MARIJUANA
AND MARIJUANA INFUSED PRODUCT TAX**

RECITALS:

- A. In November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana, and in 2013 the Oregon legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries (collectively "OMMA"); and
- B. in November 2014, Oregon voters approved Measure 91 (M. 91) legalizing personal possession, growth, processing, delivery and sale of nonmedical marijuana; and
- C. Effective June 30th, 2015 the Oregon legislature adopted House Bill 3400 amending the Oregon Medical Marijuana Act ("OMMA") and Measure 91 ("M91"); and
- D. The City of Central Point is a home-rule Municipal corporation; and
- E. Section 4 of the Central Point Charter provides: "The City shall have all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers."; and
- F. Words ~~lined through~~ in the following ordinance are to be deleted and words **in bold** are added.

The people of the City of Central Point do ordain as follows:

Section 1. Section 3.30.030 Levy of Tax is hereby amended to read as follows:

Chapter 3.30

MARIJUANA AND MARIJUANA INFUSED PRODUCT TAX

3.30.030 Levy of tax

3.30.030 Levy of tax.

A. There is hereby levied and shall be paid a tax by every seller exercising the taxable privilege of selling marijuana, **medical marijuana** and marijuana-infused products as defined in this chapter.

B. The amount of tax levied is as follows:

1. **Three percent of the gross sale amount paid to the seller for medical marijuana sold under the Oregon Medical Marijuana Program and/or recreational marijuana.** ~~Five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~

2. ~~Ten percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.~~

3. ~~Upon city council resolution, the amount of the tax levied may be increased up to twenty-five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~

4. **3.** Upon city council resolution, the amount of the tax levied may be increased up to twenty-five percent of the gross sale amount paid to the seller by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.

C. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana

SECTION 2. Section 3.30.140 is here by created to read as follows:

3.30.140 Savings Clause

3.30.140 Savings Clause

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or

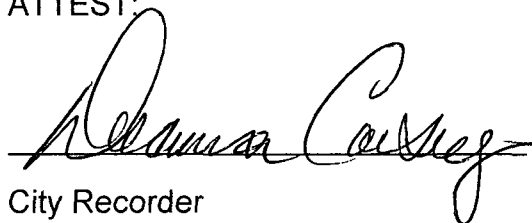
re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 4. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this 22 day of OCTOBER, 2015.


Mayor Hank Williams

ATTEST:


City Recorder