

CITY OF CHILLICOTHE, MISSOURI

BILL NO. 2023 - 54

ORDINANCE NO. 2023 - _____

AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF CHILLICOTHE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON DATE; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

WHEREAS, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

WHEREAS, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of Chillicothe, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Chillicothe, Missouri; and

WHEREAS, the GOVERNING BODY finds that it is in the best interests of the citizens of the City of Chillicothe, Missouri to impose a sales tax of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Chillicothe, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on August 8, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

SECTION 1. ADULT USE MARIJUANA SALES TAX. A sales tax at the rate of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Chillicothe, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

SECTION 2. EFFECTIVE DATE. The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on DATE, at which election a proposal to authorize the City Council of the City of Chillicothe, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Chillicothe.

SECTION 3. FORM OF BALLOT. The ballot to be used in such election shall contain the following question:

Question 1

Shall the City of Chillicothe, Missouri, impose a sales tax of three percent (3%) on all retail sales of adult use marijuana sold in the City of Chillicothe, Missouri? The tax, if approved, does not apply to marijuana purchased for medical use.

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 4. NOTICE OF ELECTION. The City Clerk is hereby directed to notify the ELECTION AUTHORITY of Livingston County, Missouri, of the enactment of this Ordinance no later than 5:00 p.m. on May 30, 2023, in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.

The City Clerk shall prepare and cause to be forwarded to the Election Authority for Livingston County, Missouri, a Notice of Election in compliance with this Ordinance and take such other steps as may be required so that an election may be lawfully conducted. The Election Authority of Livingston County shall conduct such an election according to the law and certify the results thereof. Said Election Authority shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may conduct thereof. Said Election Authority shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accordance with the statutes of the State of Missouri and the Ordinances of the City.

Section 5. Within ten (10) days after the approval of this ordinance by the qualified voters of Chillicothe, Missouri, the City Clerk shall as soon as possible after the election date (but in any event no later than ten (10) days after the election date) forward to the Director of Revenue of the State of Missouri (Taxation Division, Local Tax Unit, P.O. Box 3380, Jefferson City, Missouri 65105-3380) by certified mail a certified copy of this ordinance together with a certified copy of election results, a copy of the official ballot; a map of the City clearly showing the boundaries; and the name, title, and address to where all future correspondence and distribution payments concerning this capital improvements sales tax should be sent. The sales tax hereby imposed shall then become effective on the first day of the second calendar quarter following the City Clerk's notification of the Department of Revenue and shall be levied and collected in the manner provided by the Act, by Sections 32.085 and 32.087, RSMo, as amended, and by all other applicable laws, and shall be used for the purposes hereinabove authorized.

Section 6. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 8. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 8th DAY OF MAY 2023.

CITY OF CHILLICOTHE, MISSOURI

Theresa Kelly, Mayor

ATTEST:

Amy Hess, City Clerk