

ORDINANCE NO. 170-2017

AN ORDINANCE OF THE CITY OF DONALD UPDATING ORDINANCE 168-2016 BY IMPOSING AN INTEREST AND PENALTY STRUCTURE FOR THE COLLECTION OF MARIJUANA TAX CHAPTER 112

WHEREAS, the City of Donald voters to impose a three percent tax of fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the Oregon Department of Revenue reviewed Ordinance 168-2016 and recommended that the adopted ordinance be amended to include regulations in regards to penalties and interest;

WHEREAS, the city council wants to update

NOW THEREFORE, the City of Donald ordains as follows:

Section 1. DEFINITIONS.

112.04: INTEREST AND PENALTY

- (A) Interest shall be added to the overall 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 Donald by the Oregon Department of Revenue will be distributed to the City of Donald's General Fund.
- (E) If at any time a marijuana retailer fails to remit any amount of owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the Oregon Department of Revenue and the City of Donald under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

Section 2: The first reading of this Ordinance was conducted on April 11, 2017. The second reading of this Ordinance was conducted on May 17, 2017 and was passed and adopted by the City Council on May 17, 2017 as follows:

<u>6</u>	AYES
<u>0</u>	NAYS
<u>0</u>	ABSTENTIONS

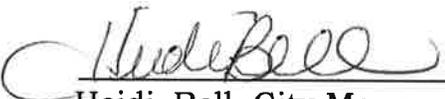
Section 3: This Ordinance shall take be effective on the thirtieth day after the date of enactment below, as per City Charter Chapter X, Section 36.

SIGNED and **DATED** this 16th day of June 2017.



Rick Olmsted, Mayor

ATTEST



Heidi Bell, City Manager

PASSED by the City Council: May 17, 2017

SIGNED by the Mayor: June 16, 2017

EFFECTIVE: June 16, 2017