

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADDING SECTION 140.015 SALES TAX IMPOSED ON RETAIL SALES OF ADULT-USE MARIJUANA, DIRECTING THE APPLICATION OF THE SALES TAX REVENUE TO BE COLLECTED FOR THE PURPOSE OF FUNDING PARKS AND RECREATION AND PUBLIC SAFETY SERVICES, SUCH SALES TAX TO BE AT THE RATE OF THREE PERCENT ON ALL RETAIL SALES OF ADULT USE MARIJUANA WITHIN THE CITY OF OSAGE BEACH, MISSOURI WHICH ARE SUBJECT TO TAXATION PURSUANT TO ARTICLE XIV, SECTION 2.36(5) OF THE MISSOURI CONSTITUTION.

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 Osage Beach, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Osage Beach, Missouri; and

WHEREAS, Osage Beach, Missouri voters approved said tax on April 4, 2023, authorizing the Board of Aldermen of the City of Osage Beach, Missouri, to impose the tax herein.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. Within the City Code there are hereby enacted new Section as set forth below:

Section 140.015 Sales Tax Imposed on Retail Sales of Adult-Use Marijuana.

- A. As authorized by Article XIV, § 2.6(5) of the Missouri Constitution, a sales tax at the rate of three percent (3.0%) is hereby imposed on all retail sales of adult-use marijuana sold in the City of Osage Beach, Missouri.
- B. All monies received by the City as a result of said tax shall be deposited by the City Treasurer, or other authorized City Officer, in the General Fund and shall be expended only for purpose of funding capital improvements and operation and maintenance for Parks and Recreation, and for capital improvements and operation of Public Safety Services, including Police, 911 Communication, and Ambulance services.
- C. Said sales tax shall become effective the 1st day of October, 2023, and shall be levied and collected in the manner provided by law.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: June 15, 2023

READ SECOND TIME: July 6, 2023

I hereby certify that the above Ordinance No. 23.56 was duly passed on July 6, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstain: 0

Absent: 2

This Ordinance is hereby transmitted to the Mayor for his signature.

July 6, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No. 23.56.

July 6, 2023
Date

Michael Harmison
Michael Harmison, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk