

ORDINANCE NO. 1325A

AN ORDINANCE AMENDING ORDINANCE 1310 WHICH ESTABLISHED A TAX ON THE SALE OF MARIJUANA AND MARIJUANA – INFUSED PRODUCTS IN THE CITY OF TILLAMOOK, ACKNOWLEDGING THE INTENT OF THE SEVERABILITY CLAUSE AND REMOVING ALL REFERENCES TO MEDICAL MARIJUANA, AMENDING THE CODE OF THE CITY OF TILLAMOOK, TITLE III, CHAPTER 35 FINANCES; TAXES AND FEES; AND DECLARING AN EMERGENCY

WHEREAS, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the City of Tillamook, by a majority vote of electors at the November 8, 2016 General Election, adopted Ordinance 1310 taxing the sale or transfer of marijuana and marijuana-infused products within the City; and

WHEREAS, state legislation only allows for the collection of recreational marijuana and marijuana –infused items; and

WHEREAS, Section 16 of Ordinance 1310: Severability states: “The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.”

NOW THEREFORE, the City of Tillamook ordains as follows:

Section 1. Removal of Medical Marijuana References.

In order to avoid confusion for customers and retail vendors whom this tax will effect, all references to medical marijuana to be removed as provided in the severability clause of Ordinance 1310.

Section 2. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 3. Savings.

Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

Section 4. Codification.

- A. Title III, Chapter 35, Finances, Taxes, and Fees is amended to include all provisions of this ordinance.
- B. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word and the sections of the Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 5. Emergency.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage and approval.

PASSED FIRST READING by the City Council this 6th day of February, 2017.

PASSED SECOND READING by the City Council this 6th day of February, 2017.

ADOPTED by the City Council this 6th day of February, 2017.

APPROVED by the Mayor this 6th day of February, 2017.

ATTEST:



Suzanne Weber, Mayor



Abigail Donowho, City Recorder