

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE IMPOSING A MARIJUANA SALES TAX AT THE RATE OF THREE PERCENT OF THE RECEIPTS FROM THE SALE AT RETAIL OF ADULT USE MARIJUANA WITHIN THE CITY OF INDEPENDENCE, MISSOURI, WHICH SHALL REMAIN IN EFFECT AT SAID RATE THEREAFTER UNTIL REPEALED BY THE VOTERS OF THE CITY; CALLING FOR THE PROPOSITION ADOPTING SAID TAX TO BE PLACED ON THE BALLOT AT THE REGULARLY SCHEDULED ELECTION TO BE HELD APRIL 4, 2023; PROPOSING THE FORM OF THE BALLOTS AND DIRECTING THE CITY CLERK TO DO ALL THINGS CALLED FOR BY LAW IN CONNECTION WITH THE HOLDING OF SAID ELECTION.

WHEREAS, on November 8, 2022, Missouri voters approved an amendment to Article XIV of the Missouri Constitution by amending Section 1 of Article XIV, and enacting a new Section 2 of Article XIV, to remove state prohibitions on the purchase, possession, consumption, use, delivery, manufacture, and sale of marijuana for personal use for adults over the age of 21, and imposing a six percent (6%) sales tax on the retail purchase of recreational marijuana, effective December 8, 2022 (“Amendment 3”); and

WHEREAS, Section 2.6(5) of Article XIV, as enacted by Amendment 3, authorizes a city to impose an additional sales tax of up to three percent (3.0%) on the retail purchase of recreational marijuana, upon the approval of the majority of the qualified voters in such city; and

WHEREAS, City staff has determined that a three percent (3.0%) tax on the sale of recreational marijuana in the City would be appropriate and would provide much-needed funding to meet the City’s public safety (limited to police, fire, emergency communications dispatch and emergency preparedness) facilities and operational needs; and

WHEREAS, the City Council of the City of Independence, Missouri, has determined that the proposed authorization of a local sales tax on recreational marijuana would be in the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. This ballot question shall be submitted to the qualified voters of Independence, Missouri, for their approval, as required by the provisions of Section 115.121.3 RSMo, at the General Municipal Election hereby called and to be held on the 4th of April, 2023.

SECTION 2. The ballot of submission shall contain substantially the following language:

SAMPLE BALLOT
FOR SPECIAL ELECTION
IN THE CITY OF INDEPENDENCE, MISSOURI
ON TUESDAY, APRIL 4TH, 2023

“For the purpose of funding Public Safety facilities and operations, shall the City of Independence, Missouri impose an additional sales tax of three percent (3%) on the retail sale of adult use non-medical marijuana?”

INSTRUCTIONS TO VOTERS

Yes No

INSTRUCTIONS TO VOTERS

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the questions, place an “X” in the box opposite “No”.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 4. The revenues collected from this tax, if approved by the qualified voters of Independence, shall be used for the purpose of public safety facilities and operations.

SECTION 5. That oversight of the use of this tax shall be the responsibility of the Public Safety Sales Tax Committee, at least semi-annually, to ensure the tax is being used in the most effective way.

PASSED THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

Recreational Marijuana Sales Tax
11/18/22-bb

City Manager