

# CODE

ORDINANCE NO. 4705

**AN ORDINANCE REPEALING BEAVERTON CODE CHAPTER 7.03, AS IT WAS ADDED BY THE CITY COUNCIL ON OCTOBER 28, 2014; AND CODIFYING BEAVERTON CODE CHAPTER 7.03, AS IT WAS ADOPTED BY THE ELECTORS OF THE CITY OF BEAVERTON ON NOVEMBER 8, 2016; AND ADDING A SECTION ON INTEREST AND PENALTY**

**Whereas**, Section 2 of the Charter of the City of Beaverton provides that the city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers;

**Whereas**, on October 28, 2014, the City Council added Chapter 7.03 on Marijuana Tax (Ordinance No. 4647) and levied a 10% (ten percent) tax on recreational marijuana and a 0% (zero percent) tax on medical marijuana (Resolution No. 4384);

**Whereas**, ORS 475B.345 allows the City of Beaverton to impose a local tax of up to three percent (3%) on sales of recreational marijuana items within the city if the local tax is approved by the voters of the city at a general election;

**Whereas**, on November 8, 2016, the electors of the City of Beaverton adopted an ordinance that imposed a tax of three percent (3%) on recreational marijuana items sold by licensed marijuana retailers within the City's jurisdiction; and

**Whereas**, the City finds it is in the public interest to repeal the City's Chapter 7.03 that was added on October 28, 2014, codify the ordinance adopted by the electors on November 8, 2016, and add a new section related to interest and penalty.

Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Beaverton Code Chapter 7.03, as it was added by the City Council on October 28, 2014, is hereby repealed.

**Section 2.** Resolution No. 4384 is hereby repealed.

**Section 3.** Beaverton Code Chapter 7.03, as it was adopted by the electors of the City of Beaverton on November 8, 2016, is hereby codified to read as follows:

**7.03.005 Definitions.**

Marijuana items has the meaning given that term in ORS 475B.015(16).

Marijuana retailer means a person licensed under ORS 475B.110.

Retail sale price means the total consideration paid to a marijuana retailer for a marijuana item, excluding tax, by or on behalf of a consumer.

**7.03.010 Tax Imposed.**

The City of Beaverton hereby imposes a three percent (3%) tax on the retail sale price of marijuana items sold by a marijuana retailer within the City of Beaverton.

**7.03.015 Collection.**

The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

**Section 4.** Beaverton Code Chapter 7.03.020 is hereby added to read as follows:

**7.03.020 INTEREST AND PENALTY.**

(A) Interest shall be added to the overall tax 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 Beaverton by the Oregon Department of Revenue will be distributed to the City's General Fund.


(E) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the Oregon Department of Revenue and the City under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

First reading this 11th day of April, 2017

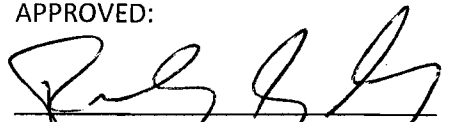
Second reading and passage by this Council this 18th day of April, 2017.

Approved by the Mayor this 19th day of April, 2017.

ATTEST:

  
CATHERINE L. JANSEN, City Recorder

APPROVED:

  
DENNY DOYLE, Mayor  
by Randy Ealy, Mayor Pro Tem