

BILL NO. 2023-02

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO APPROVE A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF MARIJUANA SOLD FOR PERSONAL, NON-MEDICAL USE BY AN ADULT WITHIN THE CITY OF HERMANN, MISSOURI PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

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; a copy of which is attached hereto as Exhibit A and incorporated herein by reference (“Amendment”); and

WHEREAS, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of Hermann, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all tangible personal property retail sales of marijuana sold for personal, non-medical use by an adult over the age of 21 (“Adult Use Marijuana”) sold in the City subject to approval by voters of the City; and

WHEREAS, the Board of Aldermen has determined that the imposition of a sales tax of three percent on all tangible personal property retail sales of Adult Use Marijuana sold in the City of Hermann, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held April 4, 2023 would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: ADULT USE MARIJUANA SALES TAX. A sales tax at the rate of three percent on all tangible personal property retail sales of Adult Use Marijuana sold in the City of Hermann, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

SECTION TWO: EFFECTIVE DATE. The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a

proposal to authorize the Board of Aldermen of the City of Hermann, Missouri to impose the tax herein provided for shall be submitted to the voters of the City of Hermann.

SECTION THREE: FORM OF BALLOT. The ballot to be used in such election shall contain the following proposition:

Proposition M

Shall the City of Hermann, Missouri impose a sales tax of three percent (3%) on all retail sales of marijuana sold for personal, non-medical use by adults over the age of 21 sold in the City of Hermann, Missouri?

Yes

No

SECTION FOUR: NOTICE OF ELECTION. The City Clerk is hereby directed to notify the County Clerk of Gasconade County, Missouri, of the enactment of this Ordinance no later than 5:00 p.m. on Tuesday, January 24, 2023 in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.

SECTION FIVE: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: _____

Second Reading: _____

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman Ash Geers						
Alderman Derek LeRoy						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this ____ day of January, 2023.

BRUCE COX, Mayor

PATRICIA HEANEY, City Clerk