

**AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF OSAGE BEACH, MISSOURI, FOR THE PURPOSE OF FUNDING POLICE, AMBULANCE AND PARKS SERVICES 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; 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

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF OSAGE BEACH, MISSOURI AS FOLLOWS:**

**SECTION 1 – ADULT USE MARIJUANA SALES TAX.** A sales tax at the rate of three percent on all retail sales of adult use marijuana sold in the City of Osage Beach, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed for the purpose of funding Parks and Recreation and Public Safety Services. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

**SECTION 2 – 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 Osage Beach, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Osage Beach.

**SECTION 3 – FORM OF BALLOT.** The ballot to be used in such election shall contain the following question:

**Question 1**

Shall the City of Osage Beach, Missouri, impose a three percent (3%) sales tax on all retail sales of adult use marijuana sold within the City of Osage Beach, Missouri, for the purpose of funding capital improvements and operation and maintenance for Parks and Recreation, and for capital improvements and operations of Public Safety Services, including Police, 911 Communication, and Ambulance services.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**SECTION 4. ELECTION NOTICE.** That the notice of election shall read as follows:

NOTICE OF ELECTION  
CITY OF CITY OF OSAGE BEACH, MISSOURI

Notice is hereby given to the qualified voters of the City of City of Osage Beach, Missouri, that the Board of Aldermen of the City has called a general municipal election to be held in the City on April 4, 2023, commencing at 6:00 A.M. and closing at 7:00 p.m., on the question contained in the following sample ballot:

OFFICIAL BALLOT  
CITY OF CITY OF OSAGE BEACH

GENERAL MUNICIPAL ELECTION, APRIL 4, 2023

QUESTION NO.1

(Additional Sales Tax on Retail Sale of Adult Use Marijuana)

Shall the City of Osage Beach, Missouri, impose a three percent (3%) sales tax on all retail sales of adult use marijuana sold within the City of Osage Beach, Missouri, for the purpose of funding capital improvements and operation and maintenance for Parks and Recreation, and for capital improvements and operations of Public Safety Services, including Police, 911 Communication, and Ambulance services.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

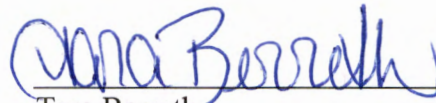
Instructions to voters will be supplied by the election authorities.

A complete copy of Ordinance No. 22.99 submitting the above question to the electorate is on file in the Office of the City Clerk of City of Osage Beach, Missouri, and is open for inspection and copying.

The election will be held at the following polling places in the City of City of Osage Beach, Missouri: [insert list in last publication only].

Given under my hand and the official seal of the City of City of Osage Beach, Missouri, this 5<sup>th</sup> day of January, 2023.

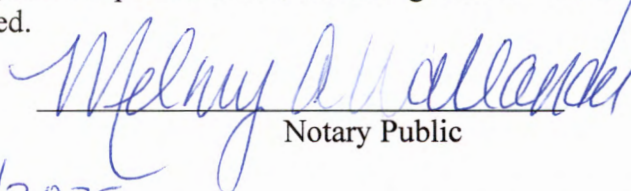
(SEAL)



Tara Berreth

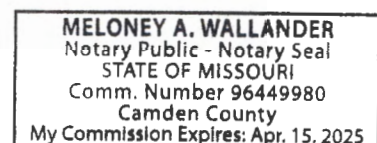
City Clerk of City of Osage Beach, Missouri

Before me, a notary public, personally appeared Tara Berreth, to me known to be the City Clerk of City of Osage Beach, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.



Notary Public

My commission expires: 4/15/2025



## **SECTION 5 – NOTICE OF ELECTION.**

The City Clerk is hereby directed to notify the ELECTION AUTHORITY of Camden 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 6. 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 7. 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 8.** 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: December 15, 2022    READ SECOND TIME: January 5, 2023

I hereby certify that Ordinance No. 22.99 was duly passed on January 5, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5

Nays: 0

Abstentions: 0

Absent: 1

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

January 5, 2023  
Date

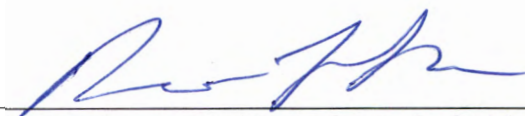
Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

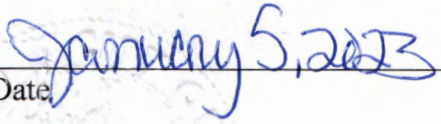


Edward B. Rucker, City Attorney

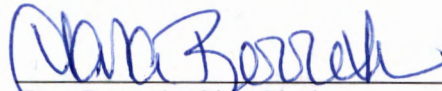
I hereby approve Ordinance No. 22.99.



Richard Ross, President of Board of Aldermen



Date



Tara Berreth, City Clerk