

**CITY OF YACHATS
ORDINANCE NO. 344**

**AN ORDINANCE REPEALING ORDINANCE NO. 326 AS AMENDED BY
ORDINANCE NO 336 AND
REPEALING CHAPTER 3.14 OF THE YACHATS MUNICIPAL CODE**

WHEREAS, on October 30, 2014 the Yachats City Council adopted Ordinance No. 326, an ordinance imposing a tax on sales of medical and recreational marijuana in the City of Yachats; and

WHEREAS, on May 14, 2015 the Yachats City Council adopted Ordinance No. 336 amending Ordinance No. 326; and

WHEREAS, following the City's adoption of Ordinance No. 326, the Oregon Legislature adopted ORS 475B.345, which allows cities in Oregon to impose a 3% tax on retail recreational marijuana sales, if that 3% tax is approved by the voters of the City at a general election; and

WHEREAS, ORS 475B.345 prohibits cities from imposing all other taxes and fees on the production, processing, or sale of marijuana; and

WHEREAS, Ordinance No. 326, Ordinance No. 336 and YMC Chapter 3.14 are now preempted by state law and is unenforceable,

NOW, THEREFORE, THE CITY OF YACHATS ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 326 as amended by Ordinance 336 is hereby repealed and Chapter 3.14 of the Yachats Municipal Code is hereby removed from the Yachats Municipal Code.

Section 2. This ordinance shall take effect on the 30th day after adoption by the Council and signature by the Mayor.

Passed and adopted by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

Approved by the Mayor this ____ day of _____.

Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder