

**CITY OF REDMOND  
ORDINANCE NO. 2025-02**

**AN ORDINANCE OF THE CITY OF REDMOND IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER.**

**WHEREAS**, the City of Redmond has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant to allow the City; and

**WHEREAS**, the City of Redmond adopted by Ordinance 2014-19, a retail sales tax on marijuana items of fifteen percent (15%), which exists in Redmond City Code Chapter 7; and

**WHEREAS**, Oregon Revised Statute 475C.453 provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent (3%) tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

**WHEREAS**, on November 5, 2024, voters approved measure 9-178 by a margin of 70% to 30%, which approved a 3% tax on the sale of marijuana items by a marijuana retailer; and

**WHEREAS**, This ordinance was considered by City Council on March 25, 2025, and approved for a first reading by a margin of 5-0 (1 abstain, 1 absent).

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE:** The City of Redmond hereby amends the Redmond City Code Sections 7.150 through 7.193. The amendments and adopted text are attached hereto as "Exhibit A".

**SECTION TWO: SEVERABILITY:** The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

**SECTION THREE: EFFECTIVE DATE:** This Ordinance shall be effective on the 30<sup>th</sup> day following its passage.

**PASSED** by the City Council and **APPROVED** by the Mayor this 8<sup>th</sup> day of April 2025.

\_\_\_\_\_  
/s/ Ed Fitch  
Ed Fitch, Mayor

ATTEST:

\_\_\_\_\_  
/s/ Kelly Morse  
Kelly Morse, City Recorder

**Exhibit A:**

**Proposed City Code Amendment – Retail Marijuana Items Tax**

**CHAPTER 7: BUSINESS LICENSES**

Regarding Chapter 7, new proposed text Section 7.167 through 7.193 is identified in **Red**. Proposed deleted text ~~strike through~~.

**AMUSEMENT DEVICE TAX**

(\*\*\*)

**Penalty**.....7.167  
**Enforcement**.....7.168

(\*\*\*)

**MARIJUANA ~~ITEMS~~ AND MARIJUANA-INFUSED PRODUCT TAX**

**Purpose** .....7.170  
**Definitions** .....7.171  
**Imposition of Tax**.....7.172  
**Collection of Tax by Retailers; Rules for Collection**.....7.174  
**Retailer’s Duties**.....7.175  
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**Due Date, Returns, and Payments**.....7.179  
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**Security for Collection of Tax**.....7.184  
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**Refunds**.....7.186  
**Enforcement**.....7.187  
**Confidentiality**.....7.188  
**Administration**.....7.189  
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**Forms and Regulations**.....7.191

(\*\*\*)

**Sec. 7.150. - Short Title**

The provisions of Sections 7.150 to ~~7.170~~ **7.168** shall be known as the Amusement Device Tax Act.

(\*\*\*)

**Sec. ~~7.168~~ **7.167**. - Penalty**

A violation of Section 7.158 is a Class B civil infraction.

**Sec. ~~7.170~~ **7.168**. - Enforcement.**

In addition to the civil and administrative infraction procedure, the City may file a civil action to recover taxes unpaid or, after mailing notice via certified mail to the person responsible for said business, the

City may place a lien against the real property where the business is located for the amount of the tax plus interest. Said lien shall be filed with the Finance Officer and noted in the lien docket.

## **RETAIL MARIJUANA ITEMS TAX**

### **Sec. 7.170.- Purpose.**

For the purposes of Sections **7.170 through 7.191**, every person who ~~sells~~ **purchases retail** marijuana ~~items, medical marijuana or marijuana-infused products~~ in the City of Redmond is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail **purchase** ~~sale~~ of marijuana ~~items, medical marijuana, and marijuana-infused products~~.

### **Sec. 7.171. - Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases, as used in in Sections **7.170 through 7.191**, shall have the following meanings:

**Marijuana item** has the meaning given that term in ORS 475C.009(25).

**Marijuana retailer (retailer)** means a person who sells retail marijuana items to a consumer.

**Retail customer** means a person (consumer) who purchases marijuana item(s) from a marijuana retailer.

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

~~Gross Taxable Sales means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.~~

~~Manager means the City Manager for the City of Redmond or his/her designee.~~

~~Marijuana means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

~~Oregon Medical Marijuana Program means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.~~

~~Person means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.~~

~~Purchase or Sale means the acquisition or furnishing for consideration by any person of marijuana within the City.~~

~~Purchaser means any person who acquires marijuana from a seller for any valuable consideration.~~

~~Registry Identification Cardholder means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.~~

~~Retail Sale means the transfer of goods or services in exchange for any valuable consideration.~~

~~Seller means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.~~

~~Tax means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.~~

~~Taxpayer means any person obligated to account to the Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.~~

### **Sec. 7.172. - Levy of Imposition of Tax**

As described in ORS 475C.453, the City of Redmond hereby imposes a tax of three percent (3%) on the retail sale price of marijuana items by a marijuana retailer (retailer) in the area subject to the jurisdiction of the city.

The tax constitutes a debt owed by the retail customer to the City which is extinguished only by payment to the retailer or to the City. The retail customer shall pay the tax to the retailer at the time the retail sale price is paid.

The retailer shall enter the tax on its records when the retail sale price is collected if the retailer keeps records on the cash accounting basis; and when earned if the retailer keeps records on the accrual accounting basis. If for any reason the tax due is not paid to the retailer of the commercial establishment, the tax administrator may require that such tax shall be paid directly to the City.

~~1. There is hereby levied and shall be paid a tax by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter.~~

~~2. The amount of tax levied is as follows:~~

- ~~A. Five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~
- ~~B. Fifteen percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.~~
- ~~C. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana.~~

~~**7.183 Deductions.** The following deductions shall be allowed against sales received by the seller providing marijuana:~~

- ~~1. Refunds of sales actually returned to any purchaser;~~
- ~~2. Any adjustments in sales which amount to a refund to a purchaser, providing such a adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.~~

### **Sec. 7.174 Seller Responsible for Payment of Tax. Collection of Tax by Retailers; Rules for Collection.**

- ~~1. The taxes collected by the seller are due and payable to the Manager on a calendar basis on the 20<sup>th</sup> day of the month for the preceding month and are delinquent on the last day of the month in which they are due. The seller shall make a return to the Manager, on forms p~~

provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The Manager may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Manager.

2. At the time the return is filed, the full amount of the tax collected shall be remitted to the Manager. Payments received by the Manager for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.
3. Non-designated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Manager may order such a change. The Manager also may require additional information in the return relevant to payment of the liability. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the Manager. A separate trust bank account is not required in order to comply with this provision.
4. For good cause, the Manager may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the City Council. A seller to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 7.185.
5. Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.
6. Every seller must keep and preserve in an accounting format established by the Manager records of all sales made by the dispensary and such other books or accounts as may be required by the Manager. Every seller must keep and preserve for a period of three (3) years and six (6) months all such books, invoices and other records. The Manager shall have the right to inspect all such records at all reasonable times.

1. The tax imposed upon the retail customer under RCC Section 7.172 shall be collected at the point of sale and remitted by each retailer that engages in the retail sale of marijuana items.
2. In addition to being property of the City held in trust by the retailer, the tax collected or accrued by the retailer constitutes a debt owing by the retailer to the City.

#### **Sec. 7.175 Retailer's Duties.**

Each retailer shall collect the tax imposed by Section 7.172 at the same time as the retail sale price is collected from every retail customer. The amount of tax shall be separately stated upon the retailer's records, and any receipt rendered by the retailer. No retailer shall advertise that the tax or any part of the tax will be assumed or absorbed by the retailer, or that it will not be added to the retail price, or that, when added, any part will be refunded, except in the manner provided by these sections.

#### **Sec. 7.176 Exemptions.**

The tax shall not be imposed upon a registry identification cardholder, as outlined in ORS 475C.783; a designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder, as outlined in ORS 475C.783; or other items specifically exempted from the tax under ORS 475C.678.

### **Sec. 7.177 Registration of Retailer; Certification of Authority.**

1. Each retailer shall register with the tax administrator on a form provided by the administrator. Retailers starting a new business must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of the tax shall not relieve any person from the obligation of payment or collection of the tax regardless of registration.
2. The registration shall include:
  - a. The name(s) under which a retailer transacts or intends to transact business.
  - b. The mailing and physical addresses of the business.
  - c. Other information to facilitate the collection of the tax as the tax administrator may require.
  - d. The signature of the retailer.
3. The tax administrator shall, within ten days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the retail customer, together with a duplicate for each additional place of business of each registrant. Certificates are non-assignable and non-transferable and shall be surrendered immediately to the tax administrator on the cessation of business at the location named or on the sale or transfer of the business. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed or readily available upon request so as to be seen by or available to all retail customers.
4. The certificate shall state:
  - a. The name of the retailer.
  - b. The address of the retailer.
  - c. The date on which the certificate was issued.
  - d. "This Marijuana Item Tax Collector Certificate of Authority signifies that the retailer named has fulfilled the requirements of the marijuana item tax provisions of the Redmond Code by registering with the tax administrator for the purpose of collecting from retail customers the marijuana item tax imposed by the City and remitting the tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate marijuana retail without strictly complying with all local applicable laws including but not limited to those requiring a permit from any board, commission, department or office of the City of Redmond. This certificate does not constitute a permit."

### **Sec. 7.178 City Tax Administrator Rules.**

The City Tax Administrator shall enforce provisions of these sections and is hereby authorized to establish such rules and procedures for the implementation and enforcement of this subchapter, consistent with its provisions, as the tax administrator considers necessary and appropriate.

### **Sec. 7.179 Due Date, Returns and Payments.**

1. The retailer shall file a return to the City of Redmond on or before the last day of January, April, July and October of each year for the previous calendar quarter.
2. Retailers shall file the returns required under this section regardless of whether any tax is owed.
3. The retailer shall pay the tax to the City of Redmond in the form and manner prescribed by the City, but not later than with each quarterly return, without regard to extension granted under subsection (7) of this section.
4. Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total retail sales on which tax was collected or is due, gross receipts of the retailer for the period, an explanation in detail of any discrepancy between the amounts, and the amounts of retail sales exempt.
5. The retailer shall deliver the return and the tax due to the tax administrator's office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of

delivery for determining delinquencies.

6. The retailer may retain two percent (2%) of the tax as reimbursement for the costs incurred by the retailer in collecting and reporting a marijuana item tax and in maintaining marijuana item tax records.
7. For good cause, the tax administrator may extend the time for filing a return or paying the tax for not more than one month. No further extensions shall be granted except by the Council. A retailer to whom an extension is granted shall pay interest at the rate of ten percent (10%) per year on the amount of tax due, without proration for a fraction of a month. If a return is not filed, and the tax and interest due are not paid by the end of the extension, the interest shall become a part of the tax for computation of penalties described in **Section 7.180**.
8. The tax administrator may require returns and payment of the amount of taxes for other than quarterly periods in individual cases to ensure payment or to facilitate collection by the City.

#### **Sec. 7.180 Delinquency Payments.**

1. Any retailer who has not been granted an extension of time for remittance of tax due and who fails to remit any portion of any tax imposed by this chapter prior to delinquency shall pay a penalty of ten percent (10%) of the tax due, in addition to the tax.
2. Any retailer who has not been granted an extension of time for remittance of tax due and who fails to pay a delinquent remittance before the expiration of 31 days following the date on which the remittance became delinquent, shall pay a second delinquency penalty of fifteen percent (15%) of the tax due, the amount of the tax, and the ten percent (10%) penalty first imposed.
3. If the ~~Manager~~ **tax administrator** determines that the non-payment of a remittance is due to fraud or intent to evade the tax, a penalty of twenty-five percent (25%) of the amount of the tax shall be added to the penalties stated in subsections (1) and (2) of this section.
4. In addition to the penalties imposed by this section, any retailer who fails to remit the required tax imposed by this chapter shall pay interest at the rate of **ten percent (10%)** ~~one percent (1%)~~ per year, without proration for portions of a month on the tax due, exclusive of penalties, from the date on which the tax first became delinquent until paid.
5. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.
6. ~~An operator~~ **A retailer** who fails to remit the tax within the required time may petition the tax administrator for waiver and refund of the penalty or a portion of it. The administrator may, if good cause is shown, direct a refund of the penalty or a portion of it.

#### **Sec. 7.181 Failure to Report and Remit Tax – Determination of Tax by ~~Manager~~ Tax Administrator.**

1. In making a determination that the returns are incorrect, the tax administrator may compute and determine the amount required to be paid on the basis of the facts contained in the return or returns or on the basis of any other information. Deficiency determinations may be made of the amount due for one or more than one period. The determined amount shall be due and payable immediately on service of notice after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in **Section 7.180**.
  - a. In making a determination, the tax administrator may offset overpayments that have been made against any deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on deficiencies shall be computed in the manner provided in **Section 7.180**.
  - b. The tax administrator shall give the retailer a written notice of their determination. The notice may be served personally or by mail. If mailed, the notice shall be addressed to the retailer at the address that appears on the records of the tax administrator, and service is completed at the time of deposit in the United States Post Office.

- c. Except in the case of fraud or intent to evade the tax or rules and regulations pursuant to it, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the monthly period for which the determination has been made or within three years after the return is filed, whichever is later.
  - d. A determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the tax administrator has given notice. The retailer may petition for redemption and refund if the petition is filed before the determination becomes final.
2. If a retailer fails or refuses to collect the tax or to make, within the time provided, any report or remit the tax, or makes a fraudulent return or otherwise willfully attempts to evade **Sections 7.170 to 7.191**, the tax administrator shall obtain facts and information on which to base an estimate of the tax due. After determining the tax due and the interest and penalties, the tax administrator shall give notice of the total amount due. Notice shall be in the manner provided by **Section 7.181(1)(b)**. The determination and notice shall be made and mailed within three years after discovery by the tax administrator of fraud, intent to evade, failure or refusal to collect the tax, or failure to file a return. The termination becomes due and payable immediately on receipt of notice and becomes final ten days after the tax administrator has given notice. The retailer may petition for redemption and refund if the petition is filed before the determination becomes final.
3. If the tax administrator believes that collection of any amount of tax will be jeopardized by delay or if a determination will be jeopardized by delay, the tax administrator shall determine the amount to be collected, noting the fact on the determination. The amount determined is immediately due and payable after service of notice. After payment has been made, the retailer may petition for redemption and refund on such determination if the petition is filed within ten days from the date of service of notice by the tax administrator.

#### **Sec. 7.182 Redeterminations.**

1. A retailer against whom a determination is made under **Section 7.181** or any person directly interested may petition for redetermination, redemption and refund within the time required in **Section 7.181**. If a petition for redetermination and refund is not filed within the time required, the determination becomes final at the expiration of the allowable time.
2. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination and, if the person requests a hearing in the petition, shall grant the person an oral hearing and shall give the person ten days notice of the time and place of the hearing. The tax administrator may continue the hearing if necessary.
3. The tax administrator may decrease or increase the amount of the determination as a result of the hearing. If an increase is determined, the increase is payable immediately after the hearing.
4. The order or decision of the tax administrator on a petition for redetermination of redemption and refund becomes final ten days after service on the petitioner of notice unless appeal of the order or decision is filed with the Council within ten days after service of the notice.
5. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

#### **Sec. 7.183 Appeal.**

1. ~~Any seller aggrieved by any decision of the Manager with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the Manager within fifteen (15) days of mailing of the notice of a decision. The City Manager shall fix a time and place for hearing the appeal, as prescribed by the City Council, and shall give the appellant fifteen (15) days written notice of the time and place of the hearing before the City Council.~~
2. ~~The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal Fees shall be set at \$150 for each decision appealed, and may be adjusted by Resolution of the City~~

Council.

3. ~~The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.~~
4. ~~The City Council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The City Council shall take such action upon the appeal it sees fit. The City Council shall at a minimum:~~
  - a. ~~At the commencement of the hearing, explain the relevant issues involved in the hearing, applicable procedures and the burden of proof.~~
  - b. ~~At the commencement of the hearing place on the record the substance of any written or oral ex parte communications concerning any relevant and material fact in issue at the hearing which was made outside the official proceedings during the pendency of the proceeding. The parties shall be notified of the substance of the communication and the right to rebut the communication. Notwithstanding the above, the parties are prohibited from engaging in ex parte communications with the members of the city council.~~
  - c. ~~Testimony shall be taken upon oath or affirmation of the witnesses.~~
  - d. ~~The City Council shall ensure that the record developed at the hearing shows a full and fair inquiry into the relevant and material facts for consideration for the issues properly before the hearings officer.~~
  - e. ~~Written testimony may be submitted under penalty of false swearing for entry into the record. All written evidence shall be filed with the City Recorder no less than five (5) working days before the date of the hearing.~~
  - f. ~~The City Council shall hear and consider any records and evidence presented bearing upon the Manager's determination of amount due, and make findings affirming, reversing or modifying the determination.~~
  - g. ~~Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.~~
5. ~~The action of the Manager shall be stayed pending the outcome of an appeal properly filed pursuant to this section.~~
6. ~~Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.~~
7. ~~The findings of the City Council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.~~

1. Any person aggrieved by any decision of the tax administrator may appeal to the City Council by filing a notice of appeal with the tax administrator within ten days of notice of the decision.
2. The tax administrator shall transmit the notice, together with the file of the appealed matter, to the Council.
3. The Council shall fix a time and place for hearing the appeal and shall give the appellant not less than ten days written notice of the time and place of hearing.

#### **Sec. 7.184. Security for Collection of Tax.**

The tax administrator may require a retailer to deposit security in the form of cash, bond or other security. The amount of security shall be fixed by the tax administrator, but shall not be greater than the retailer's estimated average quarterly liability for the period for which the retailer files returns or \$5,000.00, whichever amount is less. The amount of the security may be increased or decreased by the tax administrator, subject to the limitations of this subsection.

#### **Sec. 7.185. Liens.**

1. The tax, together with the interest, penalties, filing fees paid to the Clerk of Deschutes County,

Oregon, and any advertising costs incurred when the tax becomes delinquent shall be a lien from the date of its recording with the clerk until paid. The lien shall be superior to all subsequent recorded liens on all tangible personal property used in the commercial establishment of an retailer within the City and may be foreclosed and the property sold to discharge the recorded lien. Notice of the lien shall be issued by the tax administrator when the retailer is in default in the payment of the tax, interests or penalty and shall be sent to the delinquent retailer. The personal property subject to the lien seized by the tax administrator may be sold at public auction after ten days notice made by one publication in a newspaper published in the City.

2. A lien for taxes shall be released by the tax administrator after the full payment of all taxes, penalties and interest for which the lien has been imposed. The retailer or person making the payment shall receive a receipt stating that the full amount of taxes, penalties and interest has been paid, that the lien is released, and that the record of lien is satisfied.

#### **Sec. 7.186 Refunds.**

1. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded if a verified claim in writing, stating the specific reason for the claim, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount may be refunded or may be credited on any amounts then due and payable by the retailer, and the balance may be refunded to the ~~retailer~~ **retailer**, or the ~~retailer's~~ **retailer's** administrators, executors or assigns.
2. No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the ~~Manager~~ **tax administrator** acknowledged the validity of the claim.

#### **Sec. 7.187 Enforcement.**

Any tax required to be paid by any retailer under the provisions of this chapter shall be deemed a debt owed by the retailer to the City. Any such tax collected by a retailer which has not been paid to the City shall be deemed a debt owed by the retailer to the City. Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the City in the courts of this state, another state or the United States to collect the amount delinquent and penalties and interest. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105 (as hereafter amended), in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees.

#### **Sec. 7.188 Confidentiality.**

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

1. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or
2. The disclosure of general statistics in a form which would not reveal an individual retailer's financial information; or
3. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the tax administrator or an appeal from the tax administrator for an amount due the City under this chapter; or
4. The disclosure of information when such disclosure of conditionally exempt information is ordered

- ered under public records law procedures; or
5. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

#### **Sec. 7.189 Administration**

1. It shall be the duty of every retailer liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years and six (6) months all records, books, reports, income tax reports, OLCC tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the retailer may have been liable for the collection of and payment to the City, which records the tax administrator shall have the right to inspect at all reasonable times as set forth below. Every retailer shall maintain records of marijuana purchase and sales, accounting books and records of income. Retailers must, at a minimum, include a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the tax reports and be auditable. They shall also reconcile to the retailer's income tax reports. If the tax administrator finds the books and records of the retailer are deficient in that they do not provide adequate support for tax reports filed, or the retailer's accounting system is not auditable, it shall be the responsibility of the retailer to improve its accounting system to the satisfaction of the tax administrator.
2. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of retailer's state and federal tax returns, bearing upon the matter of the retailer's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the tax administrator or an authorized agent of the tax administrator. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the tax administrator may immediately seek a subpoena to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

#### **Sec. 7.190 Violations**

1. It is unlawful for any retailer or any other person so required to fail or refuse to register as required, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the ~~Manager~~ tax administrator or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.
2. Violation of any provision of this chapter of this code shall be punishable by a Class A civil infraction and/or a Class A administrative infraction. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefore shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.
3. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

#### **Sec. 7.191 Forms and Regulations.**

The ~~Manager~~ tax administrator is hereby authorized to prescribe forms and promulgate rules

and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana item tax and in particular and without limiting the general language of this chapter, to provide for:

1. A form of report on sales and purchases to be supplied to all retailers;
2. The records which retailers providing marijuana ~~items and marijuana-infused products~~ are to keep concerning the tax imposed by this chapter.