

ORDINANCE NO. 28867

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 4.66.250 OF CHAPTER 4.66 OF TITLE 4 OF
THE SAN JOSE MUNICIPAL CODE TO SET THE RATE
OF TAXATION FOR MARIJUANA BUSINESSES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 4.66.250 of Chapter 4.66 of Title 4 of the San José Municipal Code is amended to read as follows:

4.66.250 Amount of Business Tax Owed

- A. In addition to the business tax imposed under Chapter 4.76 of this Code and the requirements set forth therein, every person engaged in marijuana business in the City shall pay a business tax at a rate of up to ten percent (10%) of gross receipts. The tax under this Chapter shall not be imposed on marijuana businesses unless and until the City Council, by ordinance, takes action to set a tax rate not to exceed ten percent (10%) of gross receipts.

- B. Notwithstanding the maximum tax rate of ten percent (10%) of gross receipts imposed under Subsection A, the City Council may, in its discretion, at any time by ordinance, implement a lower tax rate for all marijuana businesses or establish differing tax rates for different categories of marijuana businesses, as defined in such ordinance, subject to the maximum rate of ten percent (10%) of gross receipts. The City Council may, by ordinance, also increase any such tax rate from time to time, not to exceed the maximum tax rate of ten percent (10%) of gross receipts established under Subsection A.

- C. Pursuant to Subsection A, the City Council adopted Ordinance No. 28867 setting the marijuana business tax at seven percent (7%) of gross receipts. Commencing on the operative date of this Chapter, every person engaged in marijuana business in the City shall pay a marijuana business tax at the rate of seven percent (7%) of gross receipts.

SECTION 2. This ordinance shall take effect immediately upon adoption under Section 605(c) of the City Charter.

ADOPTED this 13th day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, KALRA, LICCARDO, NGUYEN,
OLIVERIO, PYLE; REED.

NOES: CONSTANT, HERRERA.

ABSENT: CHU.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor