

MILLCREEK, UTAH
ORDINANCE NO. 24-52

**AN ORDINANCE OF MILLCREEK ADDING CHAPTER 3.10 TO TITLE 3 OF THE
MILLCREEK CODE OF ORDINANCES, THEREBY ESTABLISHING A TAX ON THE
GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS,
SETTING THE RATE FOR SUCH TAX AND ESTABLISHING THE EFFECTIVE
DATE OF THE TAX**

WHEREAS, the Millcreek City Council (“Council”) met in a regular meeting on November 25, 2024, to consider, among other things, adding Chapter 3.10 to Title 3 of the Millcreek Code of Ordinances, thereby establishing a tax on the gross receipts of telecommunications service providers, setting the rate for such tax, and establishing the effective date of the tax; and

WHEREAS, Millcreek (the “City”), pursuant to the authority granted by UTAH CODE ANN. §10-1-401, *et seq.*, may levy a tax on the gross receipts of telecommunication service providers; and

WHEREAS, the City has determined that the need for such a tax as a source of general fund revenue; and

WHEREAS, after careful consideration, the Council has determined that adopting a tax on the gross receipts of telecommunications service providers is in the best interest of the City's residents' health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Council that Chapter 3.10 of Title 3 of the Millcreek Code be amended by adding as follows:

Chapter 3.10 Municipal Telecommunications License Tax

3.10.030: Definitions

All words and phrases in this chapter shall have the same meaning given to them in the Municipal Telecommunications License Tax Act, Utah Code section. § 10-1-401, *et seq.* In addition, “City” shall mean Millcreek.

3.10.030: Levy of Tax

A municipal telecommunications license tax is hereby levied on the gross receipts from telecommunications services attributed to the City in accordance with Utah Code section 10-1-407 and subject to the requirements of Utah Code section 10-1-403.

3.10.030: Rate

The rate of the tax levy shall be 3.5% of the telecommunication provider's gross receipts from telecommunications services that are attributed to the City in accordance with and subject to the requirements of Utah Code section 10-1-407.

3.10.030: Rate Limitation and Exemption

The rate of this levy shall not exceed 3.5% of the telecommunication provider's gross receipts from telecommunication service attributed to the City unless it is approved by a majority vote of the voters in the City that vote in:

- (a) a municipal general election or
- (b) a regular general election.

3.10.030: Procedure for Taxes Erroneously Received from Customers

The provisions of Utah Code section 10-1-408 are hereby incorporated by this reference.

3.10.060: Changes in Rate or Repeal of the Tax

If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah code section 10-1-403.

3.10.060: Interlocal Agreement for Collection of the Tax

On or before this chapter's effective date, the City shall enter into the uniform interlocal agreement with the Commission described in UTAH CODE ANN. §10-1-405, under which the Commission collects, enforces, and administers this municipal telecommunications license tax.

3.10.090: Other Taxes and Fees

Nothing in this chapter shall be interpreted to repeal any ordinance or fee that provides that the City may recover from a telecommunications provider the management costs of the City caused by the activities of the telecommunications provider in the rights of way of the City if the fee is imposed in accordance with Utah Code section 72-7-102 and is not related to the City's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right of way, nor does this chapter limit the City's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this chapter and locate telecommunications facilities, as defined in Utah Code section 72-7-108, in the City.

3.10.030: Effective Date of Tax Levy

This tax shall be levied beginning 4-1-2025

PASSED AND APPROVED this 25th day of November, 2024.

MILLCREEK COUNCIL

By: [Signature]
Jeff Silvestrini, Mayor

ATTEST:



[Signature]
Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	<u>Yes</u>	No
Catten	<u>Yes</u>	No
DeSirant <i>excused</i>	Yes	No
Jackson	<u>Yes</u>	No
Uipi	<u>Yes</u>	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-52: AN ORDINANCE OF MILLCREEK ADDING CHAPTER 3.10 TO
TITLE 3 OF THE MILLCREEK CODE OF ORDINANCES, THEREBY ESTABLISHING A
TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS,
SETTING THE RATE FOR SUCH TAX AND ESTABLISHING THE EFFECTIVE DATE OF
THE TAX was passed and adopted this 25th day of November, 2024 and certifies that a copy of
the foregoing Ordinance 24-52 was posted in accordance with Utah Code 10-3-711 this
26 day of November, 2024.

[Signature]
Elyse Sullivan, City Recorder