

ORDINANCE NO. 06-2025

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE REGARDING TELECOMMUNICATIONS FACILITY FRANCHISE REQUIREMENTS; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, West Haven City (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the City may revise, codify and compile from time to time and to publish in book, pamphlet, or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, West Haven City has adopted and promulgated City ordinances and rules regarding telecommunications facility franchise requirements; and,

WHEREAS, the Utah State Legislature has made changes to certain sections of the Utah State Code regarding the Municipal Telecommunications License Tax Act, which make it necessary to make certain changes to Chapter 114: Telecommunications Facility Franchise Requirements section of the City Code; and

WHEREAS, the City Council finds that certain changes to the City Code be made to conform with the Utah State Code; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that:

1. The West Haven Code §114.29(A)(1) shall be repealed and be replaced with the following language:

§114.29(A)(1) Application fee. In order to offset the cost to the city to review an application for a franchise, and in addition to all other fees, permits, or charges, a provider shall pay to the city, at the time of application, a non-refundable application fee. The

application fee is hereby made a part of the West Haven City Consolidated Fee Schedule. The West Haven City Consolidated Fee Schedule is hereby adopted by reference.

2. The West Haven Code §114.51(A) shall be amended to change the percentage of gross revenues, which change is in bold red, and shall read as follows:

§114.51(A) *Franchise fee.* For the franchise granted herein, the provider shall pay to the city a franchise fee of **3.5% of its gross revenues, less any business license fee or business license tax enacted by the city. All payments shall be made to the city, and sent as follows, unless the provider is otherwise notified of a change in address in writing by the city.**

3. The West Haven Code §114.51(B) shall be repealed.
4. The West Haven Code §114.51(C) shall be renumbered to §114.51(B).
5. The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative, or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 18th day of June 2025 and after publication or posting as required by law.

DATED this 18th day of June 2025.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

Emily Green, City Recorder

Mayor Rob Vanderwood	Yes	_____	No	_____
Councilmember Carrie Call	Yes	_____	No	_____
Councilmember Kim Dixon	Yes	_____	No	_____
Councilmember Nina Morse	Yes	_____	No	_____
Councilmember Ryan Saunders	Yes	_____	No	_____
Councilmember Ryan Swapp	Yes	_____	No	_____

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. 06-2025, entitled “AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE REGARDING TELECOMMUNICATIONS FACILITY FRANCHISE REQUIREMENTS; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES,”** adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on June 18, 2025 which appears of record in my office, with the date of posting or publication being June 18, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 18th day of June 2025.

Emily Green
City Recorder

(city seal)