

**MILLCREEK, UTAH**  
**ORDINANCE NO. 06-**

**AN ORDINANCE OF MILLCREEK IMPOSING A ONE  
PERCENT MUNICIPAL SALES AND USE TAX,  
PROVIDING FOR THE PERFORMANCE BY THE STATE  
TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO  
THE ADMINISTRATION, OPERATION, AND  
COLLECTION OF A SALES AND USE TAX HEREBY  
IMPOSED, AND PROVIDING PENALTIES FOR THE  
VIOLATION THEREOF**

**WHEREAS**, the Millcreek Council (“Council”) met in a special meeting on December \_\_\_\_, 2016, to consider, among other things, the adoption of a one percent municipal sales and use tax providing for the performance by the State tax commission of all functions incident to the administration, operation, and collection of a sales and use tax hereby imposed, and providing penalties for the violation thereof ; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Millcreek to adopt a one percent municipal sales and use tax; and

**WHEREAS**, pursuant to the authority granted in the Utah Code, Millcreek hereby adopts a one percent municipal sales and use tax;

**NOW, THEREFORE, BE IT ORDAINED** by the Council as follows:

***Section 1 – Title.*** This Ordinance shall be known as the “Sales and Use Tax Ordinance of Millcreek.”

***Section 2 – Purpose.*** The Utah Legislature has authorized municipalities to adopt an ordinance that imposes one percent sales and use tax. It is the purpose of this ordinance to adopt the Sales and Use Tax Ordinance that is consistent with Utah Code.

***Section 3 – Effective Date.*** This Ordinance shall become effective on the first day of the calendar quarter after a 90 day period beginning on the date the commission receives notice meeting the requirements of Utah Code Ann § 59-12-208.1(2)(b).

***Section 4 – Sales and Use Tax.***

A. From and after the effective date of this ordinance, there is hereby imposed a tax upon those transactions listed in Utah Code Ann. § 59-12-103(1).

B. There is hereby imposed a tax upon every transaction listed in Utah Code Ann. § 59-12-103(1) made within Millcreek at the rate of 1% of the purchase price paid or charged and if the location of the transaction is within Millcreek as determined under Utah code Ann. §§ 59-12-211 through 59-12-215.

C Notwithstanding Subsection A Millcreek shall not impose a tax on the sales and uses described in Utah Code Ann. § 59-12-104 to the extent the sales and uses are exempt from taxation under Utah Code Ann. § 59-12-104.

D. All of the provisions contained in Utah Code Ann. §§59-12-101 through 59-12-129 are adopted by reference insofar as they relate to sales or use tax, except that the name of Millcreek as the taxing agency shall be substituted for that of the State where necessary for the purpose of this part and that an additional license is not required if one has been or is issued under Utah Code Ann § 59-12-106.

E. Millcreek shall contract, prior to the effective date of the ordinance, with the Commission to perform all functions incident to the administration or operation of this ordinance.

F. The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any county, city, or town in any other county in this state, shall be exempt from the tax due under this ordinance.

G. Any person subject to the provisions of a city or town sales and use tax shall be exempt from the Millcreek sales and use tax is levied under an ordinance including the following:

(a) there is hereby imposed a tax upon every transaction listed in Utah Code Ann. § 59-12-103(1) made within Millcreek at the rate imposed by the county and/or Millcreek in which it is situated pursuant to Subsection B;

(b) notwithstanding Subsection B, Millcreek is prohibited from imposing a tax under this ordinance on the sales and uses described in Utah Code Ann. § 59-12-104 to the extent the sales and uses are exempt from taxation under Utah Code Ann. § 59-12-104;

(c) all of the provisions contained in Part 1, Tax Collection, insofar as they relate to sales and use taxes, except that the name of Millcreek shall be substituted for that of the state where necessary for the purposes of this part;

(d) Millcreek shall contract prior to the effective date of the city or town sales and use tax ordinance with the commission to perform all functions incident to the administration or operation of the sales and use tax ordinance of the city or town;

(e) sale, storage, use, or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any county other than the county in which the city or town is located, or city or town in this state, shall be exempt from the tax; and

(f) the amount of any tax paid under Part 1, Tax Collection, shall not be included as a part of the purchase price paid or charged for a taxable item.

**Section 6 – Penalties.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount not less than \$1,000.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

**Section 7 – Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

**PASSED AND APPROVED** this \_\_\_\_ day of December 2016.

**MILLCREEK**

By: \_\_\_\_\_  
**Jeff Silvestrini, Mayor elect**

**ATTEST:**

\_\_\_\_\_  
Acting Recorder