

EMIGRATION CANYON METRO TOWNSHIP

ORDINANCE #2022-11- 02

AN ORDINANCE ADOPTING TITLE 3 CHAPTER 14, MUNICIPAL TELECOMMUNICATIONS
LICENSE TAX

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) has limited sources of revenue;

WHEREAS, it is sound accounting to the have more diverse funding sources;

WHEREAS, the Emigration Canyon Metro Township relies heavily on property taxes;

WHEREAS, the Utah State Legislature authorized Townships to collect the Municipal Telecommunications License tax starting in May 2021 pursuant to Utah Code 10-3c-204 in accordance with Utah Code 10-1-4;

WHEREAS, it is likely that the Unified Fire Authority and the Unified Police Department, which both serve the citizens and visitors in Emigration Canyon, will need additional funding in the years to come;

WHEREAS, the Council finds at this time that it is necessary to implement a Municipal Telecommunications License Tax in Emigration Canyon Metro Township to help with the burden and rising costs that are associated with operating a township.

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, UTAH, THAT:

SECTION I: Adopted. The following Title 3, Chapter 14 is hereby adopted as shown in Exhibit A.

SECTION II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED by the Emigration Canyon Metro Township, Utah, this 15 day of November in the year 2022.

EMIGRATION CANYON METRO TOWNSHIP

Joe Smolka, Mayor

ATTEST:

Township Clerk

Exhibit A:

MUNICIPAL ENERGY SALES AND USE TAX

3-14-010: ADOPTION OF MUNICIPAL TELECOMMUNICATIONS LICENSE TAX ACT.

The Municipal Telecommunications License Tax Act, Section 10-1-401, et seq., Utah Code Annotated 1953, as amended from time to time, is hereby adopted by this reference in its entirety as if set forth in full herein. If there are any inconsistencies between the Municipal Telecommunications License Tax Act, Section 10-1-401, et seq., Utah Code Annotated 1953, as amended and the terms of this chapter, then the terms of the Telecommunications License Tax Act, Section 10-1-401, et seq., Utah Code Annotated 1953, as amended shall be controlling.

3-14-020: DEFINITIONS.

All words and phrases in this chapter shall have the same meaning given to them in the Municipal Telecommunications License Tax Act, Section 10-1-401, et seq., Utah Code Annotated 1953. In addition, the following words and phrases shall have the following meaning, unless a different meaning clearly appears from the context:

“Gross receipts attributed to the municipality” means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Title 59, Chapter 12, Utah Code Annotated 1953, Sales and Use Tax Act, and determined in accordance with Section 59-12-207, Utah Code Annotated 1953.

“Municipality” means Emigration Canyon Metro Township, Utah.

3-14-030: LEVY OF TAX.

There is hereby levied a municipal telecommunication license tax on the gross receipts from telecommunications service attributed to the township.

3-14-040: RATE.

The rate of the tax levy shall be three and one-half percent (3.50%) of the telecommunications provider's gross receipts from telecommunications service that are attributed to the township. If the location of a transaction is determined to be a place other than the township, then the rate imposed on the gross receipts for telecommunications services shall be as determined pursuant to the provisions of Section 10-1-407, Utah Code Annotated 1953.

3-14-050: RATE LIMITATION AND EXEMPTION THEREFROM.

The rate of this levy shall not exceed 3.5 percent of the telecommunications provider's gross receipts from telecommunications service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in the township that vote in:

- A. A municipal general election;
- B. A regular general election; or
- C. A local special election.

3-14-060: EFFECTIVE DATE OF TAX LEVY.

This tax shall be levied beginning January 1, 2023.

3-14-070: CHANGES IN RATE OR REPEAL OF THE TAX.

This chapter is subject to the requirements of Section 10-1-403, Utah Code Annotated 1953. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Section 10-1-403, Utah Code Annotated 1953.

3-14-080 INTERLOCAL AGREEMENT FOR COLLECTION OF THE TAX.

On or before the effective date of this ordinance, Emigration Canyon Metro Township shall enter into the Uniform interlocal agreement with the Utah State Tax Commission as described in Section 10-1-405, Utah Code Annotated 1953, for the collection, enforcement, and administration of this municipal telecommunications license tax.

3-14-090: PROCEDURES FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS.

Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408.

3-14-100: REPEAL OF INCONSISTENT TAXES AND FEES.

Any tax or fee previously enacted by the township under authority of Section 10-1-203, Utah Code Annotated 1953, or Title 11, Chapter 26, Utah Code Annotated 1953, Local Taxation of Utilities Limitation, is hereby repealed.

Nothing in this chapter shall be interpreted to repeal or prohibit any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Section 72-7-102, Utah Code Annotated 1953, and is not related to the municipality'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 municipality'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 Section 72-7-108, Utah Code Annotated 1953, in the township.