

ORDINANCE NO. 2023-07

AN ORDINANCE ADOPTING A MUNICIPAL TELECOMMUNICATIONS LICENSE TAX UNDER TITLE 10, CHAPTER 1, PART 4 OF THE UTAH CODE

WHEREAS Lake Point is authorized to impose a municipal telecommunications license tax pursuant to Title 10, Chapter 1, Part 4 of the Utah Code (the "Act");

WHEREAS the Lake Point City Council desires to levy and impose a 3.5% tax on the gross receipts of telecommunications providers' telecommunications services attributed to Lake Point;

WHEREAS the Lake Point City Council finds that levying this tax will provide needed revenues to fund city operations and public services;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. The purpose of this Ordinance is to impose a three and a half percent (3.5%) municipal telecommunications license tax pursuant to and in conformance with the Act, as it may be amended from time to time.

Section 2. This Ordinance hereby adopts and incorporates by reference all definitions set forth in Utah Code § 10-1-402, as they may related to this Ordinance and the tax imposed hereby.

Section 3. From and after the effective date of this Ordinance, there is levied and there shall be collected and paid a tax on the gross receipts from telecommunications service attributed to Lake Point at the rate of three and a half percent (3.5%) (the "Tax").

Section 4. Pursuant to the Act, a telecommunications provider may recover the amounts paid pursuant to the Tax from the customers of the telecommunications provider within Lake Point through a charge that is separately identified in the statement of the transaction with the customer as the recovery of a tax.

Section 5. The gross receipts from a telecommunications service shall be attributed to Lake Point if the gross receipts are from a transaction for telecommunications service that is located within Lake Point for purposes of sales and use taxes under Title 59, Chapter 12 of the Utah Code, and determined in accordance with Utah Code § 59-12-215, and rules promulgated by the Utah State Tax Commission, subject to the requirements of Utah Code § 10-1-407.

Section 6. Lake Point may be exempted from the limitation on the rate of the Tax set forth in the Act if such exemption is approved by a majority vote of the voters of Lake Point that vote in a municipal general election or regular general election.

Section 7. The procedures of Utah Code § 10-1-408 related to taxes erroneously recovered from customers are hereby incorporated and made a part of this Ordinance.

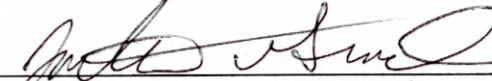
Section 8. Lake Point shall contract prior to the effective date of this Ordinance with the Utah State Tax Commission for the Commission to perform all functions incident to the administration or operation of the Tax and this Ordinance.

Section 9. A copy of this Ordinance, together with any other notice required by the Act, shall be transmitted to the Utah State Tax Commission as soon as practicable after the adoption of the Ordinance.

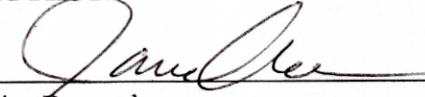
Section 10. This Ordinance and the Tax levied herein shall be effective as of July 1, 2023, which date is the first day of the first calendar quarter that is at least 90 days after this Ordinance is adopted and notice may be sent to the Utah State Tax Commission.

PASSED, APPROVED, AND ADOPTED on the 15th day of March, 2022

Lake Point

By 
Chair

ATTEST:


City Recorder

SEAL

Voting:

Daniel Crawford	Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Doyle Garrard	Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Jonathan Garrard	Yea <u> </u>	Nay <u>/</u>	Absent <u> </u>
Kathleen VonHatten	Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Ryan Zumwalt	Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>