

AN ORDINANCE IMPOSING A THREE-FOURTHS OF ONE PER CENT 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, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING THE PREVIOUSLY ENACTED UNIFORM LOCAL SALES AND USE TAX ORDINANCE OF THE MUNICIPALITY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF Kanesh
UTAH:

Section 1. Title. This ordinance shall be known as the "Uniform Local Sales and Use Tax Ordinance of the Town of Kanesh."

Section 2. Purpose. The 41st Session of the Utah Legislature of Utah has authorized the counties and municipalities of the State of Utah to enact sales and use tax ordinances imposing a three-fourths of one per cent tax thus enabling this municipality to increase its local option sales and use tax from one-half of one per cent to three-fourths of one per cent.

Additionally, said Session of the Legislature has enacted amendments to Chapters 15 and 16 of Title 59, Utah Code Annotated, 1953, sufficiently to require this municipality to modify its sales and use tax ordinance to bring about conformity to those changes.

It is the purpose of this ordinance to conform the Uniform Local Sales and Use Tax of the municipality to the requirements of the Uniform Local Sales and Use Tax law of Utah, Chapter 9 of Title 11, Utah Code Annotated, 1953, as currently amended by repealing the previously enacted Uniform Local Sales and Use Tax Ordinance of this municipality and re-enacting by this ordinance a new Uniform Local Sales and Use Tax ordinance.

Section 3. Effective Date - Continuance of Former Ordinance. This ordinance shall become effective as of 12:01 o'clock a.m., July 1, 1975. The provisions of the previously enacted Uniform Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until 12:00 o'clock midnight, June 30, 1975. The provisions of this ordinance which are not in conflict with said former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

Section 4. Sales Tax.

(a)(1) From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of three-fourths of one per cent ($3/4\%$).

(2) For the purpose of this ordinance all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the city shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

(b)(1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 15,

Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Sections 59-15-1 and 59-15-21 thereof, and excepting for the amount of the sales tax levied therein, are hereby adopted and made a part of this ordinance as though fully set forth herein.

(2) Wherever, and to the extent that in Chapter 15 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(3) If an annual license has been issued to a retailer under Section 59-15-3 of the said Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.

(4) There shall be excluded from the purchase price paid or charged by which the tax is measured:

(A) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;

(B) Receipts from the sale of tangible personal property upon which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the State of Utah, under a sales or use tax ordinance enacted by that county or municipality in accordance with the Uniform Local Sales and Use Tax Law of Utah.

Section 5. Use Tax.

(a) An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of three-fourths of one per cent (3/4%) of the sales price of the property.

(b)(1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of said Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 16, Title 59, Utah Code Annotated, 1953, as amended and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting the provisions of Sections 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever and to the extent that in said Chapter 16 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require the substitution of the name of this municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(3) There shall be exempt from the tax due under this section:

(A) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;

provision of this ordinance shall be deemed independent of other provisions herein.

Adopted by the Board of Trustees of the Town of