

SANTAQUIN CITY
ORDINANCE 09-05-2021

AN ORDINANCE AMENDING PROVISIONS OF THE LOCAL ENERGY SALES AND USE TAX,
PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN
EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City is also granted taxing authority under Utah Code Annotated, §10-1-304, pertaining to the sale and use of taxable energy within the municipality; and

WHEREAS, the City adopted Ordinance 6-1-1997, which imposed an energy sales and use tax and the City Council now desires to amend City Code to be more consistent with State Code.

NOW THEREFORE, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

SECTION I. Amendments to Local Energy Sales and Use Tax Regulations

1. Santaquin City Code, §3.12.040 Tax Imposed, paragraph D is amended as follows: (underlined text is added, stricken text is deleted)

D. Contractual Or Franchise Fee: ~~This Chapter does not offset the contractual~~ Contractual fees or franchise fees due from an energy supplier taxed under this chapter ~~which shall continue to be collected in addition to the energy sales and use tax~~ accordance with Utah Code, §10-1-305 as amended from time to time.

Section II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Thursday, _____, 2021. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this ____th day of _____, 2021.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted ____
Councilmember Elizabeth Montoya	Voted ____
Councilmember Lynn Mecham	Voted ____
Councilmember Jennifer Bowman	Voted ____
Councilmember David Hathaway	Voted ____

ATTEST:

K. Aaron Shipley, City Recorder