

## **ORDINANCE NO. 12-01-2018**

### **AN ORDINANCE IMPOSING A LOCAL SALES AND USE TAX OF ONE-TENTH (1/10) OF ONE PERCENT (0.1%) TO FUND CULTURAL ARTS FACILITIES AND PROGRAMS AND RECREATION FACILITIES IN THE CITY OF SANTAQUIN, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE**

**WHEREAS**, Santaquin City placed a question on the 2019 ballot to seek approval from its residents to adopt a local sales and use tax of 0.1 percent within the City on authorized transactions to fund recreational amenities and cultural arts facilities in the City (commonly referred to as the “CART, CARE or RAP” Tax), pursuant to Utah Code Annotated §59-12-1401 et seq.; and

**WHEREAS**, the ballot proposition passed by a margin of 62% to 38% and a cultural arts and recreation sales tax was approved by the voters of the City; and

**WHEREAS**, pursuant to Utah Code Annotated §59-12-1402, the tax may now be imposed by a majority vote of the Governing Body; and

**WHEREAS**, the Council finds that Title 3, Chapter 9 of the Santaquin City Municipal Code entitled “Recreation, Arts, and Parks Tax” should be enacted to govern the imposition, administration, and distribution of the cultural arts and recreation sales tax;

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE SANTAQUIN CITY COUNCIL AS FOLLOWS:**

#### **Section I.**

Santaquin City Municipal Code, Title 3, Chapter 9, “Cultural Arts and Recreation Tax,” is hereby enacted as follows:

#### **Chapter 3.9 Recreation, Arts and Parks Tax**

- 3.9.1 Title
- 3.9.2 Purpose
- 3.9.3 Tax
- 3.9.4 Citizens Advisory Committee
- 3.9.5 Effective Date
- 3.9.6 Mayor Authorized to Execute Documents

### **3.9.1 Title**

This chapter shall be known as the "Recreation, Arts and Parks Tax" of Santaquin City, or alternatively, as the RAP Tax Chapter of the Municipal Code.

### **3.9.2 Purpose**

It is the purpose of this Chapter to establish, impose, and levy a RAP tax in accordance with Utah Code Annotated §59-12-1401 et seq., as such code may be amended from time to time.

### **3.9.3 RAP Tax**

- A. There is hereby imposed and levied, and there shall be collected, a local sales and use tax of 1/10 of 1% (0.1%) of the sales price upon all retail sales transactions, including personal property, services, and meals, made within Santaquin City, except for the exempt transactions listed in Utah Code Ann. §59-12-104.
- B. For purposes of this Chapter, all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or their 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, the place of places at which the retail sales are consummated shall be as determined under the rules and regulations adopted by the Utah State Tax Commission.
- C. The tax revenues earned by the RAP tax shall be used to fund City or non-profit projects within the City for recreational, cultural, and/or botanical facilities, including, but not limited to, capital projects, programs, and ongoing operating expenses of recreational and cultural facilities as such terms are defined in Utah Code Ann. §59-12-1401 et seq.
- D. The Mayor, with the advice and consent of the Council, shall appoint a citizens committee consisting of nine members. The members shall be made up of an elected official, the parks and recreation director, the chair of the Recreation Committee, and six at large members who are residents of Santaquin City. The elected official and the parks and recreation director shall have no vote.

### **3.9.4 Citizens Advisory Committee**

The Citizens Advisory Committee shall receive and review applications for funding for projects eligible for RAP tax monies. The Committee shall make a recommendation to the Council for projects and amounts to be funded. The Committee shall function based on policies adopted by the City.

**3.9.5 Effective Date**

The effective date of the Santaquin City RAP tax shall be April 1, 2019.

**3.9.6 Mayor Authorized to Execute Documents**

The Mayor is authorized to execute any and all documents necessary for the State Tax Commission to collect the RAP tax and distribute it to the City for the purposes outlined in this Chapter.

**Section II. 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 III. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, December 19, 2018. 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 18<sup>th</sup> day of December 2018.



*Kirk F. Hunsaker*  
Kirk F. Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted	<i>Ag</i>
Councilmember Lynn Mecham	Voted	<i>Ag</i>
Councilmember Keith Broadhead	Voted	<i>Ag</i>
Councilmember Nick Miller	Voted	<i>Ag</i>
Councilmember Chelsea Rowley	Voted	<i>Ag</i>

ATTEST:

*Susan Farnsworth*  
Susan Farnsworth, City Recorder