

EUREKA CITY, UTAH

ORDINANCE NO. 2024-04-24-03

**AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL
TRANSIENT TAX FOR THE TOWN OF EUREKA**

WHEREAS, the Utah State Legislature has authorized Utah municipalities to enact a transient room tax, in accordance with Utah Code Annotated § 59-12-352 et seq.;

WHEREAS, Eureka City is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Eureka City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Eureka City Council finds it is in the public interest for the municipality to adopt and enact a transient room tax within the City of Eureka and the adoption of this ordinance will serve that purpose; and

WHEREAS, the Eureka City Council finds the City of Eureka can and should adopt and levy said tax, in accordance with UCA § 59-12-352, and other appropriate Utah State law;

WHEREAS, the Eureka City Council finds the requirements enacted herein should become effective upon passage of this ordinance; and

WHEREAS, the Eureka City Council finds the public safety, health, and welfare of the City of Eureka will be better served by the adoption of this ordinance and enactment of this tax.

NOW THEREFORE,

The Eureka City Council hereby ordains as follows:

1. That a Transient Room Tax is established and adopted as follows:

Transient Room Tax

It is the intent and purpose of Eureka City to adopt a Transient Room Tax pursuant to, and in accordance with, Utah Code Annotated, section 59-12-352 et seq.

Definitions:

The following definitions apply to this article:

PERSON: Means any individual, person, partnership, firm, association, corporation, limited liability company, limited liability partnership, or other similar entity.

PUBLIC TRANSIENT FACILITIES: Means a place providing temporary sleeping accommodations or temporary living arrangements to the public and includes; but is not necessarily limited to, the following:

- A. A hotel;
- B. A motel;
- C. An inn;
- D. A bed and breakfast;
- E. A trailer park offering short term rentals; and
- F. A home, condominium, apartment, townhome, or other similar facility offering short term rentals.

RENT: Means monies or other items of value exchanged for the right to use public transient facilities for short term rentals.

SHORT TERM RENTALS: Means a public transient facility, residential unit, or, any portion of a residential unit offering sleeping accommodations or temporary living arrangements for a period of less than thirty (30) consecutive days.

Transient Room Revenue Tax

There is hereby levied, on persons occupying short term rentals, a Transient Room Tax of one percent (1%) of the value of rents charged for the use of the short term rentals. This tax is in addition to any other taxes or fees to which the short term rentals are subject. Persons operating short term rentals are responsible to collect the tax and remit it monthly to the Utah State Tax Commission.

The said transient room tax may be modified at any time by ordinance, subject to the limitations of UCA § 59-12-352(1) or other applicable Law.

Collection

Eureka City shall contract with the Utah State Tax Commission to collect the municipal transient room tax. The mayor is hereby authorized to enter into the necessary and standard agreements with that agency as part of the initial set up of the arrangement as well as any future transactions which may become necessary for the continued administration of the arrangement.

Use

Revenues generated by the transient room tax shall be deposited in the City's general fund and may be used for any general fund purpose, so long as the same continues to comply with State law.

Exemptions to Transient Room Tax

No transient room tax shall be imposed under this ordinance upon any person:

A. engaged in business for a solely religious, charitable, or other type of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah; or
B. engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.

Penalties and Interest

A. Any person violating the provisions of this article shall be subject to a monetary penalty in the amount of ten percent (10%) of the amount due.
B. Sums due under this article, and not paid in a timely fashion, shall incur interest at the rate of twelve percent (12%) per annum.
C. In addition to the monetary penalty, a person or short-term rental violating this policy is subject to having their business license revoked.
D. Failure to collect or remit the tax when due shall make the person operating the short-term rental personally liable for the sums due, including attorney's fees and costs incurred in collecting the sums.

Saving Clause

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Eureka City.

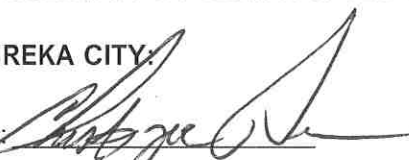
Effective Date

A copy of this Ordinance, together with any other notice required by Utah Code § 59-12-355, shall be transmitted to the Utah State Tax Commission as soon as practicable after the adoption of the Ordinance.

The provisions of this ordinance shall become effective on October 1, 2024 after any required posting and/or publication has been accomplished according to law.

PASSED, APPROVED, ADOPTED and ORDAINED this 27 day of April YEAR 24

EUREKA CITY:

By: 
Chris Dever, Mayor

ATTEST:


Patricia Bigler, Recorder

Council Member Greg Evans	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council Member Tom Nedreberg	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council Member Travis Haynes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council Member Jeremy Snell	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council Member Robert Trepanier	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>