

**TOWN OF DUTCH JOHN**  
**ORDINANCE LEVYING 1.1% IMPACTED COMMUNITY SALES AND USE**  
**TAX**

October 26, 2015

**ORDINANCE NO. 2015-003**

**PREAMBLE:**

WHEREAS, Dutch John is a newly incorporated municipality; and

WHEREAS, The service demands of a community with a small permanent population that serves a larger tourist population are different from the service demands of other communities, and

WHEREAS, providing these tourist oriented services with property tax revenue tends to place an inequitable burden on local residents, property owners, and businesses.

**ORDINANCE:**

THEREFORE, Be it ordained by the Town Council of Dutch John as follows:

1. Levy Of Tax: As authorized by Utah Code Annotated Title 59 Chapter 12 Part 4 (Impacted Communities Taxes Act - Effective 5/12/2015) there is hereby levied an additional sales and use tax upon the transactions described in the Utah Code Annotated section 59-12-103(1) made within the town at the rate of one point one percent (1.1%).

2. Finding of Eligibility: Pursuant to Utah Code Annotated Title 59, Chapter 12, Part 401 - In addition to other sales and use taxes, a city or town in which the transient room capacity as defined in Section 59-12-405 is greater than or equal to 66% of the municipality's permanent census population may impose a sales and use tax of up to 1.1% on the transactions described in Subsection 59-12-103(1) located within the city or town. The Town of Dutch John has evaluated itself as per said Utah Code and is found to have the capacity for tourist/guests of 340, additionally, At the time of the last census, The Town of Dutch John, was found to have a permanent population of 145 residents thus creating a capacity for tourists in excess of 230% of the permanent population.

3. Situs of Levy: For the purposes of this article, all retail sales shall be presumed to have been consummated as found in Title 59, Chapter 12 of the Utah Code.

4. Exemptions: The tax levied hereunder shall not include any sales and uses described in Utah Code Annotated Section 59-12-104 to the extent such sales and uses are exempt under that section. Furthermore, the town is prohibited from imposing a tax under Utah Code Annotated section 59-12-204 or 59-12-205 on any amounts paid or charged by a vendor that collects a tax under Utah Code Annotated section 59-12-107(1)(b) unless all the counties, cities and towns in the state impose such a tax and in such case the rate of said tax shall be that of the lowest rate established by any county, city or town in the state.

5. Exemption for Tax Ordinances Of Other Municipalities: The sales, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any other County other than Daggett County, or city or town in this state shall be exempt from the tax due under this article.

6. State Tax Not Included In Purchase Price: There shall be excluded from the purchase price paid or charged by which the tax is measured the amount of any sales or use tax imposed by the state under Utah Code Annotated title 59, chapter 12, part 1, tax collection, upon a retailer or consumer.

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7. Contract With State Tax Commission: The town is authorized to contract with the Utah Tax Commission to administer the taxes imposed hereby. The tax imposed hereby shall be administered by or in harmony with Title 59, Chapter 12, Section 205 and other provisions of Part 2 of Chapter 12, of Title 59 of the Utah Code.

8. Savings Clause: In all respects the Town intends to abide by the Local Sales and Use Tax found in Title 59, Chapter 12, Part 2 of the Utah Code and any amendments thereto. This ordinance shall be amended as necessary to conform to the Local Sale and Use Tax. This ordinance shall be read and interpreted where ever possible to conform to the Local Sale and Use Tax. To the extend any portion of this ordinance is inconsistent with the Local Sales and Use Tax, then such portion of this ordinance shall be void.

9. Effective Date: This ordinance shall become effective October 1, 2015, or upon publication of a summary in a newspaper or 20 days after adoption, whichever shall be first.

\_\_\_\_\_  
Mayor – William (Bud) Rogers

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Recorder Attest

\_\_\_\_\_  
Date



Utah State Tax Commission  
Report of Transient Room Capacity  
For Municipalities Imposing a Resort Communities Tax  
As of June 1, 2015

Due \_\_\_\_\_

Name of Locality: Town of Dutch John, Daggett County, Utah

	Units		Capacity
1. Standard lodging units in the municipality	61	X 3	183
2. High-occupancy lodging units in the municipality	0	X 4	
3. Recreational lodging units in the municipality	46	X 4	184
4. Special lodging units in the municipality			
Total transient room capacity (add lines 1 - 4)			367

Instructions:

This report is to be completed by all municipalities imposing a resort community tax under UCA 59-12-401 et seq.

Enter the total number of lodging units as described on lines 1 through 3. Multiply the number of units by the number to its right. Enter that result in the space provided for capacity. Add the capacities on lines 1 through 4 to arrive at the total transient room capacity for the municipality.

Return the completed form to:  
The Utah State Tax Commission  
ATTN: Sales Tax Distribution  
210 N 1950 W  
Salt Lake City, UT 84134-1200

Definitions:

**Standard lodging unit** means each bedroom in a hotel, a motel, a bed and breakfast establishment or an inn. **Standard lodging unit** also means each bedroom in a condominium or property used as a residence that is part of a rental pool or regularly rented out for a time period of less than 30 consecutive days.

**High-occupancy lodging unit** means each bedroom in a hostel or a unit similar to a hostel. A hostel is a supervised, inexpensive lodging place for travelers, especially young travelers.

**Recreational lodging unit** means each site in a campground or recreational vehicle park that provides water, sewer and electricity hookups.

**Special lodging unit** means a high-occupancy lodging unit, recreational lodging unit or standard lodging unit for which the commission finds that in determining the capacity of the lodging unit the lodging unit should be multiplied by a number other than the number for a high-occupancy lodging unit, a recreational lodging unit or a standard lodging unit.

David B. McDonald - Councilman  
Name of person completing this report

11-30-2015  
Date

970-246-3564  
Telephone number

TOWN OF DUTCH JOHN  
TRANSIENT ROOM CAPACITY

Establishment	Type of Unit	Class of Unit	Number of Bedrooms	Number of Units	Multiplier	Total
<i>Trout Creek Flyfishers</i>	Motel Rooms	Standard	1	4	3	12
	RV Spots	Recreational	N.A.	16	4	64
	Cabins	Standard	1	8	3	24
<i>Dutch John Resort</i>	Trailer Cabins	Standard	1	2	3	6
	Shire	Standard	1	12	3	36
	Two Story Cabins	Standard	2	12	3	72
	Duplex Cabins	Standard	2	3	3	18
	RV Spots	Recreational	N.A.	30	4	120
<i>Sweet Lorraine's B&amp;B</i>	Bed and Breakfast	Standard	5	N.A.	3	15
Total Transient Capacity						367
Total Population						145
Percent of Population						253%