

## **ORDINANCE NO. 2022-XX**

**AN ORDINANCE AMENDING AND RESTATING SECTIONS 2.12, 2.20, 2.22, 16.20, and 16.22 OF VIRGIN'S UNIFORM LAND USE ORDINANCES REGULATING ENFORCEMENT OF THE PROVISIONS OF THIS CODE.**

### **RECITALS**

**WHEREAS** Virgin Town ("Town") is an incorporated municipality duly organized under the laws of the State of Utah;

**WHEREAS** pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council ("Virgin Town Council") is designated as the governing body of the Town;

**WHEREAS** the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town's municipal boundaries;

**WHEREAS** Virgin's Uniform Land Use Ordinances presently authorize the Zoning Administrator to enforce Virgin Town's policies, procedures, and land use ordinances and Virgin's Town's Zoning Administrator has asked to be relieved of some of the code enforcement duties;

**WHEREAS** many violations of Virgin Town's policies, procedures, and land use ordinances are not being enforced and this is detrimental to the health, safety, and welfare of the Town and its residents;

**WHEREAS** the Mayor is authorized pursuant to Utah Code Annotated, Title 10, Chapter 3, Section 104(1)(c)(i) to recommend for council consideration any measure that the mayor considers to be in the best interests of the municipality;

**WHEREAS** the Mayor believes it is in the best interests of Virgin Town for its policies, procedures, and ordinances to be enforced;

**WHEREAS**, a public hearing was held on December 12, 2022, at which the public was invited to comment on the amendment of Virgin's Land Use Code authorizing a Code Compliance Officer to enforce compliance with some of Virgin Town's policies, procedures, and land use ordinances;

**WHEREAS**, the Virgin Town Council now finds it now prudent and necessary to further define the scope of code enforcement in Virgin Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH:**

*Section 1:* The following sections of Virgin’s Land Use Ordinances are amended to read as follows:

- **VULU 2.12 DEFINITIONS**

**Code Compliance Officer.** *The local official designated to enforce the all regulations in town, other than building and construction regulations.*

**Zoning Administrator.** The local official designated by the virgin town council to enforce the *building and construction* regulations of this ordinance; the Virgin Town Zoning Administrator may also be the Virgin Town building Inspector.

- **VULU 2.20 INSPECTION**

The Virgin Town Zoning Administrator is authorized to inspect all buildings and structures in the course of construction, modifications or repair and to inspect land uses to determine compliance with the provisions of the zoning ordinance. The Virgin Town Zoning Administrator, *the Code Compliance Officer*, or any authorized employee of the Town of Virgin shall have the right to enter the premises for the purpose of determining compliance with the provisions of this ordinance; provided, that such entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

- **VULU 2.22 ENFORCEMENT**

A. **ENFORCEMENT.** The Virgin Town ~~Zoning Administrator~~ *Code Compliance Officer* is authorized as the officer charged with the enforcement of this ordinance. It shall be the duty of ~~Zoning Administrator~~ *Code Compliance Officer* to enforce the provisions of this ordinance, and shall enforce all provisions, and the failure of the ~~Zoning Administrator~~ *Code Compliance Officer* to do so shall not legalize any violations of such provisions.

- **VULU 16.20 LIMITED COMMERCIAL HABITATION**

F. **ENFORCEMENT.**

1. LCH permits are valid from the date of approval until the holder alters the agreement, the permit is revoked pursuant to 8.11.6.C, or the use is abandoned for one (1) year. The ~~Zoning Administrator~~ *Code Compliance Officer* shall conduct investigations in response to written complaints or at the direction of the Planning & Zoning Commission or Town Council to ensure all standards of this Chapter is being upheld.

• VULU 16.22 STANDARDS FOR CONDITION BY USE

I. GENERAL PROVISIONS FOR CAMPGROUNDS

3. A park manager must be on duty within the park at all times. All Campground managers shall maintain a patron's log consisting of names, dates of occupancy and number of spaces. Patron logs shall be made available to code ~~enforcement~~ compliance officers at their request.

*Section 2. Severability.* If any section, clause, or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

*Section 3. Conflicts/Repealer.* This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

*Section 4. Effective Date.* This Ordinance shall become effective February 15, 2023 upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor. Until that date current ordinances for code enforcement remain in effect.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE# 2022-13 will become effective on this 19<sup>th</sup> day of December 2022 based upon the following vote:

Council Member:

Gene Garate	AYE ___	NAE ___
LeRoy Thompson	AYE ___	NAE ___
Mistie Baird	AYE ___	NAE ___
Paul Luwe	AYE ___	NAE ___
Jean Krause, Mayor	AYE ___	NAE ___

VIRGIN TOWN  
a Utah municipal corporation

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Jean Krause, Mayor

ATTEST:

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Krystal Percival, Town Clerk/Recorder