

VIRGIN TOWN, UTAH

ORDINANCE 2024-16

AN ORDINANCE AMENDING AND RESTATING SECTIONS 2.12, 2.20, 2.22, 16.26, and 16.28 OF VIRGIN'S UNIFORM LAND USE ORDINANCES REGULATING ENFORCEMENT OF THE PROVISIONS OF THIS CODE TO ALLOW FOR A CODE COMPLIANCE OFFICER.

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 with 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 compliance with 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 November 13, 2024, 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

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

- 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 16.26 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 16.28 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~~ Code Compliance Officers at their request.

Severability Clause: Should any part of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
Effective Date: This Ordinance shall be in full force and effect from May 21, 2024 and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or part thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, November 19, 2024.

Attest:

Jean M. Krause, Mayor
Virgin Town, Utah

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded	AYE	NAY	ABSENT	ABSTAIN
Virgin Town Councilmember, Mistie Baird				
Virgin Town Councilmember, Paul Luwe				
Virgin Town Councilmember, April McKeon				
Virgin Town Councilmember, Valerie Wenz				
Virgin Town Mayor, Jean Krause				

RECORDED this _____ day of _____, 2024.

PUBLISHED or POSTED this _____ day of _____, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) *Utah Public Notice website*
- 2) *Virgin Town website, www.virgin.utah.gov*
- 3) *Virgin Town Hall*

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah