

**VIRGIN TOWN
ORDINANCE NO. 2025-**

**AN ORDINANCE REMOVING 16.2.22 SECTION B COMPLAINTS FROM THE VMC
Title 16 CHAPTER 2, GENERAL PROVISIONS AND DEFINITIONS INCLUDING THE
RENUMBERING THE SECTION, AND REVISING VMC 16.2.22, IN ORDER TO UP-
DATE THE PROCESS FOR REPORTING CONCERNS TO THE TOWN.**

WHEREAS, Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah, and

WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town, and

WHEREAS, the Town Council with advice of the Virgin Town Planning and Zoning Commission (“Planning Commission”), in addition to being the legislative and governing body of the Town, is also the Land Use Authority (“LUA”) vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person, and

WHEREAS, the Virgin Town Council is seeking to streamline the process by which complaints are received and addressed by using an approach that fits both administrative and land use codes, and

WHEREAS, the Virgin Town General Plan Survey demonstrated a strong desire for more effective Code Enforcement, and

WHEREAS. Many Virgin Town policies, procedures, and land use ordinances are not consistently enforced and this is detrimental to the health, safety, and welfare of the Town and its residents, and

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, and

WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town, and

40 **WHEREAS**, the Planning Commission held a public hearing on this ordinance on
41 _____, 20____; and

42
43 **WHEREAS**, the Virgin Town Planning and Zoning Commission recommended in
44 a _____ to _____ vote that the Town Council *[approve / deny]* these amendments on
45 _____, 20____; and

46
47 **WHEREAS**, *[as many whereases as you need to give reasons for ord,*
48 *justifications, evidence, determinations, findings, etc],* and

49
50 **WHEREAS**, Virgin's LUA finds it to be in the best interests of the health, safety,
51 and welfare of residents and visitors to the Town to amend its regulations;

52
53 **NOW THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF
54 THE TOWN OF VIRGIN, UTAH AS FOLLOWS:

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56 **SECTION 1. REPEAL Virgin Land Use Code 16.2.22.B Enforcement, and**
57 **RENUMBER the following sections C,D, and E to reflect the change,**

58
59 BEFORE REMOVAL, REVISION AND RENUMBERING

60 **16.2.22 Enforcement**

61 A. **ENFORCEMENT.** The Virgin Town Zoning Administrator is authorized as the officer
62 charged with the enforcement of this ordinance. It shall be the duty of Zoning Ad-
63 ministrators to enforce the provisions of this ordinance, and shall enforce all provi-
64 sions, and the failure of the Zoning Administrator to do so shall not legalize any vio-
65 lations of such provisions.

66 B. **COMPLAINTS.**¹ The Town of Virgin encourages citizens to bring forward legitimate
67 grievances regarding any violation of law or ordinance which affects them. In light
68 of the heavy workload sometimes visited upon our staff and volunteers, it is to the
69 advantage of all concerned to have a procedure for the investigation of the more
70 serious allegations and underlying circumstances so that complaints can be re-
71 solved.

72 As a rule, complaints will be handled according to the following steps:

- 73 1. Citizen submits a complaint to a local police officer, or completes a complaint
74 form or letter, available at Town Hall or the town website, and submits it to the
75 Town Clerk. Unsigned complaints may not be investigated.
- 76 2. If received at Town Hall, Clerk date-stamps the complaint after verifying that:
- 77 a. Signature is readable or printed name of complainant is included;
- 78 b. Complaint is clearly described and identified;
- 79 c. Complainant has described how the alleged violation has personally affected
80 him or her; and

- d. Any efforts made to resolve the problem, including contacts with associated property owners, are described.
3. If the complaint was received by the police, an officer determines whether he or she should proceed to investigate. If the complaint was received by the Town, the clerk shall file the original complaint in a master Complaints file including all complaints received in chronological order, make a copy to attach to the Complaint Log and begin investigation. Complaints involving private information about individuals will be investigated by the Mayor or his designee.
4. The clerk may consult with the Zoning Administrator, the Mayor, or others to determine if the complaint requires official town action. If found to require further investigation, Town Clerk shall notify the complainant, in writing or by phone, as soon as practicable, that the office acknowledges receipt of the complaint, and that the complaint is under investigation. If it is determined the complaint should be dismissed, the clerk shall notify the complainant of the reason for dismissal. Phone calls shall be logged in complaint file.
5. Dismissal may result for various reasons, including but not limited to:
- a. The action complained of is not a violation of any law or ordinance;
 - b. The action is a violation of a law not enforceable by the Town;
 - c. The complaint is determined to be frivolous;
 - d. Investigation showed the complaint to be resolved or untrue;
 - e. The action complained of has been satisfactorily addressed in the past;
 - f. A seeming violation of the ordinance is actually a legal non-conformity;
 - g. The complaint is of a nuisance not specifically addressed in the ordinance (this case may result in a request that Planning and Zoning consider amending the ordinance to avoid future nuisance).
6. If the complaint is found to have merit, Clerk shall call or write the subject of the complaint and ask that the problem be corrected, logging the results in the complaint file. If the complaint is found to have merit requiring official town action, the Mayor will be informed and the complaint will be prioritized based on anticipated risk to and impact on complainant and the public. When it is determined to take action, the complaint shall be addressed under a Complaints item on a Town Council agenda.
7. Complaint items shall be addressed in summary by the Town Council within the next two regularly scheduled meetings, as follows. Dismissed complaints and those under investigation will be reported in summary in work meeting, and those requiring official action of the council will be addressed under a separate item in the regular council meeting. Town Clerk shall give 48-hour notice to both complainants and subjects of complaints, in writing or by phone, when complaints are scheduled for council action, and when final action is decided upon. Copies of public and private notices and excerpts from meeting minutes shall be included in the complaint file.
- C. RELATIONSHIP TO OTHER ORDINANCES. No business license, building permit, occupancy permit, street encroachment permit, water connection, sewer connection

or other permits, licenses or services provided by the Town of Virgin shall be granted to any person whose use of land, use of structures or whose construction of buildings or other structures is in violation of this ordinance, except those uses for which a valid order of the Appeal Authority or a court of competent jurisdiction has been issued.

- D. VIOLATION UNDER PREVIOUS ORDINANCES. The adoption of this ordinance shall not void or abate any violations occurring under the Town of Virgin zoning ordinance as heretofore in effect, nor any prior zoning ordinance providing for zoning of property within the Town of Virgin, nor shall it affect any debt or fee which has accrued any debt imposed, any penalty incurred, any action or proceeding commenced under or by virtue of such ordinances.
- E. EXTRAORDINARY REMEDIES. The Town of Virgin may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act carried on in violation of this ordinance.

AFTER REMOVAL, REVISION AND RENUMBERING

16.2.22 Enforcement

- A. ENFORCEMENT. The Virgin Town Code Enforcement Officer is authorized as the officer charged with the enforcement of this ordinance. It shall be the duty of Code Enforcement Officer to enforce the provisions of this ordinance as outlined in VC and shall enforce all provisions, and the failure of the Code Enforcement Officer to do so shall not legalize any violations of such provisions.
- B. RELATIONSHIP TO OTHER ORDINANCES. No business license, building permit, occupancy permit, street encroachment permit, water connection, sewer connection or other permits, licenses or services provided by the Town of Virgin shall be granted to any person whose use of land, use of structures or whose construction of buildings or other structures is in violation of this ordinance, except those uses for which a valid order of the Appeal Authority or a court of competent jurisdiction has been issued.
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D. EXTRAORDINARY REMEDIES. The Town of Virgin may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act carried on in violation of this ordinance.

SECTION X. [ADOPTION, AMENDMENT, REPEAL, REPEAL AND REENACTMENT, FINDINGS, RENUMBER, CORRECT, ETC]

Severability Clause: Should any part or provision 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 _____, 20____ and after the required approval and publication according to law.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE ____ DAY OF _____, 20____.

Attest:

Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

VIRGIN TOWN COUNCIL

Vote as recorded: AYE NAY ABSENT

Councilmember Luwe	_____	_____	_____	
Councilmember Baird	_____	_____	_____	
Councilmember Wenz	_____	_____	_____	
Councilmember McKeon	_____	_____	_____	
Mayor Krause	_____	_____	_____	

SEAL

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ day of _____, 20____.

199 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

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

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207 
208 Krystal Percival, Town Clerk/Recorder

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210 Virgin Town, Utah
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