

# VIRGIN TOWN, UTAH

## ORDINANCE 2025-13

### REMOVING COMPLAINTS FROM LAND USE CODE

AN ORDINANCE REMOVING 16.2.22 SECTION B "COMPLAINTS" FROM THE VIRGIN MUNICIPAL CODE 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**, Pursuant to Utah Code Ann. §10-1-201 Virgin Town ("the Town") is a Utah municipal corporation and political subdivision of the State of Utah;

**WHEREAS**, Pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 401, 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**, 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 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 Planning Commission held a public hearing on this ordinance on July 08, 2025; and

**WHEREAS**, the Virgin Town Planning and Zoning Commission recommended on July 8, 2025 in a 5 to 0 vote that the Town Council *approve* these amendments, and

**WHEREAS**, Virgin's Land Use Authority finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to amend its regulations;

**NOW THEREFORE**, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

**SECTION 1: REPEAL AND RENUMBER.** "Title 16, Chapter 2, Section 22.B "Complaints" of the Virgin Land Use Ordinances is hereby *repealed and renumbered* as follows:

#### BEFORE REPEAL & RENUMBER

##### 16.2.22 Enforcement

- A. **ENFORCEMENT.** The Virgin Town Code Compliance Officer is authorized as the officer charged with the enforcement of this ordinance. It shall be the duty of Code Compliance Officer to enforce the provisions of this ordinance, and shall enforce all provisions, and the failure of the Code Compliance Officer to do so shall not legalize any violations of such provisions.
- B. **COMPLAINTS.**<sup>1</sup> The Town of Virgin encourages citizens to bring forward legitimate grievances regarding any violation of law or ordinance which affects them. In light of the heavy workload sometimes visited upon our staff and volunteers, it is to the advantage of all concerned to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved.

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

1. Citizen submits a complaint to a local police officer, or completes a complaint form or letter, available at Town Hall or the town website, and submits it to the Town Clerk. Unsigned complaints may not be investigated.
2. If received at Town Hall, Clerk date-stamps the complaint after verifying that:

- a. Signature is readable or printed name of complainant is included;
  - b. Complaint is clearly described and identified;
  - c. Complainant has described how the alleged violation has personally affected 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 REPEAL & RENUMBER

##### 16.2.22 Enforcement

- A. ENFORCEMENT. The Virgin Town Code Compliance Officer is authorized as the officer charged with the enforcement of this ordinance. It shall be the duty of Code Compliance Officer to enforce the provisions of this ordinance as outlined in Title 2, Chapter 2.05, Complaint Procedure (to be created), and shall enforce all provisions, and the failure of the Code Compliance Officer to do so shall not legalize any violations of such provisions.
- ~~B. COMPLAINTS:<sup>1</sup> The Town of Virgin encourages citizens to bring forward legitimate grievances regarding any violation of law or ordinance which affects them. In light of the heavy workload sometimes visited upon our staff and volunteers, it is to the advantage of all concerned to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved.~~

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

- ~~1. Citizen submits a complaint to a local police officer, or completes a complaint form or letter, available at Town Hall or the town website, and submits it to the Town Clerk. Unsigned complaints may not be investigated.~~

2. ~~If received at Town Hall, Clerk date-stamps the complaint after verifying that:~~
  - a. ~~Signature is readable or printed name of complainant is included;~~
  - b. ~~Complaint is clearly described and identified;~~
  - c. ~~Complainant has described how the alleged violation has personally affected 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.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.

~~D.C.~~ 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.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.

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**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 July 15, 2025 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, \_\_\_\_\_.

Attest:

Ordinance 2025-13  
Adopted July 15, 2025

\_\_\_\_\_  
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 \_\_\_\_\_, 2025.

PUBLISHED or POSTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

#### **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](http://www.virgin.utah.gov)*
- 3) *Virgin Town Hall*

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Krystal Percival, Town Clerk/Recorder  
Virgin Town, Utah