

1 VIRGIN TOWN  
2 ORDINANCE NO. 2026-XX  
3

4 AN ORDINANCE ADOPTING AND ENACTING A NEW SECTION IN CHAPTER 16.8 OF THE  
5 VIRGIN MUNICIPAL CODE ESTABLISHING STANDARDS FOR GRADING, EXCAVATION, AND  
6 EARTHWORK ACTIVITIES; PROVIDING FOR PERMITTING, ENGINEERING, AND  
7 ENFORCEMENT PROCEDURES; AND PROMOTING PUBLIC HEALTH, SAFETY, AND WELFARE  
8 THROUGH RESPONSIBLE LAND DISTURBANCE REGULATION.  
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10 WHEREAS, Virgin Town is a municipal corporation and political subdivision of the State  
11 of Utah, organized and existing under the provisions of Utah Code Annotated Title 10; and  
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13 WHEREAS, pursuant to Utah Code Annotated 10-20-101 et seq., the Town Council of  
14 Virgin Town is authorized to adopt ordinances and regulations governing land use,  
15 development, and construction within the Town to protect the public health, safety, and  
16 welfare; and  
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18 WHEREAS, the Town Council recognizes that grading, excavation, and other  
19 earthwork activities, if not properly managed, can create hazards to life and property, cause  
20 erosion and sedimentation, and negatively affect natural drainage patterns, vegetation, and  
21 the visual character of the community; and  
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23 WHEREAS, the Town Council finds it necessary to establish clear standards and  
24 procedures for grading permits to ensure safe engineering practices, protect natural  
25 resources, and maintain the integrity of Virgin Town's terrain and hydrology; and  
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27 WHEREAS, the adoption of this ordinance will promote consistency, efficiency, and  
28 accountability in the regulation of grading and land disturbance activities, and further the  
29 Town's goals of sustainability, responsible development, and environmental protection;  
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31 NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN,  
32 UTAH, AS FOLLOWS:  
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34 SECTION 1. ADOPTION OF NEW SECTION 16.8.62. Section 16.8.62 of the Virgin  
35 Municipal Code (VMC) is hereby adopted and enacted as follows:  
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37 16.8.62 - Grading Permit

- 38 A. PURPOSE: The purpose of this Chapter is to protect public health, safety, and general  
39 welfare by establishing standards for grading, excavation, and earthwork activities  
40 within the Town. This Chapter is intended to:

- 41 1. Prevent erosion, sedimentation, and other forms of environmental  
42 degradation.
- 43 2. Protect natural features, including hillsides, ridgelines, streams, and vegetation.
- 44 3. Minimize the risk of landslides, slope instability, and damage to public and  
45 private property.
- 46 4. Ensure compatibility of grading activities with existing topography and planned  
47 land uses.
- 48 5. Maintain the natural hydrology and minimize adverse impacts on drainage  
49 patterns and stormwater systems.
- 50 6. Promote safe development practices through appropriate engineering design  
51 and oversight.
- 52 7. Align grading activities with the Town's goals for land use, resource protection,  
53 sustainability, and visual character.
- 54 8. Regulate the development of hazardous terrain and conserve the value and  
55 aesthetics of adjacent properties.

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57 B. DEFINITIONS: For purposes of this Section 16.8.62, the following terms shall have the  
58 meanings indicated. Terms not defined in this section shall have the meanings  
59 assigned in Section 16.2.12 of this Title or, if not defined therein, their ordinary  
60 accepted meaning within the engineering and land-use professions.

- 61 1. "Clearing" means the removal of vegetation, organic material, or surface debris  
62 in preparation for grading or construction.
- 63 2. "Cut" means the mechanical removal of earth material that lowers the  
64 elevation of the natural ground.
- 65 3. "Drainage Study" means a report prepared and stamped by a licensed  
66 professional civil engineer that evaluates existing and proposed drainage  
67 conditions for a site, including hydrologic calculations, stormwater discharge  
68 rates, drainage paths, required retention or detention, and the impact of  
69 proposed grading on adjacent and downstream properties. A drainage study  
70 shall be prepared in accordance with professionally accepted engineering  
71 standards and any criteria adopted by the Town Engineer.
- 72 4. "Engineered Grading Permit" means a grading permit required for activities  
73 that disturb the natural grade of more than one thousand (1,000) cubic yards  
74 and require engineered plans stamped by a licensed professional engineer.
- 75 5. "Excavation" means the mechanical removal or movement of earth material,  
76 including trenching, cutting, and digging.
- 77 6. "Fill" or "Filling" means the placement, deposition, or stockpiling of soil, rock, or  
78 earth material that raises the elevation of the natural ground.
- 79 7. "Grading" means any excavation, filling, clearing, or movement of soil, rock, or  
80 earth material, or any combination thereof.

- 81 8. "Land Disturbance" means any activity that disturbs the surface of the land,  
82 including clearing, grading, excavation, filling, stockpiling, or soil movement.  
83 9. "Natural Grade" means the elevation of the undisturbed natural ground surface  
84 before any grading, excavation, or filling occurs, as shown by existing contours.  
85 10. "Standard Grading Permit" means a grading permit required for activities that  
86 disturb the natural grade of more than two thousand (2,000) square feet but  
87 not more than one thousand (1,000) cubic yards.  
88 11. "Substantial Work" means physical work on the site that materially advances  
89 the grading activity and demonstrates active construction, as determined by  
90 the Town.  
91

92 C. SCOPE AND APPLICABILITY: No person shall commence or perform any grading,  
93 excavation, filling, or clearing of land without first having obtained a grading permit  
94 and ascertaining the existence of underground utilities. No grading permit shall be  
95 issued except in connection with an allowed use in the zoning district in which the  
96 property that is to be graded, filled, or cleared is located. A grading permit shall not  
97 be issued until the Town has approved all other required development applications  
98 associated with the proposed work, including but not limited to building permits, site  
99 plans, conditional use permits, or subdivision approvals, so that grading is authorized  
100 only in conjunction with an approved use.  
101

102 D. EXEMPTIONS: The following shall not require a grading permit:

- 103 1. Agricultural: Grading, excavation, filling, or clearing for bona fide agricultural  
104 uses, including but not limited to crop production, livestock operations,  
105 irrigation improvements, and soil preparation, provided the work does not alter  
106 natural drainage patterns or negatively impact adjacent property. Any grading,  
107 excavation, filling, or clearing conducted for non-agricultural purposes shall  
108 require a grading permit, regardless of the zoning district.  
109 2. Residential Landscaping: Minor grading or clearing associated with  
110 landscaping projects for single-family residential uses that do not negatively  
111 impact adjacent property regarding drainage.  
112 3. Non-disturbance of Natural Grade: Minor grading (residential), excavation,  
113 filling, or clearing that does not disturb the natural grade of more than two  
114 thousand (2,000) square feet or result in a change to the natural grade.  
115 4. Emergency and Public Facility Projects: Grading required to repair, restore, or  
116 construct public facilities, including roadways, utility improvements, and public  
117 infrastructure, or to make emergency repairs to or replacement of on-site utility  
118 systems, including septic systems and similar sanitary facilities, or to perform  
119 vegetation management or grading for fire mitigation purposes, where the  
120 work is immediately necessary to protect the public health, safety, and welfare,

121 as determined by the Town, or where the project has been approved by the  
122 Town Council.

- 123 E. Pre-Activity Notice for Certain Exemptions: Any person intending to commence  
124 grading, excavation, filling, or clearing under a claimed Agricultural exemption  
125 involving disturbance of three thousand (3,000) square feet or more, or under a  
126 claimed Residential Landscaping exemption involving disturbance of one thousand  
127 (1,000) square feet or more, shall submit written notice to the Community  
128 Development Director, or Town Designee, prior to commencing work. Such notice  
129 shall include the property address and assessor parcel number, a description of the  
130 proposed work, the approximate area to be disturbed, and the specific exemption  
131 being claimed.

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133 Within five (5) business days of receiving a complete written notice, the Community  
134 Development Director, or Town Designee, shall issue one of the following:

- 135 1. Written confirmation that the claimed exemption appears to apply and that the  
136 proposed work may proceed; or  
137 2. Written notice that a pre-activity meeting or site visit is requested prior to  
138 commencement of work, identifying the reason(s) further review is needed.

139 If the Town does not respond within five (5) business days of receiving a complete  
140 written notice, the applicant may proceed with the proposed work under the claimed  
141 exemption.

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143 Nothing in this provision shall be construed to authorize work that would otherwise  
144 require a standard or engineered grading permit under this section. The expiration of  
145 the five (5) business day response period does not constitute a determination that the  
146 claimed exemption applies, and does not relieve any person of the obligation to  
147 obtain a grading permit for work that exceeds the applicable exemption criteria.

148  
149 If, following a pre-activity meeting or site visit with the Community Development  
150 Director or Town Designee, determines that the proposed work does not qualify for  
151 the claimed exemption, the applicant shall be required to obtain a standard or  
152 engineered grading permit, as applicable, prior to commencing work.

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155 F. STANDARD GRADING PERMIT: A standard grading permit shall be required for  
156 grading, excavation, filling, or clearing that disturbs the natural grade of more than  
157 two thousand (2,000) square feet but not more than one thousand (1,000) cubic yards.  
158 Prior to the commencement of any grading, an applicant shall submit a minor grading  
159 and drainage plan consisting of the following:

- 160 1. Location of the site.

- 161 2. Name of the owner/applicant.
- 162 3. A statement of the credentials of the person who prepared the plan.
- 163 4. Date the plan was prepared.
- 164 5. A general vicinity map of the proposed site, identifying all adjoining parcels
- 165 and the names of their current owners as listed in the Washington County
- 166 Assessor's records on the date of application.
- 167 6. Limiting dimensions and depth of cut and fill.
- 168 7. Location of any buildings or structures where work is to be performed and the
- 169 location of any buildings or structures within thirty feet (30') of the proposed
- 170 grading.
- 171 8. Typical cross-section of the cuts/fills resulting from excavation slopes steeper
- 172 than two horizontal to one vertical must be engineered.
- 173 9. A fugitive dust control plan implementing best management practices for dust
- 174 control during grading and construction activities, and until the site is
- 175 stabilized. The plan shall identify dust control measures to be used, including
- 176 watering, soil stabilization, phasing of grading, track-out prevention, and
- 177 maintenance responsibilities.
- 178 10. Identification and description of proposed track-out prevention measures,
- 179 including the general location of stabilized construction entrances.
- 180 11. Additional items as required by the Town Engineer.

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182 G. ENGINEERED GRADING PERMIT: An engineered grading permit shall be required for  
183 grading, excavation, filling, or clearing that disturbs the natural grade of more than  
184 one thousand (1,000) cubic yards. Prior to the commencement of any engineered  
185 grading, an applicant must submit an engineered grading and drainage plan  
186 consisting of the following:

- 187 1. All submitted plans and specifications must be stamped and signed by a
- 188 professional civil engineer licensed in the State of Utah.
- 189 2. Anticipated schedule of commencement of proposed excavation and grading.
- 190 3. Plans shall indicate the nature and extent of the work to be performed and
- 191 that the work will conform to the most current version of the International
- 192 Building Code, and all relevant laws, ordinances, rules, and regulations, and
- 193 shall contain the following:
  - 194 a. The first sheet of each set of the plans shall indicate the location of the
  - 195 work, name and address of the owner, a statement of the credentials of
  - 196 the engineer who prepared the plans, and the date the plan was
  - 197 prepared, including revision dates.
  - 198 b. General vicinity of the proposed site.
  - 199 c. Property limits and accurate contours of existing ground and details of
  - 200 terrain.

- 201 d. Existing ground slope map for the proposed site.
- 202 e. Horizontal and vertical limits of grading, including proposed elevations,
- 203 finish contours, and the layout of drainage channels and related
- 204 improvements.
- 205 f. Typical cross-sections of cuts/fills resulting from excavation and grading
- 206 work.
- 207 g. Identification of existing natural washes and drainageways on the site
- 208 and demonstration of how such features will be preserved or, where
- 209 modification is proposed, justification supported by engineered
- 210 analysis.
- 211 h. Details of surface and subsurface drainage devices, retaining walls,
- 212 cribbing, dams, etc. to be constructed with or as part of the proposed
- 213 work.
- 214 i. A Drainage Study, prepared and stamped by a licensed professional
- 215 engineer, evaluating existing and proposed drainage conditions in
- 216 accordance with professionally accepted engineering standards and any
- 217 criteria adopted by the Town Engineer.
- 218 j. Location of any existing buildings or structures on the site and the
- 219 location of any buildings or structures on adjacent property which is
- 220 within thirty feet (30') of the site or which may be affected by the
- 221 proposed grading.
- 222 k. A soils engineering report with recommendations incorporated in the
- 223 plans and specifications. Soils engineer shall acknowledge the plans are
- 224 in accordance with the soils report by stamping and signing the plan or
- 225 by letter.
- 226 l. An erosion control plan.
- 227 m. A Stormwater Pollution Prevention Plan (SWPPP) prepared by a
- 228 stormwater inspector certified in the State of Utah.
- 229 n. Track-out prevention measures, including stabilized construction
- 230 entrances, shall be shown on the engineered grading plans and
- 231 incorporated into the erosion control plan and SWPPP, where
- 232 applicable.
- 233 o. State of Utah – Notice of Intent for stormwater construction.
- 234 p. A fugitive dust plan implementing best management practices for
- 235 permanent and ongoing dust control, including the installation of an air
- 236 quality index monitor whose data is readily accessible to the Town.
- 237 q. A detailed narrative containing:
- 238 i. An estimate of the volumes, in cubic yards, of cut and/or fill, and
- 239 the area of the site to be graded.

- 240                   ii. A statement regarding the phasing and timing of any grading  
241                   activities. If the applicant/permittee needs to grade materially  
242                   out of sequence, or fails to grade in sequence, as identified in  
243                   the narrative and the engineered grading plan, the Town  
244                   reserves the ability to invoke its enforcement rights set forth in  
245                   this Chapter.  
246                   iii. A description of equipment and methods to be employed in the  
247                   grading process.  
248                   r. Any information reasonably deemed necessary by the Town Engineer.  
249           4. Proof of land ownership in the form of a recorded deed or grant, recorded  
250           plat, or title insurance policy not older than sixty (60) days at the time of  
251           application.  
252           5. Proof of payment of required fees, as set forth in the Approval Procedure and  
253           the Town's adopted fee schedule.

254 H. MASTER GRADING PERMIT FOR IMPROVED SUBDIVISIONS: In lieu of individual  
255   engineered grading permits for each lot, the Town may issue a master grading permit  
256   for an approved subdivision where grading is proposed for the entire subdivision area  
257   or a defined phase thereof. A master grading permit shall be subject to the same  
258   application, plan, and approval requirements as an engineered grading permit under  
259   this Section, applied to the subdivision as a whole. Individual lot grading that  
260   conforms to the approved master grading plan shall not require a separate grading  
261   permit, provided that:

- 262           1. The individual lot grading does not exceed the grading limits, contours, and  
263           drainage design shown on the master grading plan;  
264           2. The applicable reclamation bond for the entire permitted area remains in full  
265           force and effect; and  
266           3. All conditions of the master grading permit have been satisfied or bonded.

267   Any individual lot grading that materially deviates from the master grading plan shall  
268   require a separate standard or engineered grading permit, as applicable.  
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270 I. APPROVAL PROCEDURE: The Community Development Director, or Town Designee,  
271   upon receiving a complete application (including payment of all applicable plan  
272   review and permit fees in accordance with the Town's adopted fee schedule), shall  
273   coordinate review of the application with the Town Engineer and applicable public and  
274   private utility providers to determine compliance with the approval standards of this  
275   section. No review shall commence until the application is deemed complete.  
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277   Technical review by utility providers and other agencies shall be advisory in nature and  
278   intended to identify potential conflicts or deficiencies in the proposed grading plan.  
279   Such reviewers shall not act as approval authorities for the Town.

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Upon receipt of a complete application, the Community Development Director, or Town Designee, shall issue a written determination or approval, conditional approval, or denial within forty (40) calendar days. If the Town requests additional information from the applicant, the forty (40) day review period shall restart upon the Town's receipt of the requested information.

Following completion of the review process, the Community Development Director, or Town Designee, shall provide the applicant one of the following responses in writing:

1. Approval of the permit application.
2. Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this Title, and issue the permit subject to these conditions.
3. Denial of the permit application, indicating the reason(s) for the denial.

J. PERMIT DURATION: A grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 60 calendar days of the issuance of the Notice to Proceed. A grading permit shall also become null and void if the project is not completed within twelve (12) months from the date of the Notice to Proceed. For purposes of this section, "project" means all grading, excavation, filling, drainage improvements, and erosion-control measures shown on the approved grading plan. One extension may be granted by the Community Development Director, or Town Designee, for a period not to exceed twelve (12) additional months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the reclamation bond is renewed and updated as may be required by the Town Engineer. No additional extensions shall be permitted.

K. INSPECTIONS:

1. Inspection Schedule: The Town shall establish and maintain a grading inspection schedule specifying the types, timing, and sequence of inspections required for grading permits issued under this chapter. The inspection schedule shall be adopted by the Town and may be updated administratively to reflect current best practices in engineering, erosion control, and site safety.

All required inspections shall be conducted in accordance with the most current inspection schedule on file with the Town at the time the inspections occur. Fees for required inspections shall be assessed in accordance with the

319 Virgin Town Consolidated Fee Schedule, as amended.  
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321 2. Preconstruction Meeting and Notice to Proceed: The applicant must notify the  
322 Town in advance of the commencement of grading to schedule a  
323 preconstruction meeting. No work under any grading permit may be  
324 commenced until the Town has issued a Notice to Proceed. The Town may  
325 inspect the work at any time to verify compliance with the approved plans, the  
326 inspection schedule, and this chapter.  
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328 3. Failure to Comply: Failure to comply with the approved plans, permit  
329 conditions, or inspection requirements shall subject the property owner,  
330 contractor, and applicant to stop work orders, civil damages, and any other  
331 recourse or penalties available under Town, state, or federal law.  
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333 L. RECLAMATION BONDS: Once the permit is issued, but before the preconstruction  
334 meeting, the project proponent shall furnish a reclamation bond in an amount of not  
335 less than one hundred percent (100%) of the work that the Town may use to mitigate  
336 any potential hazards or disruptions caused by the grading work. The reclamation  
337 bond shall be either a cash bond, an irrevocable letter of credit, or a performance  
338 bond issued by a surety licensed to do business in the State of Utah in a form  
339 approved by the Town Attorney. The Town Engineer may require recalculation and  
340 adjustment of the bond amount if the scope of work changes materially during the  
341 course of grading.  
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343 M. APPROVAL STANDARDS: No grading permit shall be issued unless it meets the  
344 following standards:

- 345 1. A complete application and payment of fees.
- 346 2. Verification that no increase in stormwater drainage will occur on neighboring  
347 properties.
- 348 3. Verification that natural washes, drainages, and drainageways on or adjacent to  
349 the site are preserved in an open and functional condition and are not filled,  
350 piped, culverted, or otherwise obstructed, except where expressly approved by  
351 the Town Engineer based on demonstrated necessity and supported by  
352 engineered analysis. Wherever possible, these areas should remain in their  
353 natural state.
- 354 4. Verification that sediment will be adequately retained and erosion adequately  
355 controlled.
- 356 5. Verification that weeds will be adequately controlled.
- 357 6. Verification that dust, noise, vibration, smoke, and odor created on the site  
358 during grading operations and during idle times will be controlled and limited

359 to prevent nuisance to neighboring properties, to comply with Utah  
360 Administrative Code R-307-205, applicable Town ordinances, and any other  
361 applicable statute or regulation.

362 7. Verification by the Town Engineer that the overall extent of the grading shown  
363 in the plans matches the amount used to calculate the reclamation bond.

364 8. Verification that the property has legal vehicular access from a public street or  
365 recorded easement sufficient for the intended grading activity, as determined  
366 by the Town.

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#### 368 N. GRADING OPERATIONS

369 1. Hours of operation shall not begin before seven (7:00) AM, and shall not  
370 continue after the hour of seven (7:00) PM. No operations shall take place on  
371 Sunday or holidays recognized by the State of Utah. Upon request, the  
372 Community Development Director or Town Designee may approve  
373 modifications to the date and hours of operation.

374 2. All grading shall comply with the standards engineering specifications for slope  
375 stabilization in accordance with the geotechnical recommendations included  
376 with the application, and all other applicable Town ordinances. Slopes shall be  
377 maintained in a manner that will prevent erosion damage on adjacent  
378 properties.

379 3. Track-Out Prevention and Protection of Adjacent Properties:

380 a. Construction Access Controls: All grading activities conducted under a  
381 Standard Grading Permit or an Engineered Grading Permit shall  
382 implement measures to prevent the tracking of sediment, soil or debris  
383 from the site onto adjacent streets, rights-of-way, or neighboring  
384 properties.

385 b. Stabilization of Construction Entrances: A stabilized construction  
386 entrance (track-out pad) shall be installed at all points of vehicular  
387 ingress and egress prior to the commencement of grading and  
388 maintained throughout the duration of grading activities. Track-out pads  
389 shall be designed and constructed in accordance with generally  
390 accepted best management practices and shall, at a minimum:

391 i. Consist of crushed aggregate or other approved material,

392 ii. Be of sufficient length, width, and depth to effectively remove  
393 sediment from vehicle tires,

394 iii. Be underlain with geotextile fabric where required by the Town  
395 Engineer, and

396 iv. Be maintained in a condition that prevents visible track-out.

397 c. Maintenance and Cleanup: Any sediment or debris tracked onto public  
398 or private roadways shall be promptly removed by dry methods such as

- 399 sweeping or vacuuming. Washing sediment into storm drains or  
400 drainage channels is prohibited unless expressly approved by the Town.
- 401 d. Additional Measures: The Town Engineer may require additional track-  
402 out controls, including tire wash facilities, rumble strips, or increased  
403 pad dimensions, where site conditions, traffic volume, soil type, or  
404 proximity to sensitive areas warrant enhanced protection.
- 405 4. The grading operation shall not exceed the boundary of the approved  
406 standard grading permit or the engineered grading permit (as applicable). No  
407 grading may occur on any site where there is no approved standard grading  
408 permit, an engineered grading permit, or a qualified exemption.
- 409 5. Natural Washes and Drainageways: Natural washes, drainageways, and  
410 ephemeral channels shall be protected during grading operations and shall  
411 remain open and unobstructed. Grading, filling, realignment, piping, or  
412 culverting of natural drainage features is prohibited unless specifically  
413 approved as part of an engineered grading plan. Temporary or permanent  
414 crossings shall be designed to maintain the hydraulic function of the drainage  
415 feature and minimize alteration of natural flow patterns.
- 416 a. Wherever possible, these areas should remain in their natural state.  
417 However, nothing in this section shall be construed to prevent an  
418 applicant from demonstrating, through an engineered grading and  
419 drainage plan, that natural drainage features can be accommodated  
420 while maintaining the development yield otherwise permitted under  
421 applicable zoning regulations.

## 422 O. ENFORCEMENT

- 423
- 424 1. Violations: It is unlawful for any person to violate any provision of this chapter,  
425 any condition of an approved grading permit, or to perform any grading,  
426 excavation, filling, or clearing for which a grading permit is required without  
427 first obtaining such permit. Each day during which a violation continues shall  
428 constitute a separate violation.
- 429 2. Stop-Work Orders; Permit Actions: The Community Development Director, or  
430 Town Designee, may issue a stop-work order, suspend or revoke a grading  
431 permit, or require the submission and approval of a new grading permit or any  
432 component thereof prior to resuming work.
- 433 3. Use of Reclamation Bond: The Town may call upon or forfeit the reclamation  
434 bond to complete stabilization, restoration, or reclamation of the site if the  
435 permittee fails to comply with this chapter or the conditions of the grading  
436 permit.

- 437 4. Abatement: The Town may require the owner or permittee to abate any  
 438 violation of this chapter. If the owner or permittee fails to abate the violation  
 439 after notice, the Town may perform the abatement and recover its costs.  
 440 5. Penalty: Any person violating the provisions of this chapter shall be guilty of an  
 441 infraction and shall be required to pay a fine of not more than seven hundred  
 442 fifty dollars (\$750.00), plus restitution if applicable. Each day that a violation  
 443 continues shall be considered a separate violation.  
 444

445 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,  
 446 which are in conflict herewith, are hereby repealed.

447 **SECTION 3. SEVERABILITY.** Should any part or provision of this Ordinance be  
 448 declared by the courts to be unconstitutional or invalid, such decision shall not affect the  
 449 validity of the Ordinance as a whole or any part thereof other than the part so declared  
 450 to be unconstitutional or invalid.

451 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
 452 adoption and posting as required by law.

453 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH,  
 454 ON THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

455 \_\_\_\_\_ Attest:  
 456 \_\_\_\_\_  
 457 Jean Krause, Mayor, Virgin Town Kristal Percival, Recorder, Virgin Town

458 VIRGIN TOWN COUNCIL

459 Vote as recorded:	AYE	NAY	ABSENT
460 Councilmember Luwe	___	___	___
461 Councilmember Kietzman	___	___	___
462 Councilmember Wenz	___	___	___
463 Councilmember McKeon	___	___	___
464 Mayor Krause	___	___	___

SEAL

465 RECORDED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

466 PUBLISHED OR POSTED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

- 471 1) *Utah Public Notice website*
- 472 2) *Virgin Town website, [www.virgin.utah.gov](http://www.virgin.utah.gov)*
- 473 3) *Virgin Town Hall*

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476 Krystal Percival, Town Clerk/Recorder

477 Virgin Town, Utah

DRAFT