**VIRGIN TOWN ORDINANCE # 2019-17**

AN ORDINANCE RESTATING CHAPTER FOUR (4) – SUPPLEMENTARY AND QUALIFYING REGULATIONS, SECTION 4.21 OUTDOOR LIGHTING, AND THE VARIOUS SUB SECTIONS FOUND WITHIN, (“VULU”).

# RECITALS

WHEREAS, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a- 101 et seq.

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ;

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the Towns desire to participate in Outdoor Events, within town boundaries;

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter 4 Supplementary and Qualifying Regulations, section 4.21 Outdoor Lighting, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on May 8, 2019, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE NOW THEREFORE, be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

 4.21.5. RECREATIONAL FACILITIES

Recreational facilities may require lighting that is not compatible with in other areas. Regulations governing recreational facilities are as follows:

 4.21.5.1 Lighting shall not exceed 5,700 degrees Kelvin.

4.21.5.2. Fixtures should be down lit unless activity being played (i.e. aerial sports) requires otherwise.

4.21.5.3. Lighting must be directional and may not light areas more the thirty-five feet (35’) beyond the field.

4.21.5.4. Lighting not used to illuminate the field must meet the adopted town standards.

4.21.5.5. All events must be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

\*Note: Existing recreational facilities are exempt from these standards until such time that the town deems it necessary for the welfare of the community and has sufficient means to complete the project.

1. 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.

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

3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE NUMBER 2019-\_\_\_\_ will become effective on this \_\_\_ day of \_\_\_\_\_\_\_\_\_, 2019 based upon the following vote:

Council Member:

 Dan Snyder AYE\_\_\_ NAE\_\_\_

 LeRoy Thompson AYE \_ NAE\_\_\_

 Kevin Stout AYE\_\_\_ NAE\_\_\_

 Jay Lee AYE\_\_\_ NAE\_\_\_

 Matthew Spendlove, Mayor AYE\_\_\_ NAE\_\_\_

VIRGIN TOWN a Utah municipal corporation:

 ATTEST:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Matthew Spendlove, Mayor Monica Bowcutt, Town Clerk