**VIRGIN TOWN ORDINANCE #2019-18**

AN ORDINANCE RESTATING CHAPTER ONE GENERAL PROVISIONS & INTRODUCTION TO DEFINITIONS. (“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” ; and

**WHEREAS,** the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter One (1) General Provisions & Introduction to Definitions, and the various sub sections found within, require updating to meet the changing needs of the town; and

**WHEREAS,** the Virgin Land Use Authority finds that, to accommodate the towns desire to clarify regulations in VULU; and

**WHEREAS,** the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on , 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 acting by

and through the Town Council 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:

**CHAPTER 1:**

**GENERAL PROVISIONS & INTRODUCTION TO DEFINITIONS**

**1.6 DEFINITIONS**

**Alley.**  A passage, as through a continuous row of properties or houses, permitting access from the street to backyards, properties, garages, etc.

**Apartment.** a room or set of rooms within a building fitted especially with housekeeping facilities and usually leased as a dwelling.

**Additional Information**. Virgin Town does not apply the term “Apartment” to Hotels or Motels.

**Hote**l. A building, commonly with multiple floors staircases/elevators, and internal corridors, that furnish lodging, food, etc. to travelers or other guests, for compensation and is designed and located to serve the motoring public.

**Additional Information.** Virgin Town does not apply the term “Hotel” to Apartments or Apartment Complexes though it may be used synonymously with the term “Motel”

**Motel.** A building or group of buildings, commonly with a one or two floor layout with access directly from the parking lot, that furnish lodging, food, etc. to travelers or other guests for compensation and is designed and located to serve the motoring public.

**Additional Information.** Virgin Town does not apply the term “Motel” to Apartments or Apartment Complexes though it may be used synonymously with the term “Hotel”

**Basement.** Any area of the building having its floor sub-grade (below ground level) on all sides.

**Buildable Area.** The portion of a lot remaining after setbacks have been provided.

**Equine.** means any member of the equidae family.

**Equine activity**. means:

**(a)** equine shows, fairs, competitions, performances, racing, sales, or parades that involve any breeds of equines and any equine disciplines, including dressage, hunter and jumper horse shows, grand prix jumping, multiple-day events, combined training, rodeos, driving, pulling, cutting, polo, steeple chasing, hunting, endurance trail riding, and western games;

**(b**) boarding or training equines;

**(c)** teaching persons equestrian skills;

**(d)** riding, inspecting, or evaluating an equine owned by another person regardless of whether the owner receives monetary or other valuable consideration;

**(e)** riding, inspecting, or evaluating an equine by a prospective purchaser; or

**(f)** other equine activities of any type including rides, trips, hunts, or informal or spontaneous activities sponsored by an equine activity sponsor.

**Equine activity sponsor.** means an individual, group, governmental entity, club, partnership, or corporation, whether operating for profit or as a nonprofit entity, which sponsors, organizes, or provides facilities for an equine activity, including:

**(a)** pony clubs, hunt clubs, riding clubs, 4-H programs, therapeutic riding programs, and public and private schools and postsecondary educational institutions that sponsor equine activities; and

**(b**) operators, instructors, and promoters of equine facilities, stables, clubhouses, pony ride strings, fairs, and arenas.

**Equine professional**. means a person compensated for an equine activity by:

**(a)** instructing a participant;

**(b)** renting to a participant an equine to ride, drive, or be a passenger upon the equine; or

**(c)** renting equine equipment or tack to a participant.

**Inherent risk (with regard to equine activities).** means those dangers or conditions which are an integral part of equine or livestock activities, which may include:

**(a**) the propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them;

**(b**) the unpredictability of the animal's reaction to outside stimulation such as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

**(c)** collisions with other animals or objects; or

**(d)** the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

**Liability Insurance, General.** General liability insurance is insurance coverage that can protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise. General liability insurance has two components always included together: bodily injury and property damage

**Additional Information.** As a municipality, Virgin Town may require certain businesses to obtain liability insurance as a safeguard against litigious claims that could involve the town. The nature and scope of the business are the deciding factors, and this is addressed in the Business License application process, and Conditional Use Permit process. The requirement of insurance must be applied equally for like businesses and the limits of the said insurance cannot be outside of the standard required by other like businesses either in Virgin Town or in surrounding communities. The requirement of liability insurance cannot be used or manipulated to be a restrictive or prohibitive means of stopping a business from establishing itself in Virgin Town.

1. Repealer. This Ordinance supersedes or repeals the provisions of any ordinance, resolution that are inconsistent with the provisions of this Ordinance.
2. Savings Clause. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.
3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council.

ADOPTED AND ORDAINED BY THE VIRGIN TOWN COUNCIL 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

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk