

VIRGIN TOWN

ORDINANCE # 2019-29

AN ORDINANCE RESTATING CHAPTER EIGHT TOWN STANDARDS, CONDITIONS, AND CONDITIONAL USES. ZONE OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”) SECTIONS 8.12.4 EQUINE ACTIVITIES.

RECITALS

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 Eight Town Standards and Conditional uses, 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 section 8.12.4 of VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on September 11, 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:

8.12.4 Commercial Equine Activities

Use General Requirements

8.12.4.A All equine activities or uses falling under the definition of “business” as defined in VULU Chapter 1.6, require a business license and are subject to a conditional use permit.

8.12.4.B Any expansion, or alteration of the equine activity beyond the scope of the conditional use permit requires amendment or revocation and re-issuance of a new conditional use permit.

8.12.4.C The equine activity sponsor or professional shall purchase, at their expense, liability insurance for any and all business equine activities in an amount to be specified in the

ORDINANCE _____
Chapter ____ Section _____
APPROVED: _____

conditional use permit, but not less than \$1,000,000. The equine activity sponsor or professional must name the Town of Virgin in the policy.

8.12.4.D The equine activity sponsor or professional shall provide notice to all participants of the equine activity, that there are inherent risks of participating and that the sponsor is not liable for certain of those risks by;

8.12.4.D.i posting a sign in a prominent location within the area being used for the activity;

8.12.4.D.ii providing a document of release for the participant, or the participant's legal guardian if the participant is a minor, to sign.

8.12.4.E The notice provided by the sign and document will be sufficient if it includes:

8.12.4.E.i the scope and intent of “inherent risk” as defined in VULU Chapter 1.6;

8.12.4.E.ii states that the sponsor is not liable for those inherent risks.

8.12.4.F Signs are not required to be posted for parades

Conditional Use Guidelines

8.12.4.G The equine sponsor or professional must submit a written business plan to be reviewed by the appropriate level 1 or level 2 approver, that addresses the following:

8.12.4.G.a - Total number of animals to be maintained.

8.12.4.G.b - Enclosures, security, and care of animals.

8.12.4.G.c - Timely removal and disposal of manure from stalls, barns, fields and trails.

8.12.4.G.d - Control of offensive dust, odors, pests, and flies.

8.12.4.G.e - Considerations to be taken for neighbors and other town residents.

8.12.4.G.f - Septic and water supply for equine, clientele, and employees. (Depending on the scope of operations, these areas will likely require input from the appropriate districts.)

8.12.4.G.g - Detailed maps of all riding areas and trails, including written permissions from private landowners, BLM, and other owners or caretakers of properties where riding will take place.

8.12.4.H Once the appropriate level 1 or level 2 approver(s) have received the equine sponsor or professional's written plan, the following should be considered carefully and included in the conditional use permit, following S.M.A.R.T. guidelines as outlined in VULU Chapter 1.6.

8.12.4.H.a - Review the plan and ensure that the plan is sufficient to protect all parties and equine involved.

8.12.4.H.b - Write the conditional use permit based on the plan provided with any additional conditions deemed necessary.

ORDINANCE _____
Chapter ____ Section _____
APPROVED: _____

8.12.4.H.c - Ensure that the conditional use permit includes at the end of the conditions the following verbiage: “Although this conditional use permit runs with the land, expansion, alteration, or deviance from any of the agreed upon conditions herein, when reviewed annually, may result in amendment or revocation of said permit following notice.”

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 2019-29 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

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk

ORDINANCE _____
Chapter ____ Section _____
APPROVED: _____