

# VIRGIN TOWN

## ORDINANCE # 2021-44.

AN ORDINANCE AMMENDING SECTIONS OF CHAPTER 16.22 (Standards for Conditions by Use) IN ORDER TO MAINTAIN CONTINUITY BETWEEN UTAH STATE LAW AND SECTIONS OF VULU.

### RECITALS

**WHEREAS**, Virgin Town (“Town”) is an incorporated municipality duly organized under the laws of the State of Utah;

**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 within the Town’s municipal boundaries;

**WHEREAS**, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Town Council”) is designated as the governing body of the Town.

**WHEREAS**, sections of VULU Chapter 16.22 are currently not compatible with Utah State law,

**WHEREAS**, amendments to VULU Chapter 16.22 would create better continuity and compatibility within VULU,

**WHEREAS**, the Town, by and through its Town Council, has determined that it is in the best interests of the Town and its residents to amend sections of VULU chapter 16.22 to maintain continuity and compatibility between VULU and Utah State law,

### ORDINANCE

**NOW THEREFORE** be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council, and for the reasons listed below, amend VULU Chapter 16.22 (Standards for Conditions by Use) from the current wording to the following proposed wording with proper formatting adjustments:

|                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of document preparation: 3-30-21                                                                                                                                                                              |
| Name of preparer: Sean Amodt                                                                                                                                                                                       |
| Contact information of preparer: amodtsg@gmail.com                                                                                                                                                                 |
| Reason for change: <ul style="list-style-type: none"><li>• Pesticide use and application are regulated at a State level and solely through the Utah State Ag Department.</li><li>• The label is the law.</li></ul> |

Current wording:

E. WINERY / BREWERY STANDARDS.

14. Pesticide Application. Permittee shall ensure the Town receives a minimum of two (2) full working day's official notice before any application of general use or restricted use pesticides is begun. Notice shall include the name, type, and amount of pesticide to be used, and the name of the certified applicator. This notice shall be publicly posted, and may be electronically distributed to residents. Only applicators who are certified and licensed in accordance with all federal and state requirements may participate in the application. Pesticides must be handled and applied in accordance with all label directions and all other federal and state laws. Permittee shall provide two (2) copies of: applicator license number, Product labels, and MSDS (material safety data sheets) of pesticides used to the Virgin Town Office. Overspray of pesticides beyond the boundaries of the subject property will not be tolerated. Any violation of these requirements shall be cause for business license revocation and may result in revocation of the conditional use permit.

Proposed changes and additions:

~~14. Pesticide Application. Permittee shall ensure the Town receives a minimum of two (2) full working day's official notice before any application of general use or restricted use pesticides is begun. Notice shall include the name, type, and amount of pesticide to be used, and the name of the certified applicator. This notice shall be publicly posted, and may be electronically distributed to residents. Only applicators who are certified and licensed in accordance with all federal and state requirements may participate in the application. Pesticides must be handled and applied in accordance with all label directions and all other federal and state laws. Permittee shall provide two (2) copies of: applicator license number, Product labels, and MSDS (material safety data sheets) of pesticides used to the Virgin Town Office. Overspray of pesticides beyond the boundaries of the subject property will not be tolerated. Any violation of these requirements shall be cause for business license revocation and may result in revocation of the conditional use permit.~~

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## REQUEST FOR VIRGIN TOWN COUNCIL ACTION

|                            |
|----------------------------|
| To: Mayor and City Council |
| From: Planning and Zoning  |
| Date:                      |
| Subject:                   |
| Citizen comments summary:  |
| Recommendation:            |
| Background and Findings:   |
| Fiscal Impact:             |
| Supporting Documents:      |
| This request prepared by:  |
| This request prepared on:  |