

Date: 6/01/21
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Adding of Definitions to Chapter 2 for SOB's
Current wording:
Proposed wording 2.12 - DEFINITIONS Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following: A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". Adult Cabaret. A nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: A. Persons who appear nude or in a state of nudity or seminude; B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". Adult Motel. A motel, hotel or similar commercial establishment which:

- A. Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- C. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater. A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas".

Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". The definition of sexual oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

Nude Entertainment Business. A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

Nude Model Studio. Any place where a person who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

Seminude Dancing Bars. Any business which sells or allows the consumption of any alcoholic beverage on its premises that permits dancing, modeling or other performance or appearance however characterized, in a state of semi-nudity.

Sexual Encounter Establishment. A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

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VIRGIN TOWN

ORDINANCE # 2021-53

AN ORDINANCE AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”).

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 Two, 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 provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on June 9, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on June 23, 2021;

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:

2.12 - DEFINITIONS

Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

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C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

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A. Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

B. Offers a sleeping room for rent for a period of time less than ten (10) hours; or

C. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

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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 _____ will become effective on this ____ day of _____, 2021 based upon the following vote:

Council Member:

Gene Garate	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

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: