WASHINGTON TERRACE CITY
ORDINANCE 18-07

FENCE, HEDGE, AND WALL REGULATIONS AMENDED

AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING SECTION 17.44.080 OF THE WASHINGTON TERRACE MUNICIPAL CODE RELATING TO FENCES, HEDGES, AND WALLS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Washington Terrace City (hereafter referred to as "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on APRIL 26, 2018, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on June 5, 2018, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Adoption.** Section 17.44.080 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

<u>17.44.080 Fences, Walls And Hedges</u>

A. Residential Zones:
   1. Interior Lots:

a. Front Yards. No fence shall be erected in any residential zone which exceeds four feet (4') in height. All fence s must be constructed on or within the property line.
b. Back Yards. A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the front yard setback line of the required front and side yard setbacks and is limited to the interior of a lot or parcel.
c. Residential Zones. A fence within the interior lot or parcel of any rear or side yard area shall not exceed six feet (6') in height.

1. **Corner Lots:**

2. Corner Lots:
   a. Front Yards. No fence shall be erected in any residential zone which exceeds four feet (4') in height, except within the sight triangle. ~~(See subsection A3, "Sight Triangle", of this section.)~~ All fences must be constructed on or within the property line. Any fence constructed adjacent to an existing or future sidewalk shall be located a minimum one (1') foot behind sidewalk to allow a clear walkable area.
   ~~b.~~ Back Yards. A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the rear line of the required front setback of the dwelling. On the side bordering the street, a fence, wall, or hedge not in excess of six feet (6') in height may be erected, as adopted in the following requirements. ~~but must be set back from the required front setback of the dwelling a minimum of twelve feet (12'), and the sidewalk a minimum of six feet (6') or minimum fifteen feet (15') behind curb.~~
      i. Sight Triangle. The "sight triangle" is to protect the line of site for the intersection of an area which extends for ~~thirty feet (30') in R-1-6 zones and~~ forty feet (40') in all ~~other~~ zones from the corner in both directions. The maximum height in the sight triangle is two feet (2') for all fences, walls and hedges. All fences within the sight triangle must be on or within the property line. Any trees within the sight triangle must be trimmed above the ground at a seven-foot (7') minimum or comply with section 17.44.130 of this chapter.
      ii. No fence, wall, or hedge shall be constructed or maintained over, across, surrounding, or limiting access to any public utility or any utility meter. This does not apply to secondary water system valves that may exist in the rear yard or side yard of a property.
      iii. The sight-triangle shall be maintained and protected for any adjacent primary driveway closer than (24') twenty-four feet of the constructed or proposed fence over (4') four-feet high. Within (24') twenty-four feet, the adjacent driveway sight-

triangle shall be protected for the clear view setback of (24') from the edge of primary driveway at one foot back of sidewalk and (15') fifteen-feet from the face-of-curb to the fence alignment nearest the primary driveway. The primary driveway is defined as the driveway leading directly into the household garage or primary attached carport.

iv. Any fence, wall, or hedge shall be constructed or maintained behind gas and power meters, utilities to maintain access to those meters and equipment.

v. Landscaping or shrubbery within the driveway site triangle or the roadway site triangle shall not obstruct or block or impede the line of site within those areas. Impediments shall be removed or altered in order to protect the sight-triangle for the safety and wellbeing of residents and motorist within the City.

3. Retaining Walls. Where a fence is erected on a retaining wall, or where for other reasons there is a difference in elevation of the surface of the land on either side of a fence, the height of the fence shall be measured from the surface of the land on the side having the highest elevation.

B. Commercial Zones. Fence heights in commercial and manufacturing zones shall be as approved by the planning commission.

C. Public Facilities. The provisions of this section shall not apply to fences required by state law to surround and enclose public utility installations and public schools.

D. Residential. Any fences, walls, hedges over six feet (6') shall not be constructed without approval by the appropriate local authority or building official.

E. Prohibited Fencing. No fence shall be constructed of barbed wire, shard wire, or electrically charged wire in any residential zones. The following material is prohibited in all zones: grape stakes (or similar), plastic sheeting/plastic materials other than vinyl, traps, cloth, canvas or like materials, plywood, pallets, chain link fencing with slats will not be permitted within the front setback nor along any street.

F. Standard. All fences shall be weather protected from rust, sun, rain, and any other outside elements.

G. Maintenance of Fences and Walls. All fences, walls, and adjacent areas shall be maintained in good repair at all times by the property owner.

H. Removal and Repairs. Removing or repairing a fence that does not comply with the municipal code must be re-constructed and re-installed in accordance with the current code requirements.

Section 3: **Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: **Effective date.** This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 5 day of June, 2018.

MARK C. ALLEN, Mayor,
Washington Terrace City
ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this 5 day of June, 2018.
PUBLISHED OR POSTED this 6 day of June, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) City Hall, 2) Senior Center, and 3) City Website on the above referenced dates.

DATE: 6-6-18

AMY RODRIGUEZ, City Recorder