

**WASHINGTON TERRACE CITY
ORDINANCE 19-07**

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 _____, 2019, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2019, 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 Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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:

17.44.080 Fences, Walls And Hedges

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 fences 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. 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.
 - i. Sight Triangle. The "sight triangle" is to protect the line of sight for the intersection of an area which extends for forty feet (40') in all 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 sight within those areas. Impediments shall be removed or altered in order to protect the sight-triangle for the safety and wellbeing of residents and motorists within the City.
 - vi. Downward Scallop Picket fences may be installed the center point shall not be any higher than 2 two feet from grade which will be even with the sidewalk and the support post no higher than 3 three feet from grade even with the sidewalk. Open picket newels equally spaced forming a scallop appearance and which shall be approved by the building department.
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 _17___ day of September 2019.
Signature on file

SCOTT BARKER, Mayor, Pro Tem
Washington Terrace City
ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this 17___ day of September_, 2019.
PUBLISHED OR POSTED this 19___ day of September _, 2019.

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 Website_, 2) _City Hall_, and 3) Senior Center_ on the above referenced dates.

Signature on file

AMY RODRIGUEZ, City Recorder

DATE: __9-19-19__