

**ORDINANCE NO. 21-05**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10-2-1, 10-14-8, AND 10-14-14 OF THE CITY CODE HAVING TO DO WITH FENCES; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**Section 1 - Recitals:**

**WHEREAS**, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

**WHEREAS**, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

**WHEREAS**, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

**WHEREAS**, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

**WHEREAS**, the City Council finds that the Planning Commission has recommended certain changes to the city zoning ordinance in regards to fences; and,

**WHEREAS**, the City Council finds that South Ogden City Code, Title 10 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

**WHEREAS**, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

**WHEREAS**, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**Amended Section:**

Upon the adoption of this Ordinance, Title 10 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as

indicated.

The foregoing recitals are incorporated herein.

**Section 2 - Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**Section 3 - Prior Ordinances and Resolutions:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**Section 5 - Date of Effect**

This Ordinance shall be effective on the 1<sup>st</sup> day of June 2021, and after publication or posting as required by law.

DATED this 1<sup>st</sup> day of June 2021.

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Russell Porter

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 21-05**

An Ordinance Of South Ogden City, Utah, Revising And Amending Title 10-2-1, 10-14-8, And 10-14-14 Of The City Code Having To Do With Fences; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

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### 10-2-1: DEFINITIONS:

FENCE: A tangible barrier or obstruction of any material, with the purpose or intent of preventing passage or view across the fence line. It includes ~~hedges and~~ walls.

FENCE, OPEN: A fence that is at least fifty percent (50%) open and which does not present a visual barrier/hazard for pedestrians or drivers.

### 10-14-8: FENCE ~~HEIGHT~~-REGULATIONS:

A. Maximum Specified: No fence or other similar structure may be erected in any required front yard of a dwelling to a height in excess of four feet (4') and must be an open fence as described in 10-2-1 of this title; nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6').

B. Corner Lots: On corner lots, no fence or other similar structure may be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'), except a six foot (6') high fence may be placed not less than ten feet (10') away from the property's side yard property line, with said fence not to extend further toward the front of the property than a point equal to the front line of the house. ~~From the rear of the house to the front of the house a fence shall:~~

- ~~— 1. Be made of a permanent material such as wrought iron or vinyl, excluding wood.~~
- ~~— 2. The stiles of the fence shall not be greater than three fourths inch (<sup>3</sup>/<sub>4</sub>" wide.~~
- ~~— 3. The stiles of the fence shall be placed four inches (4") apart.~~
- ~~— 4. The fence shall be clear view. No vegetation or materials may obstruct the view at any time.~~

Provided, however, that the Hearing Officer may grant special exceptions as provided for in subsection 10-4-6B of this title, to allow fence types and fence heights of up to six feet (6') in height for public and semipublic buildings, including schools and churches, where the Hearing Officer finds: 1) the fence height is necessary for protection or safety of persons or property; 2) no significant adverse effect will be suffered by any surrounding property; and 3) the requirements of section 10-14-14 of this chapter are maintained.

C. Difference In Elevation: Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence will be measured from a point halfway between the top of the retaining wall and the land on the lower side, or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained will be construed to restrict a fence to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation.

E. Exceptions: The provisions of this section shall not apply to fences required by State law to enclose public utility installations and public schools. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

#### 10-14-14: CLEAR VIEW OF INTERSECTING STREETS:

In any zones ~~R-1, R-2, R-3 and their subzones, which require a front yard~~, no ~~obstruction to view in~~sight obscuring objects in excess of three ~~and one-half~~ feet (~~3 1/2~~3') in height, ~~except a chainlink fence of not more than forty two inches (42") in height~~ shall be placed on a corner lot within a triangular area formed by the street curb lines and a line connecting them at points forty feet (40') from the intersection of the back of the curbs. ~~except~~ Exceptions: a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; an open fence four feet (4') or less in height, pole and pedestal type identification signs that do not obstruct vision to automobile drivers as determined by the City Engineer. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)