

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING SECTION 18.68.120 and ADOPTING SECTION 18.08.207 OF THE HEBER CITY MUNICIPAL CODE, Heights of Fences and Walls, and Definitions of Fences, respectively.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 18.68.120 of the Heber City Municipal Code is amended, and Section 18.08.207 of the same Code is adopted as follows:

SECTION 18.68.120 Heights of Fences and Walls.

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

1. New subdivisions must have Covenants, Conditions, and Restrictions for the subdivision approved by the City through the subdivision process and recorded with the subdivision plat, addressing standardized fence height, materials, and color for fences constructed within the subdivision.

B. Fences and Walls in Non-Residential Zones. No fence or wall shall be constructed to a height of greater than eight (8) feet in any non-residential zone.

C. The provisions of 18.68.150 shall apply to all fences on all corner lots.

D. Outdoor swimming pools shall be completely enclosed by a six (6) foot tall fence.

E. All private fences, regardless of fence height or property zoning classification, shall be constructed upon private property and not within the street right-of-way.

F. No fence shall be constructed near any driveway which would interfere with the visibility triangle required in Section 18.68.155.

G. Fences and walls may be extended to eight (8) feet in height with the top two (2) feet constructed of barb-wire in the following institutional use areas: around culinary wells and springs, pump houses, airport, sewer facilities and electrical transmission and telecommunication facilities. When institutional fences are adjacent to residential zones, residential fences immediately adjacent to an institutional fence may be extended to eight (8) feet in height. However, no part of an institutional fence may hang over a residential lot

H. Any fence constructed on top of or along a retaining wall, which is legitimately retaining, shall have their regulated

height measured from the highest point of the top of the retaining wall. However, any fence constructed within a driveway visibility triangle or street visibility triangle as regulated by Section 18.68.155 and 18.68.150 shall not exceed the height limits for those respective code sections, with such height measured along street grade for street visibility triangles and driveway grade for driveway visibility triangles.

I. All fences constructed prior to May 19, 2011, which conform to Sections 18.68.155 and 18.68.150, shall be considered legal.

SECTION 18.08.207 Fence.

"Fence" means a structure serving as an enclosure, barrier, or boundary, enclosing an area such as a garden, yard or field, and usually made of posts of timber, concrete, vinyl, or metal and connected by wire, netting, rails, or boards.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the 19 day of May, 2011.

ADOPTED and PASSED by the City Council of Heber City, Utah this 19 day of May, 2011, by the following vote:

	AYE	NAY
Councilman Eric Straddeck	_____	<u>X</u>
Councilman Nile D. Horner	<u>X</u>	_____
Councilman Robert L. Patterson	_____	<u>X</u>
Councilman Benny Mergist	<u>X</u>	_____
Councilman Alan W. McDonald	<u>X</u>	_____

APPROVED:

David R. Phillips
Mayor David R. Phillips

ATTEST:

Michelle Kellogg
DEPUTY RECORDER

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