

ORDINANCE NO. 18-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
MODIFYING THE REGULATIONS ON WALL, FENCE OR HEDGE

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12, which is the City's Land Use Ordinance; and

WHEREAS the City Council and the City's Planning and Zoning Commission have determined there is need and good cause to amend the city's land use ordinance to modify the regulations on wall, fence or hedge specifically with regard to regulating the height of walls and fences in front yards.

NOW, THEREFORE, pursuant to Section 12A-504 of Title 12 of North Logan City Code and Section 10-9a-503 and 204 of Utah Code, 2015, and after ten (10) days' notice and a public hearing as required therein, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: Paragraph *12C-108. Wall, Fence or Hedge*- is amended to read as follows (the highlighted portions are added and the words struck through are deleted):

12C-108. Wall, Fence or Hedge.-

~~No fence or wall or similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet~~ No fence, wall or other similar structure shall be erected in any required front yard setback of a lot to a height in excess of four (4) feet (exceptions may be granted by obtaining a conditional use permit at the discretion of the North Logan City Planning Commission; if it can be demonstrated the fence won't impede necessary access for emergency or other City services, does not interfere with visual for police and fire, and does not negatively impact safety and aesthetics for property values); nor shall any fence or other similar structure be erected in any side or rear yard setback to a height in excess of six (6) feet except for accessory buildings and structures permitted herein and deer control fencing as permitted in Chapter 16-600 with no barbed wire, razor wire or anything similar allowed above six (6) foot on any fencing.

Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height.

Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

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Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall.

**SECTION II: CONFLICT**

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

**SECTION III: SEVERABILITY.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**SECTION IV: EFFECTIVE DATE.**

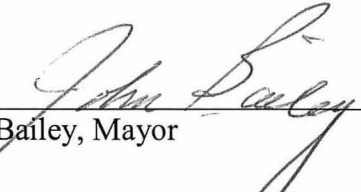
In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 18<sup>th</sup> day of April, 2018.

ATTEST:

  
\_\_\_\_\_  
Scott Bennett, City Recorder

NORTH LOGAN CITY

BY:   
\_\_\_\_\_  
John Bailey, Mayor

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CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 18 - 03 on the 19th day of April, 2018, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 E East 2500 North

WITNESS my hand this 19th day of April, 2018.

  
\_\_\_\_\_  
Scott Bennett, City Recorder