

WEST VALLEY CITY, UTAH

ORDINANCE NO. 21-03

Date Adopted: 01/26/2021

Date Effective: 01/31/2021

AN ORDINANCE AMENDING SECTION 7-2-114 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS APPLICABLE TO FENCES ON 4100 SOUTH.

WHEREAS, Title 7 of the West Valley City Municipal Code establishes regulations concerning the use and development of land throughout the City; and

WHEREAS, the City desires to amend regulations concerning the installation and design of fences along 4100 South; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Section 7-2-114 of the West Valley City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Section 7-2-114 of the West Valley City Municipal Code is hereby amended as follows:

7-2-114. FENCES.

- (1) A six-foot Fence may be constructed on or within property lines, as shown on the official plats maintained in the Office of the Salt Lake County Recorder, in Side and Rear Yards. This shall include Side Yards of Corner Lots. Permitted residential fencing materials are limited to vinyl, masonry, wrought iron style (metal), wood, hedges and chain-link. Fencing materials

shall be of materials originally intended for fencing and shall not include materials intended for other purposes. Metal panels, barbed or razor wire, and livestock Fences are expressly prohibited in Residential Zones. Livestock fencing is permitted only in an Agricultural Zone or for the containment of Animals in association with an approved residential Nonconforming Use of Animals.

(2) In Front Yards, a 20-foot setback from the front property line shall be maintained for Fences over four feet in height. Fences four feet or less in height which are at least 50 percent transparent are allowed up to the front property line or, if a Sidewalk exists, up to the Sidewalk. No solid Fence over three feet in height shall be allowed closer than 20 feet to the front property line.

(3) Residential properties along Major or Minor Arterials shall adhere to the following regulations:

a. Hedges shall be permitted up to the property line that is adjacent to an Arterial Street or if a Sidewalk exists, up to the edge of the Sidewalk. Hedges shall exclude poisonous, noxious, thorn-bearing, and fruit-bearing plant materials. Hedges shall be limited to six feet in height. Hedges shall be trimmed and maintained and shall not be permitted to grow into the public Right-of-way, or

b. Fences or walls shall be no taller than six feet in height and shall be set back a minimum of 10 feet from the front property line. The 10-foot front setback area between the public Right-of-way and the Fence or wall shall be maintained with Landscaping that contains a minimum of 50 percent live plant material and shall be kept weed free.

(4) For properties with frontage on 4100 South, all new Fences constructed in the Front Yard shall be black ornamental iron or aluminum metal fences with three rail panels, three or four inch air gaps between all posts and pickets, 2.5 inch wide posts, and 0.75 inch wide square pickets.

(45) *Fence Height.* 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 Grade of the higher property. Average Grade shall be established based on elevations of finish Grade within five feet of the proposed Fence line. When a retaining wall exists at the property line, Fence height may be measured from the higher side of the wall. A Sound Wall may exceed the height standards when constructed next to a Major Arterial Street or Freeway. In the M

zone, barbed wire atop a Fence constructed in compliance with all applicable ordinances shall not count toward Fence height.

(56) When requested, the Zoning Administrator may grant a waiver or modification of any height requirements of this Section upon finding that the waiver or modification will not circumvent the intent of the requirements.

(67) All Fences shall be maintained in good condition, at all times, by the Owner or occupant of the property. Fence maintenance shall meet the following standards:

- a. The Fence must be free of damage, breaks or missing components or parts.
- b. Areas of the Fence that are leaning more than 20 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
- c. The area at the base must be kept free of debris and neatly trimmed.
- d. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint equal to or greater than 20 percent of the Fence surface, then the surface must be repainted or stripped of all paint.
- e. Wrought iron style (metal) Fences shall be treated in a manner to prevent rust.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 26th day of January, 2021.

WEST VALLEY CITY



Ron Biggs

MAYOR

ATTEST:

Nirhale Comau

CITY RECORDER