



Information Sheet

Community Development
20 North Main Brigham City, Utah 84302
(435)-734-6604

Sheet No 5
Revised: October 31, 2007

FENCE ORDINANCE

Why build a fence?

Fences are built for many reasons. The most popular being to create privacy in the rear yard of a residence. Other reasons are to delineate property lines, decorate the property or contain pets. Whatever the reason, fences add value and security to your home.

Is a permit required from the City to build a fence and if so what do I submit?

All residential fences over three (3') feet and commercial fences over 6' high require a permit. A permit may be obtained through the Community Development Department at no charge for residential fences. This may be obtained by the property owner or the licensed contractor who is constructing the fence. A simple plot plan should be submitted showing the area of the yard to be fenced and the heights of the fence material.

What restrictions are placed on the fence and locations?

The fence must be located on your property (special allowances are made for the front yard fences on City property). The attached drawing depicts heights and areas where fences may be located.

What is a clear view triangle?

This is an area at intersections (streets and driveways) that must remain unobstructed for a height of three (3') feet to seven (7') feet above the ground. The attached drawing depicts how to conclude where those clear view areas are. Please contact the Inspection Department if you need assistance in measuring or marking this area.

CALL BLUE STAKES BEFORE YOU DIG:

1-800-662-4111

NOTICE

(Important, please read before proceeding)

YOU are responsible to verify property lines and ensure that the fence does not encroach onto city or other private property without proper consent. Property lines fronting on the street vary throughout the city. The sidewalk is not a reliable indication of your property line. Also please be aware of clear view triangles and that your neighbor's driveway can affect the height and location of your fence. Questions can be directed to:

Community Development 435-734-6604

Ordinance for lot or building may be sold or leased away from such lot or building.

29.05.070 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

29.05.080 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet and uncovered porches or stairs which are not more than 30' above the adjoining grade and that do not extend from the structure more than five (5) feet into the required yard.

A. Raised patios, either open or roofed in a required rear yard under the following conditions: The patio may extend not more than eight feet into the required rear yard; the patio shall be attached to the rear of the dwellings; the patio shall not exceed 50% of the rear width of the dwelling to which it is attached; the patio shall be a ground floor patio only; the sides of the patio shall remain unenclosed except for lattice work and required handrails and guardrails.

B. Buildings totally or partially within utility easements. Accessory buildings and structures may be permitted within rear and/or side yard utility easement only under the following conditions:

1. If utilities are or may be constructed underground, buildings and structures may be built provided:

a. The building shall have an area less than 120 square feet and with any concrete slab/monolithic footing or other support extending not more than 12 inches below grade. The owner shall agree to remove the building or structure at his/her expense if future utility placement, replacement, or maintenance requires such action and with the City or franchised utility bearing no liability for any cost incurred.

b. The building will have an area greater than 120 square feet with any concrete slab/monolithic footing or other support extending not more than 12 inches below grade. The site plan for the proposed building has been reviewed by each utility and found to be acceptable, evidenced by a signature of an authorized utility representative on an encroachment permit. The owner shall agree to make utility accommodation, up to and including removal of the building or structure if necessary, at his/her own expense, if future utility placement, replacement or maintenance require such action and with the City or franchised utility bearing no liability for any cost incurred.

2. If the utilities are or may be constructed aboveground, buildings and structure may be built provided at least

a. fifteen feet clearance is maintained between any part of the building structure and utility lines; and

b. five feet clearance is maintained between building structure and any utility pole. The owner shall agree to make utility accommodation, up to and including removal of the building or structure if necessary, at his/her own expense, if future utility placement, replacement or maintenance require such action and with the City or franchised utility bearing no liability for any cost incurred.

29.05.090 Additional Height Allowed

Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

29.05.100 Exceptions to Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

29.05.110 Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one (1) story above grade.

29.05.120 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty (20) feet.

29.05.130 Regulations Governing Fences and Walls

A. Fences and walls in Residential Districts may be erected or allowed as limited or exempted herein, and provided that any fence or wall over three (3) feet in height shall require a fence permit and if over six (6) feet in height, be designed to withstand anticipated wind loads, as defined within the current adopted

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City Building Code. For fences, retaining wall or other landscape features less than three feet in height the following shall apply

1. When sidewalk is present, a fence, retaining wall or other landscaping features may be placed within one foot of the location of the sidewalk;

2. When no sidewalk is present, a fence, retaining wall or other landscaping features may be placed in such a manner that it will be located no closer than one foot to future sidewalk location.

B. Limitations are as follows:

1. No private fence or wall shall be erected, allowed or maintained on public property without City approval. Such approval may be granted by the City Planner or designee under the following circumstances:

a. The applicant is the owner of the adjacent property for which the fence or wall approval is sought;

b. The public property involved is a City street;

c. When no sidewalk is present, the fence or wall will be placed in such a manner that it will be located no closer than one foot to future sidewalk location;

d. When sidewalk is present, the fence or wall may be placed to within one foot of the location of the sidewalk;

e. The portion of the public right-of-way between the fence or wall and the curb when curb is present, or between the fence or wall and the travel way when no curb is present, shall be maintained by the adjacent property owner;

f. All other provisions of the City Code apply;

g. The owner will sign a document prepared by the City Attorney agreeing to hold the City harmless from liability arising as a result of the placement of the fence or wall on public property.

2. On Interior lots:

a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six (6) feet.

b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four (4) feet. A property owner may erect a six (6) foot fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

C. On Corner lots:

1. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six (6) feet except that in street-facing side and rear yards which back onto front yards of adjoining lots, fences and walls shall be limited to a maximum height of six (6) feet.

2. In the required front yard setback, fences and walls shall be allowed to a maximum height of four (4) feet. A property owner may erect a six (6) foot fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

D. The height limitations for fences and walls are further limited as follows:

1. In any district requiring a front yard, no obstruction to view above three (3) feet and below seven (7) feet in height shall be permitted on any corner lot within a triangular as per Section 29.05.200. Clear View Of Intersecting Streets.

2. Where a fence or wall is erected on or within five feet of a property line, 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 shall 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 and within ten (10) feet of the fence, but nothing herein contained shall be construed to restrict the fence or wall to less than four (4) feet in height measured from the surface of the land on the side having the highest elevation.

3. The Appeal Authority may grant special exceptions to the height limits contained in this section for fences or walls surrounding tennis courts, swimming pools, schools, or other special type facilities, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons, provided, however, that the rights of adjoining property owners are equally considered.

29.05.140 Water and Sewage Requirements

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Environmental Health is not available, and in all cases where a connection to a public water system approved by the Utah State Division of Environmental Health is not available, the sewage disposal and the domestic water supply shall comply with the requirements of such Division and of the local board of health, and the application for a building permit shall be accompanied by a certificate of approval from said Board or Division.

29.05.150 Drinking Water Source Protection Requirements

Any and all uses of property must comply with the requirements of the "Drinking Water Source Protection Ordinance" as contained in Chapter 28.02 of the Brigham City Code.

29.05.160 Curbs, Gutters and Sidewalks

The installation of curbs, gutters and sidewalks of a type approved by the Governing Body shall be required on any existing or proposed street adjoining a lot on which a building new primary structure is to be constructed (except accessory buildings) or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may shall be required as a condition of building or use permit approval.

29.05.170 Effect of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

29.05.180 Lots and Dwellings on Private Streets - Special Provisions

Lots with frontage on private streets only shall be allowed by conditional use permit or planned unit development procedure only, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

29.05.190 Family Swimming Pools

A. Definition. A family swimming pool is defined as any structure or container holding water to a depth of eighteen (18") or greater and having either a diameter or diagonal measurement of ten (10) feet or greater.

B. A family swimming pool shall be permitted in the side and rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than 10' from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for any accessory building in that zone.

2. An outside family swimming pool shall be completely enclosed by a substantial barrier of not less than 6' in height, and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A "substantial barrier" shall mean any barrier that would not allow passage by any person, except by means of a lockable gate.



29.05.200 Clear View of Intersecting Streets

A. In addition to the other provisions contained in this Chapter, a clear view at the intersection of two streets shall be maintained within a triangular area formed by the existing or future back-of-curb lines extended and a line connecting them at points fifty (50) feet from the intersection of such lines or; the property lines and a line connecting them at points thirty (30) feet from the intersection of such lines; whichever is the least restrictive, except for a reasonable number of posts, telephone or power poles, pruned trees and pedestal type identification signs. To maintain this clear view, the following standards shall apply:

1. No solid-type fence or other visual obstructions between three (3) and seven (7) feet in height from the street elevation (measured from the elevation of the adjoining sidewalk) shall be allowed;

2. Open-type fences or other obstructions which are at least 50 percent transparent are allowed to a height of four feet though they must be maintained to permit clear and unobstructed view; and

3. Pruning is required for trees with an overhang less than seven feet above the street elevation (measured for the elevation of the adjoining sidewalk) in the clear view area.

B. A clear-view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the curb of the street and the line of the edge of the private drive at points 20 feet from the projected intersection of such lines. In order to maintain this clear view, the standards outlined in A(1), (2) and (3) above shall apply

C. The owner of any fence or wall shall have the duty and be required to properly maintain the same by painting, treating, trimming, repairing, or removal.

29.03.210 Television Satellite Antennas (or Dish Antennas)

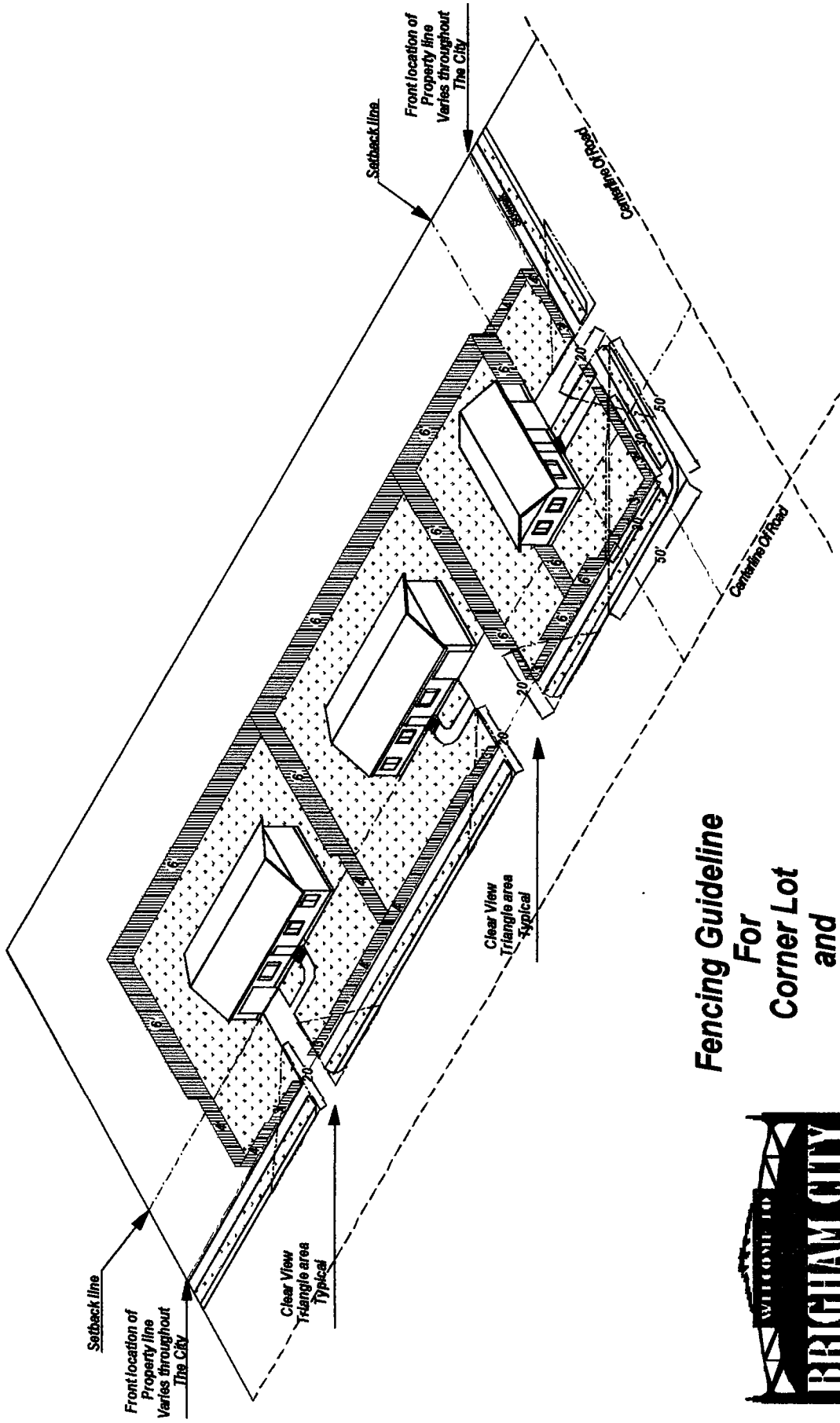
Building permits are required for television satellite antennas (or dish antennas) and shall comply with the following regulations: EXCEPTION: Dish Antenna 24" or less in diameter are not regulated by this section:

A. Location:

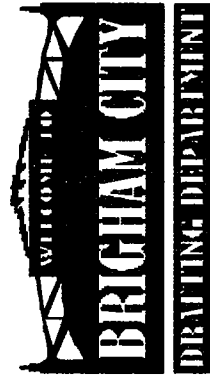
1. All television satellite antennas shall have setbacks as required for accessory building, except as further limited herein, if free standing. The setback shall be measured from the property lines to the nearest point of the antenna. The distance for rotating dish antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.

2. In any commercial or manufacturing zone, such antenna may be located on the roof or in the rear or side yards; but shall only be permitted in the front yard or in a side yard facing the street on a corner lot, by approval of the Board of Adjustment when a usable satellite signal cannot be obtained in an otherwise approved location.

3. Television satellite antennas shall only be located in the rear yard of any lot in any residential zone. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be



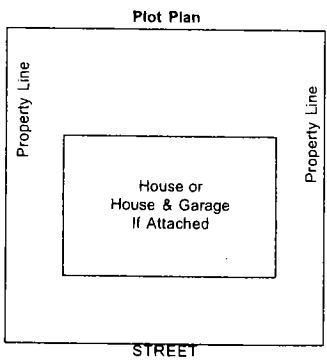
Fencing Guideline
For
Corner Lot
and
Interior Lot
 October 2007



BRIGHAM CITY BUILDING PERMIT APPLICATION

*Date of Application		*Date Work Starts		Receipt No.		Date Issued		Permit No.	
*Proposed Use of Structure				BUILDING FEE SCHEDULE					
*Building Address				Square Ft. of Building		Valuation \$			
Address Certificate No.		Assessors Parcel No.		<input type="checkbox"/> Rough Basement		Building Fees			
Lot #		Block		Carport Sq. Feet		Plan Check Fees			
Subdivision Name & Number				Garage Sq. Feet		Electrical Fees			
Property Location		<input type="checkbox"/> If metes and bounds see instructions		No. of Building		R. Value		Mechanical Fees	
Total Property Area - In Acres or Sq. Ft.		Total Building Site Area Used		No. of Stories		Walls		Roof	
Business Name (If applicable)				No. of Dwellings		R		R	
*Owner of Property		*Phone		Type of Const.		Occ. Group		Electric Connection	
*Mailing Address		*City - Zip		No. of Bedrooms		Maximum Occupancy		Temporary Electric	
*Architect/Engineer		*Phone		Fire Sprinkler: <input type="checkbox"/> Yes <input type="checkbox"/> No		Prepay		()	
*General Contractor		*Phone		Type of Construction:				State Fee	
*Business Address. City, State, Zip		*State License No.		<input type="checkbox"/> Block <input type="checkbox"/> Brick <input type="checkbox"/> Brick Variation				Deposit	
*Electrical Contractor		*Phone		<input type="checkbox"/> Concrete <input type="checkbox"/> Frame <input type="checkbox"/> Steel				Subtotal	
*Business Address. City, State, Zip		*State License No.		IMPACT FEE SCHEDULE					
*Plumbing Contractor		*Phone		Storm Drain: Site Area _____					
*Mechanical Contractor		*Phone		Impervious Surface: _____					
*Business Address. City, State, Zip		*State License No.		Water (ERUs= _____)					
*Previous Usage of Land or Structure (Past 3 Years)				Parks & Recreation					
*Dwelling Units Now on Lot		*Accessory Buildings Now on Lot		Electric (Site Area: _____)					
Type of Improvement/Construction:				Sewer (ERUs= _____)					
<input type="checkbox"/> Addition <input type="checkbox"/> Build <input type="checkbox"/> Convert Use <input type="checkbox"/> Demolish									
<input type="checkbox"/> Fence <input type="checkbox"/> Remodel <input type="checkbox"/> Repair <input type="checkbox"/> Sign									
*No. Of off street parking spaces: Covered: _____ Uncovered: _____									
SUB-CHECK		ZONE		Zone Approved By:		Water Meter Size:		Water Service Size:	
<input type="checkbox"/> Disapproved		Date		Sub-Check By:		Deposit Required: <input type="checkbox"/> Yes <input type="checkbox"/> No		Amount: \$	
<input type="checkbox"/> Approved						This application does not become a permit until signed below			
						Plan Check OK by:		Date	
						Signature of Approval:		Date	
						This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not, the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.			
						Signature of Contractor or Authorized Agent		Date	
						Signature of Owner (If Owner)		Date	

Minimum Setbacks in Feet			
Front	Side	Side	Rear



NOTE: 24 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS