

ORDINANCE NO. 25-11

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING SOUTH OGDEN CITY CODE 10-14-8 ALLOWING AND REGULATING FENCE HEIGHTS FOR RECREATIONAL COURTS AND ALLOWING NETS FOR PROTECTION OF PROPERTY NEXT TO GOLF COURSES

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, upon recommendation from the Planning Commission, that changes be made to the City's fence ordinance concerning recreational courts and nets; and,

WHEREAS, the City Council finds that nets should be allowed to protect the personal property of those living adjacent to golf courses; and,

WHEREAS, the City Council finds that fences higher than six (6) feet should be allowed around recreational courts in residential neighborhoods; and,

WHEREAS, the City Council finds that South Ogden City Code 10-14-8 should be amended to reflect the proposed changes;

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, Chapter 14, Section 8 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 II - 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 III - 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 IV - 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 V - DATE OF EFFECT:

This Ordinance shall be effective on the 15th day of July, 2025, and after publication or posting as required by law.

DATED this 15th day of July, 2025.

SOUTH OGDEN, a municipal corporation

Russell L. Porter, Mayor

Attested and recorded:

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 25-11

An Ordinance Of South Ogden City, Utah, Amending South Ogden City Code 10-14-8 Allowing And Regulating Fence Heights For Recreational Courts And Allowing Nets For Protection Of Property Next To Golf Courses

15 Jul 25

10-14-8: Fence Regulations

1. 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 section 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').
2. 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.

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.

3. 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.
4. 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; amd. Ord. 21-05, 6-1-2021, eff. 6-1-2021)

5. Recreation Use:

1. A chain link or mesh fence may be erected to a height not exceeding ten feet (10') for the purpose of enclosing a tennis court, or other court game area. Said fence may not be located in a front yard setback.
2. Golf safety nets may be permitted only on lots where a property is adjacent to that abut a golf course and only on the side(s) of the lot that abut(s) the golf course.
Safety nets that are six feet (6') to a maximum of thirty feet (30') in height above grade require a permit issued by the building department. Golf safety nets are prohibited in the front yard. Netting material shall be black in color and of a quality designed for the purpose of obstructing golf balls. Nets may be located on the property line. Netting shall meet all requirements of the city's Building Code and all other applicable codes.
3. Planning and building staff have the authority to grant exceptions for any proposed net over 30 feet on a case by case basis. Such exceptions may be granted when staff determines that such an exception is justified because of some unusual, emergency, act of God situation or that the health, safety, convenience, order and welfare of the inhabitants of the City will not be materially, or adversely affected, if such exception is granted.

This was changed
by the City Council
through their
motion to approve
Ordinance 25-11