

**VIRGIN TOWN
ORDINANCE # 2024-XXX**

AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH, PROVIDING THAT THE VIRGIN MUNICIPAL CODE BE AMENDED BY REVISING SECTION 16.8.30A PROVIDING FOR AN EXCEPTION TO FENCES BEING LOCATED SOLELY ON OWNER’S PROPERTY FOR TRAFFIC CALMING MEASURES.

RECITALS

WHEREAS, Rio de Sion Homeowners Association requested the Town to allow construction of a traffic calming measure to the neighborhood which contains a fence that extends into public right of way as part of the gate;

WHEREAS, Section 16.8.30A of Virgin’s Municipal Code requires fences to be contained solely on owner’s property;

WHEREAS, an exception to this section for traffic calming measures approved by the Town Council would be in the public’s best interest;

WHEREAS, pursuant to Utah Code Ann. § 10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town;

WHEREAS, pursuant to Utah Code Ann. § 10-9a-103(30) the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person;

WHEREAS, the Town Planning & Zoning Commission has reviewed this proposed ordinance and made a recommendation to the Town Council; and

WHEREAS, after reviewing the recommendation from the Town Planning & Zoning Commission, the Town Council finds it to be in the Town’s best interest of health, safety, and general welfare to amend this section of its Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH:

Section 1. That Section 16.8.30 of the Virgin Municipal Code of Ordinances of the Town of Virgin, Utah be amended so that Section 16.8.30A shall read:

“16.8.30 Fences, Walls, and Hedges

A. GENERAL REGULATIONS.

1. LOCATION AND MAINTENANCE.
 - a. All fences must be located on the property of the owner constructing them except for fences constructed for traffic calming measures approved in a written encroachment permit or revocable use permit by Town Council.
 - b. The owner of a fence or visual screen, consisting of materials requiring painting, staining, or other significant periodic maintenance, shall be responsible for all maintenance of the fence.
 - c. Hedges or living fences shall be maintained so as not to encroach upon neighboring properties, sidewalks, rights-of-way, or hinder the vision of a vehicle driver.
2. CLEAR VIEW. Clear View of Streets. Fences, walls, and hedges must conform to the provisions of Section 16.8.28 of this Chapter.
3. APPROVAL. Building approval from Zoning Administrator and or Planning and Zoning is required for all fences, walls, entryway or driveway entrance structures over six (6) feet in height. Masonry fences over six (6) feet in height require engineering.
4. FENCE HEIGHT. Fence height is the vertical distance as measured from the ground level at the lowest grade level within four (4) feet of either side of such fence to the upper-most portion of the fence.
5. MATERIALS. Permitted fencing materials include wood, masonry, metal, vinyl, and chain-link. Fencing shall be of materials originally intended for residential neighborhood fencing and shall not include materials intended for other purposes.
 - a. LIVESTOCK FENCING. When associated with the containment of animals, livestock fencing is permitted in Residential, Rural Residential, and Agricultural Zones that have legal nonconforming use of animals. Fencing may include barbed and low voltage electrical wire (with appropriate warning notice).
 - b. POOLS AND SPAS. Fencing and/or walls six feet (6') in height, including protective gates, shall be required around swimming pools, and similar structures that do not have a safety cover that complies with International Residential Code ASTM F134691 (2010).
 - (1) Spas, swim spas, hot tubs and swimming pools that have a safety cover which complies with the ASTM F-1346 of the International Residential Code, (ASTM F1346-91(2010) Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs) are recommended to have as minimum, a four (4) foot wall, although not required.
 - c. MASONRY WALLS. Masonry walls and retaining walls shall meet the current minimum standards of the Uniform Building Code at the time they are constructed.

- d. TIERED RETAINING WALLS Single and tiered retaining walls exceeding (4) feet in height, measured from the lowest existing grade including the footing, shall require a building permit and depending on soils, slope and surcharge, may require professional engineering. “

Section 2. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE TOWN COUNCIL this day of 2026 based upon the following vote:

Council Person:

Valerie Wenz	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
April McKeon	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
James Kietzman	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause <i>Mayor</i>	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN
a Utah municipal corporation

ATTEST:

Jean Krause, Mayor

Krystal Percival, Town Clerk/Recorder

RECORDED this _____ day of _____ 2026

PUBLISHED or POSTED this _____ day of _____, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) Utah Public Notice website

- 2) Virgin Town website, www.virgin.utah.gov
- 3) Virgin Town Hall

Krystal Percival, Town Clerk/Recorder