

**TOQUERVILLE CITY
ORDINANCE 2026.XX**

AN ORDINANCE OF TOQUERVILLE CITY AMENDING TITLE 10, CHAPTER 19D, SECTION 12 OF THE TOQUERVILLE CITY CODE RELATED TO FENCING REGULATIONS AND PERMIT REQUIREMENTS.

RECITALS

WHEREAS, Toquerville City (“City”) is a Utah municipal corporation with authority under Utah law to adopt and amend land use regulations to protect the public health, safety, and welfare; and

WHEREAS, the City has adopted regulations governing fencing within the City and has determined that certain amendments to Title 10, Chapter 19D, Section 12 are necessary to clarify and improve the administration of those regulations; and

WHEREAS, the City desires to streamline the fencing process by eliminating permit requirements while maintaining administrative review to ensure compliance with applicable standards; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and forwarded a recommendation to the City Council; and

WHEREAS, the City Council finds that the amendment is in the best interest of the health, safety, and welfare of the residents of Toquerville City;

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Toquerville City, Utah, that Title 10, Chapter 19D, Section 12 of the Toquerville City Code is hereby amended as follows:

10-19D-12: FENCING:

A. Purpose: Fencing may be used to provide privacy to property owners, buffer conflicting uses or to provide a architectural/design element to a development project. Fencing is encouraged to be as low profile and open as possible to protect scenic vistas from public streets and discourage separation from the community. The materials, location, height and all elements of fencing shall comply with the [applicable](#) design guidelines.

[B. Applicability: The standards of this section apply to all fencing within the City, including block or masonry walls, unless regulated by an approved development agreement or other adopted design standard. This section does not apply to retaining walls, which are subject to the provisions of Section 10-21-9 of this Code.](#)

~~[B.C. General Requirements: Any-All permanent](#) fencing shall [comply with this section and meet the following requirements: be incorporated into the development design and implemented by the developer in compliance with any other applicable ordinances and meet the following general requirements:](#)~~

~~1. All fencing designed and installed by the developer shall be approved by the City and shall be considered part of the project improvements for purposes of security and occupancy. All fencing shall be reviewed and approved by the City prior to installation as required in Section 10-19D-12(D).~~

2. All applicable zoning and building code requirements pertaining to fencing shall be met.

~~3. All fencing installed by the developer shall be maintained in good condition by the property owners after the improvements guarantee is released, unless maintenance responsibility is assigned to an owners association or other entity pursuant to a recorded agreement or declaration. said fencing is accepted by the City for maintenance~~

D. Administrative Review:

1. All fencing subject to this section shall be reviewed and approved by the Planning and Zoning Administrator prior to installation to ensure compliance with the requirements set forth in this section, including without limitation, height, setback, design, and visibility triangle requirements. No fence governed by this section may be installed until written administrative approval has been issued.

2. All fencing designed and installed as part of a development project shall be incorporated into the approved development design.

3. The Planning and Zoning Administrator may require fence plans, drawings or other information necessary to verify compliance with applicable standards.

4. Installed fencing may be subject to inspection by the City for compliance with the approved submittal and applicable standards of this Section.

~~EC. Fencing Design Standards: The following design requirements pertaining to fencing shall be incorporated into the development design and implemented by the developer. The developer shall install fencing at his/her expense as follows:~~

1. Fence height shall be measured from the natural grade to the top of the fence and shall not exceed six feet (6'). Berms shall not be used to artificially increase the maximum allowed fence height.

2. In the front and street-side yard setbacks, no fence shall exceed four feet (4') in height. On corner lots, no fence or other obstruction exceeding three feet (3') in height shall be located within the visibility triangle. Any fencing erected within the ten foot (10') public utility easement is subject to removal by a public utility company for any purpose it deems necessary. Removal and replacement shall be at the expense of the property owner.

3. Fencing shall not obstruct access to water meters, utility boxes, or other public utility service connections and shall be designed to allow reasonable access for installation, maintenance, and reading.

4. —1. An fence may be required between a property the development and any and adjacent incompatible uses, zones, or other conditions identified by the City, including such

~~as canals, ditches, flood channels or other~~, waterways ~~or other~~ hazardous areas, or unsightly uses.

5. Barbed wire, razor ribbon and similar fencing material is prohibited in all zones except agricultural, multiple-use and commercial districts. In commercial districts, straight strands of barbed wire and similar material on top of fences or walls shall not exceed a combined fence and barbed-wire height of seven feet (7') and shall not be used along any common lot line with a residential zone or residential development.

6. On interior side and rear property lines, chain link or mesh fencing may be permitted up to twelve feet (12') in height for tennis courts or similar recreational court areas. Such fencing shall not be located within a front yard or street-side yard setback.

~~—2. An approved fence between the development and incompatible zones.~~

~~7. 3. An approved~~ fence between public streets and rear and side yards of single-family, multi-family, or agricultural residential lots or parcels in agricultural and residential zones developments may be required.

8. Fences and walls along public streets may be required to incorporate visual breaks, changes in alignment, landscaping, or other design elements during administrative review to reduce visual mass and avoid long, uninterrupted surfaces.

9. No fence approved under this Chapter shall be erected beyond a property line or in the public right-of-way. If a fence is installed within one foot (1') of a public sidewalk, concrete or gravel shall be installed between the fence and the sidewalk to prevent weeds from growing in this area. Maintenance of the area between the back of sidewalk and the property line shall be the responsibility of the property owner or other association, as applicable.

~~—4. Concept drawings must be submitted to the City staff for review prior to construction.~~

~~—5. Building permits are required for fences.~~

~~6. Fence height shall be measured from the natural grade to the top of the fence and shall not exceed six feet (6').~~

~~7. Fences along public streets over four feet (4') in height shall not be built within the minimum required zoning setback of twenty-five feet (25'). Any fencing erected within the ten-foot (10') public utility easement is subject to removal by a public utility company for any purpose it deems necessary. Removal and replacement shall be at the expense of the property owner.~~

~~8. Fences and walls shall not exceed forty feet (40') of unbroken lengths to reduce visual mass. Walls and fences that exceed forty feet (40') in length shall be designed to vary in height and be stepped in an offset manner.~~

~~9. When a fence or wall on a public street creates a continuous surface greater than twenty feet (20') in length, it shall be softened visually with acceptable vegetation.~~

~~10. Desired exceptions to this section shall be subject to review by the building official or the planning commission.~~

F. Exceptions: Exceptions to the standards of this section may be granted by the Planning Commission. The Planning Commission may approve an exception upon finding that the proposed fencing is consistent with the extent of this section and does not adversely impact public safety, sight distance, adjacent properties or overall design intent. Conditions may be applied to any approved exceptions.

Notes:

1 An additional thirty-six inches (36") of open design fence, such as wrought iron, may be added to the top of any fence along rear property boundaries for safety purposes.

1. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of _____ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Dan Catlin, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder