

ORDINANCE 26-16

AN ORDINANCE OF TREMONTON CITY CORPORATION AMENDING CHAPTERS 1.03.005 DEFINITIONS AND 1.18.040 GENERAL FENCING PROVISIONS OF THE TREMONTON CITY CODE TO CLARIFY THE STANDARDS FOR ERECTING FENCES WITHIN THE TREMONTON CITY LIMITS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tremonton City Council has previously established land use management regulations for Tremonton City as the Zoning Ordinance of the Tremonton City Code which established, among other things, the entitlements for development within residential and multiple residential zones; and

WHEREAS, the City Council finds that clarifying, updating, amending, and modifying specific provisions of the Zoning Ordinances of Tremonton City Corporation is in the best interest of the City; and

WHEREAS, the Tremonton City Planning Commission and Zoning Administrator have reviewed the proposed amendment in accordance with State law and have recommended approval of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TREMONTON CITY CORPORATION, STATE OF UTAH:

Section 1. Amendment and Adoption. Title I of the Tremonton City Code is hereby amended and adopted to amend chapters 1.03.005 Definitions and 1.18.040 General Fencing Provisions of the Tremonton City Code to clarify the standards for erecting fences within the Tremonton City limits, as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This ordinance shall become effective immediately upon its adoption.

ADOPTED AND PASSED this 4th day of August, 2026, and shall be effective upon its adoption.

TREMONTON CITY CORPORATION

Mayor Bret Rohde

ATTEST:

Cynthia Nelson, City Recorder

Publication Date: _____

**Exhibit “A”: AMENDMENT TO CHAPTERS 1.03.005 DEFINITIONS AND
1.18.040 GENERAL FENCING PROVISIONS OF THE TREMONTON CITY
CODE TO CLARIFY THE STANDARDS FOR ERECTING FENCES WITHIN
THE TREMONTON CITY LIMITS**

- **1.03.005 - DEFINITIONS**

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FENCING, SIGHT-OBSCURING. Fencing constructed in a manner that substantially limits or prevents visibility through the fence. Sight-obscuring fencing includes, but is not limited to, solid wood, masonry, vinyl panels, or other materials or designs that create a continuous visual barrier.

FENCING, NON-SIGHT-OBSCURING. Fencing constructed in a manner that allows visibility through the fence. Non-sight-obscuring fencing includes, but is not limited to, chain link, wrought iron, picket fencing, or other designs that provide open spacing between structural components sufficient to allow partial or full visibility.

- **1.18.040 - GENERAL FENCING PROVISIONS.**

The following fencing provisions shall be adhered to:

A.

Property Lines. Property owners shall only install fencing on their property. If the property lines are not clearly marked the property owner shall have a surveyor determine and mark the property lines. Fencing shall be installed on the property owner’s land and shall not encroach upon adjacent property. Property owners are responsible for ensuring the accurate location of property boundaries, and may obtain a survey to assist in verifying boundary locations and reducing the risk of encroachment. Where property boundaries cannot be reasonably verified, the Zoning Administrator may require additional verification prior to fence installation.

B.

Double Frontage Corner Lots. Where lots have double frontages, that area designated by the property owner as the rear yard shall have a solid or view obstructing fence or wall, not exceeding six (6') feet in height. Where the double frontage lot is also a corner lot (three (3) frontages) clear vision triangles as shown in Diagram 18.2 of this chapter shall be preserved and enforced. The regulations and standards regarding double frontage lots contained in Chapter 2.06 are applicable to any development applying for a land use permit. On corner lots, clear vision triangles shall be maintained in accordance with Diagram 18.2 of this chapter.

C.

Fire Hydrants. Fire hydrants shall not be fenced into a yard. A three (3') foot minimum clear space shall be maintained around the circumference of all fire hydrants as required by the International Fire Code.

D.

Retaining Walls. A building permit shall be obtained where retaining walls are over four (4') feet in height in accordance with the International Building Code and [Chapter 1.28](#).

E.

Utility Boxes. Utility boxes shall not be fenced into a yard. A three (3') foot clear space shall be maintained around the circumference of all utility boxes. In the event of conflict with a recorded utility easement, the greater easement width shall apply.

F.

Easements. ~~Fencing may be installed over a public utility easement, but retaining walls shall not.~~ Whether a fence may be installed within or across an easement depends on the specific terms of the easement and must be determined on a case-by-case basis. The City will neither approve nor deny a fence based solely on its location within an easement, and the issuance of a permit does not constitute a determination that the fence is permitted under the easement. The City does not interpret, enforce, or provide legal opinions regarding easement rights, other than an easement owned or controlled by the City. Property owners are responsible for determining whether a proposed fence is allowed and should consult legal counsel if they have questions regarding their rights or obligations under an easement.

G.

Storm Runoff. In some instances, storm runoff routing from adjacent properties may cross through the buffer zone to match the overall slope of the area. This runoff exceeds the design storm as outlined in [Chapter 3.20](#). At no point shall a downhill property restrict flow from the uphill property via berms, fencing, or accessory structures.

H.

Fencing Heights. Sight obscuring fencing shall be no higher than six (6') feet. Non-sight obscuring fencing may be higher than six (6') feet. Front yard sight obscuring fencing is limited to four (4') feet. Reference Fencing Diagram 18.1 of this chapter which depicts these standards.

I.

Material. ~~Masonry is the suggested type of fence. See Title III General Public Works Construction Standards and Specifications Detail 15, 15A and 158 for fencing types. Such wall, fence, and landscaping shall be maintained in good condition with no advertising thereon.~~ Fences, walls, and landscaping features shall be constructed of durable materials suitable for outdoor use and shall be maintained in good repair.

J.

Clear Vision Triangles. All clear vision triangles as described in this Chapter shall be preserved. All property owners shall maintain a clear vision triangle for neighboring driveways as depicted in Fencing Diagram 18.1.

K.

Additional Restrictions. ~~Many of the Covenants, Conditions, and Restrictions (CC&R's) recorded with property contain restrictions on fencing. Property owners shall refer to these standards prior to installation.~~ Property owners should review any applicable Covenants, Conditions, and Restrictions (CC&Rs) or other recorded private agreements that may contain additional requirements related to fencing.

(Ord. No. [24-10](#), 10-29-2024)

STATE OF UTAH)
 : ss.
COUNTY OF BOX ELDER)

I, Cynthia Nelson, the City Recorder of Tremonton, Utah, do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. 26-16, entitled **“AMENDING CHAPTERS 1.03.005 DEFINITIONS AND 1.18.040 GENERAL FENCING PROVISIONS OF THE TREMONTON CITY CODE TO CLARIFY THE STANDARDS FOR ERECTING FENCES WITHIN THE TREMONTON CITY LIMITS.”** Adopted and passed by the City Council of Tremonton, Utah, at a regular meeting thereof on the 4th day of August 2026, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____ 2026.

Cynthia Nelson, City Recorder