**Village of Ellsworth**

**ZONING SEC. 46.06 GENERAL REGULATIONS.**

 **(5) FENCES.**

 (a) Fences in all Residential and Commercial Districts shall not exceed a height of eight (8) feet in the side or rear yard, and a height of four (4) feet in the front yard, or any yard abutting a street, and shall not be located on any public right-of-way. The post side shall be located on the side of the fence owner's property. ZONING 46.06(5)(b) 38

 (b) Fences in the Industrial Districts shall not exceed (10) feet in height.

 (c) Material. Fences and walls may be wood, clay, stone, brick or chain-link, with the finished side facing out. Except in the Agricultural District, barbed wire, electric single strand, "chicken wire," and similar fences are not permitted. All such fences and walls shall be kept in good repair, painted if wood and well maintained. Solitary posts or poles demarcating or establishing boundaries or lines are prohibited, except that the Zoning Administrator may issue a special use permit authorizing the placement of posts, poles, or other barriers to protect lots, parcels or the general public from damage or injury by motor vehicles. [Ord. 459 05/1997]

 (d) Agricultural. Barbed wire fences may be erected and maintained in the agricultural district for the control of livestock. Single strand, "chicken wire," electric and similar fences may be erected and maintained in the agricultural district only where they are wholly within the boundaries of a lot or parcel and do not exceed six (6) feet in height.

 (e) Swimming Pools. See Section 46.06(12).

 (f) Hedges, Trees. Hedges shall not exceed a height of six (6) feet. Hedges and trees or individual shrubs not part of a row or hedge shall be well maintained and trimmed. New plantings or transplants of evergreen or pine trees shall be no closer than ten (10) feet to any lot line.

 (g) Retaining Walls. Retaining walls exceeding four (4) feet in height may be constructed only upon securing approval from the Zoning Administrator where, in his/her discretion, such wall is necessary for public health or safety, does not interfere with vision clearance triangles and does not unreasonably detract from the aesthetic character of the neighborhood given the district zoning designation and the type of neighboring properties. The decision of the Zoning Administrator regarding the issuance of such permit may be appealed to the Board of Appeals.

 (h) Access. No fence or hedge shall interfere with the free access and use of any utility easement. A gate opening for utility and emergency personnel shall be provided where no other reasonable access is provided.