

NO. 93-112

A BYLAW OF THE CITY OF VICTORIA

to consolidate provisions requiring and regulating the construction of fences as a consequence of the repeal of the Building Bylaw, 1938.

Under its statutory powers, including paragraph 579(1)(e) and section 734 of the Municipal Act, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "FENCE BYLAW."
2. In this Bylaw,
 - "Building Inspector" means any person appointed to the position of Building Inspector for the City;
 - "swimming pool"
 - (a) means an artificial structure that
 - (i) is capable of being filled with water to a depth of 46 cm or more;
 - (ii) is located outdoors for the purpose of being used for swimming, bathing or wading; and
 - (b) excludes a hot tub.
3.
 - (1) The owner and the occupier of property must not, on or around the property, construct, keep or permit the construction or keeping of a fence of barbed wire, razor wire, razor sharp stainless steel strips or a similar material.
 - (2) Subsection (1) does not apply to a fence that the Council permits on the basis of safety reports, of the Building Inspector and the City's Fire Chief, concerning the fence's construction and placement.
 - (3) For the safety and protection of people and property, the Council may refuse, revoke or cancel the permission referred to in subsection (2).

4. (1) A fence that is constructed on a parcel of land that is zoned for residential use must not exceed a height of
 - (a) 1.22 m if the fence is located
 - (i) between that parcel's front boundary and front building line; or
 - (ii) in that parcel's front yard; and
 - (b) 1.83 m if the fence is located between that parcel's front building line and rear boundary.
- (2) Despite subsection (1), the owner of property that is in the same residential zone as property containing a fence that is higher than is allowed under subsection (1), may apply to the Council for a permit to construct a fence higher than is allowed under subsection (1).
5. (1) A fence that is constructed on a parcel of land that is zoned for other than residential use must not exceed a height of 1.83 m.
- (2) Subsection (1) does not apply to a fence that
 - (a) is constructed of wire, strands, vertical iron, 15.24 cm spaced pickets or lattice with
 - (i) at least 75% open space in the fence design; and
 - (ii) a height not exceeding 2.13 m;
 - (b) surrounds a park or land that is zoned for industrial or manufacturing use where
 - (i) the Council permits the fence on the basis of a safety report of the City's Building Inspector; and
 - (ii) the fence does not exceed a height of 3.05 m; or
 - (c) is constructed
 - (i) on a parcel of land that, as a corner parcel, continuously borders two or more different highways or sidewalks; and

- (ii) at a height that does not exceed 1.07 m for a distance of 6.1 m from an intersection of the lateral boundary lines of the highways or sidewalks.
 - (3) For the safety and protection of people and property, the Council may refuse, revoke or cancel the permission referred to in subparagraph (2)(b)(i).
- 6. A person that owns or controls a swimming pool must enclose it in a fence that
 - (a) completely surrounds the swimming pool;
 - (b) is constructed of
 - (i) closely spaced boards, solid masonry or plywood not exceeding 9 mm in thickness;
 - (ii) chain link wire with openings not exceeding 5 cm in any dimension; or
 - (iii) any other material and design that can reasonably be expected to prevent children from gaining access to the swimming pool by climbing over or through the fence;
 - (c) has an exterior surface that does not have any projections, rail or bracing that would facilitate climbing;
 - (d) contains gates that latch with a self closing and self locking device located at the top and inside of the gate and fence;
 - (e) at all parts of its top and at all parts of the tops of its gates is not lower than 1.2 m above the ground;
 - (f) does not have a clearance above the ground, and does not have a gate with a clearance above the ground, of more than 11 cm at any point; and
 - (g) conforms to the height restrictions in section 4.
- 7. The owner, tenant and occupier of property containing a swimming pool must maintain the fence and its gates in good repair at all times.

8. A person must not erect, add to or replace a fence surrounding a swimming pool unless that person has obtained a written permit from the City's Building Inspector.
9. An applicant for a swimming pool fence permit must provide, with the application,
 - (a) a plan showing the location or proposed location of the swimming pool; and
 - (b) sufficient details of the fence and its gate and gate latches to enable the Building Inspector to determine whether the fence will conform to the provisions of this Bylaw.
10. The Building Inspector is authorized to enter on property at all reasonable times to ascertain whether the requirements of this Bylaw are being observed.
11. A person that contravenes a provision of this Bylaw is
 - (a) guilty of a separate offence each day on which the contravention occurs or continues; and
 - (b) is subject to the penalties imposed by the Offence Act.
12. Bylaw No. 86-91, the Swimming Pool Fence Bylaw, is repealed.

Passed and received third reading by the Municipal Council the
24TH day of **JUNE** 1993.

Reconsidered and adopted by the Municipal Council the
8TH day of **JULY** 1993.

CITY CLERK

MAYOR

This bylaw is a copy of a bylaw consolidated under the authority of section 280.1 of the *Local Government Act* of British Columbia, and *City of Victoria Bylaw No. 01-108*, and is printed by authority of the Corporate Administrator of the Corporation of the City of Victoria.

Robert G. Woodland
Corporate Administrator
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