

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3536

(**amended by Bylaws No. 3546, 3602 and 4282)

A Bylaw to regulate screens and fences

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts the following:

1.1 GENERAL

Whenever the singular and masculine are used in this Bylaw, they shall be construed to mean the plural and feminine or body corporate where the context or circumstances so require.

2.1 This Bylaw applies to the design, construction, erection, repair and replacement of fences in all zones designated in the Zoning Bylaw. *(**Bylaw #3546)*

3.1 For the purpose of this Bylaw, the following definitions shall apply unless the context otherwise requires:

*(**Bylaw 4282, adopted June 27, 2005)*

"BUILD" means construct, erect, alter, relocate, rebuild and enlarge.

"CORNER LOT" means a lot which has intersecting lot lines that abut a street or streets.

"FENCE" means a structure made of wood, metal, plastic, brick, stone or concrete, either singularly or in combination; and includes a wall, railing, screen and other structures of a similar nature.

"HEIGHT" means the vertical distance between the top of any part of a fence and the highest natural ground elevation within 1 m (3 feet) in any direction of any part of the fence.

"LANDSCAPE SCREEN" means a continuous strip of land planted with shrubs or trees at least 1 m (3 feet) high.

"SCREENING" means a fence, wall, compact evergreen hedge, landscape screen or combination thereof which may be supplemented with landscape planting, that would effectively screen the property it encloses to a minimum height of 1 m (3 feet) at the time of planting, but with an expected growth to at least 1.5 m (5 feet) above grade.

"STREET" means a public roadway of greater than 7.3 m (24 feet) in width, intended to give primary access to parcels of land, or to provide a traffic way.

"TRELLIS" means a portion of a fence built to provide open spaces between laths of limited dimensions.

"WIRE FENCE" means a fence comprised of interwoven wire that provides spaces, the majority of which are not less than 25 sq. cm (4 square inches) in area.

- 4.1 The regulations of this Bylaw shall not apply to:
 - 4.1.1 Fence posts of less than 232 sq. cm (36 square inches) of cross sectional area when placed not less than 1.8 m (6 feet) apart;
 - 4.1.2 That part of a fence consisting of one gate or gateway on one exterior lot line; or
 - 4.1.3 The fencing of swimming pools built wholly upon the foreshore of the sea and utilizing only sea water.
- 5.1 No person shall build a fence unless it fully complies with the provisions of this Bylaw.
*(**Bylaw 4282, adopted June 27, 2005)*
- 5.2 REPEALED
*(**Bylaw 4282, adopted June 27, 2005)*
- 6.1 Notwithstanding any other regulations in this Bylaw, no person shall build on a corner lot a fence that exceeds 1 m (3 feet) in height within a square superimposed off the paved road:
 - 6.1.1 The sides of which are not less than 7.62 m (25 feet);
*(**Bylaw 4282, adopted June 27, 2005)*
 - 6.1.2 The corner of which is sited at the point of intersection of the paved roads abutting a corner lot; and
 - 6.1.3 One side of which shall abut the edge of one of the paved roads.
- 6.2 Subject to 6.1 above, no person shall build within 7.62 m (25 feet) of any property line abutting a street a fence which exceeds a height of 1.38 m (4.5 feet).
*(**Bylaw 4282, adopted June 27, 2005)*
- 6.3 Subject to 6.1 and 6.2 above, no person shall build a fence, other than a wire fence that encloses a tennis court, which exceeds a height of 2 m (6.5 feet).
*(**Bylaw 4282, adopted June 27, 2005)*
- 6.4 Except within the area described by 6.1, 6.1.1, 6.1.2 and 6.1.3 above, not more than 0.46 m (1.5 feet) in height of trellis may be added to the height limits established by 6.2 and 6.3 above, provided that:
*(**Bylaw 4282, adopted June 27, 2005)*
 - 6.4.1 The vertical plane faces of the trellis are not more than 50 mm (2 inches) in width; and
 - 6.4.2 For each section of the fence as defined by the distance between posts along the fence line, the trellis-work must be of substantially uniform density, with the openings between the laths evenly distributed in all directions and representing not less than 25% of the total area of the vertical

plane, including the top rail and cap, of the portion of the fence above the maximum height set by 6.2 or 6.3, whichever is applicable.

(**Bylaw 4282, adopted June 27, 2005)

- 7.1 A swimming pool shall be enclosed by a fence, and such fence shall:
 - 7.1.1 Be not less than 1.2 m (4 feet) in height;
 - 7.1.2 Not have openings which would allow the passage of a spherical object having a diameter of 100 mm (4 inches);
 - 7.1.3 Be designed so that no member, attachment or opening located between 100 mm (4 inches) and 1 m (3 feet) above the ground will facilitate climbing into the enclosed area;
 - 7.1.4 Have any gate used for general access to or from the pool conform to 7.1.3 above and have a self-closing and self-locking device attached; and
 - 7.1.5 Have all gates or accesses locked, except when in use.
- 8.1 A person who contravenes this Bylaw by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not more than \$2,000.00 plus costs.
- 9.1 This Bylaw may be cited as the "**SCREENS AND FENCES BYLAW, 1986**".

READ a first time by the Municipal Council on July 28, 1986

READ a second time by the Municipal Council on July 28, 1986

READ a third time by the Municipal Council on July 28, 1986

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on September 22, 1986

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.