

SWIMMING POOL AND LIQUID STORAGE TANK FENCE BY-LAW, 1988, NO. 6016

CONSOLIDATED FOR CONVENIENCE AND REFERENCE PURPOSES ONLY

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Includes Bylaw Amendments:

No. 9046 and 10141

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 6016

**TO REQUIRE THE FENCING OF SWIMMING POOLS AND LIQUID STORAGE TANKS IN
THE MUNICIPALITY**

The Municipal Council of the Corporation of the District of Saanich in open meeting assembled, enacts as follows:

1. In this by-law,
 - (a) "LIQUID STORAGE TANK" shall mean a tank or pool
 - i) Capable of being filled with liquid to a depth exceeding 45 cm (18") at any one point; and
 - ii) Constructed or installed in or on the ground and outside of a building;but does not include gold fish or ornamental ponds, irrigation ponds, ponds constructed along a natural watercourse, sealed tanks or tanks fitted with a cover capable of supporting the weight of a 68 kg (150 lb) person when closed.
 - (b) "MANAGER OF INSPECTION SERVICES" means the Manager of Inspection Services of the Corporation of the District of Saanich and includes those officials of the Corporation performing their duties under his authority and control.
 - (c) "SWIMMING POOL" shall mean an artificial structure capable of being filled with water to a depth of 45 cm (18") or more and constructed for the purpose of swimming, bathing or wading.
2. Outdoor private swimming pools and liquid storage tanks existing or prospective within the Municipality of Saanich, below ground level, shall be enclosed by a fence conforming to the following specifications:
 - (a) The swimming pool or liquid storage tank shall be completely enclosed by a fence or by a combination of a fence and permitted building or buildings;
 - (b) The fence shall completely surround the swimming pool or liquid storage tank;
 - (c) The fence shall be of close boarded lumber, solid masonry, plywood of 9 mm (3/8") thickness or greater, chainlink wire with openings not exceeding 50 mm (2") in any dimension or of other material and design that will reasonably prevent children from climbing over or through it to gain access to the pool or tank.
 - (d) The exterior bracing shall be free from the projections, rails or bracing that would facilitate climbing;
 - (e) Gates in the said fence shall be latched with a self-closing and self-locking device located at the top of and inside the gate and fence;

- (f) The fence and gate shall be not less than 1.2 m (4') in height above the ground at any point and with a clearance from the ground of not greater than 10 cm (4") at any point;
 - (g) The height of fences shall not exceed the maximum permitted by the Zoning By-law.
3. Outdoor private swimming pools and liquid storage tanks existing or prospective within the Municipality of Saanich, above ground level and access to which is by steps leading to a walkway, platform or other raised area, shall either be enclosed by a fence as specified in section 2 hereof OR the said steps shall be removable or shall be fenced with a gate equipped with a self-closing and self-locking device at the top of the gate. Steps capable of being swung on hinges in such a manner as to prevent access shall be deemed to be removable.
 4. If access is provided to an indoor swimming pool from the outside of the building:
 - (a) The patio or other area from which access is being provided shall be enclosed by a fence conforming to the specifications of section 2 of this by-law; or
 - (b) The exterior door or doors leading to the indoor swimming pool shall be equipped with a self-closing and self-locking or latching device.
 5. The owner, tenant or occupier of the property in which the swimming pool or liquid storage tank is situated shall maintain the fence and gates required by this by-law in good repair at all times.
 6. No person shall erect, add to or replace, except for maintenance purposes, any fence or gate required by this by-law except under a written permit obtained from the Manager of Inspection Services of the Municipality upon written application.
 7. An application for a permit shall present, with the application, a plan showing the location or proposed location of the swimming pool or liquid storage tank and details of the proposed fence, gate and closing devices.
 8. Every owner applying for a permit shall pay to the Municipality at the time of issue of such a permit a fee as follows:
 - (a) For permits where the value of the work is \$1,000.00 or less: \$100.00;
 - (b) For permits where the value of the work is in excess of \$1000.00, the fees shall be:
 - \$100.00 for the first \$1000.00, plus;
 - \$13.00 per thousand for the next \$499,000.00 plus;
 - \$10.00 per thousand for all value in excess of \$500,000.00
- An application shall be accompanied by a non-refundable application fee of 25% of the permit fee. For the avoidance of doubt, the non-refundable application fee shall form part of, and is not in addition to, the permit fee.
9. Every owner and operator of a liquid storage tank fitted with a cover shall ensure that the cover is firmly closed at all times when the tank is not in use.
 10. (a) Every person who contravenes this bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.

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- (b) The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy.
11. (a) The Municipal Engineer or Manager of Inspection Services, or any of their Inspectors, may enter at all reasonable times, upon property in order to ascertain whether the regulations set out in the by-law are being obeyed.
 - (b) No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of the Municipal Engineer or Manager of Inspection Services or any of their Inspectors upon any property authorized under the preceding sub-section of this by-law.
 12. By-law No. 5475, being the "SWIMMING POOL FENCE BY-LAW, 1985" is hereby repealed except insofar as it repeals any other by-law.
 13. This by-law may be cited for all purposes as the "SWIMMING POOL AND LIQUID STORAGE TANK FENCE BY-LAW, 1988, NO. 6016".

Includes Bylaw Amendments 9046 and 10141.