



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 140-2005

**A by-law to prohibit excessive fortification
and excessive protective elements from being applied
to land and buildings within the City of Brampton
(the "Anti-Fortification By-Law")**

WHEREAS the *Municipal Act, 2001* authorizes municipalities to regulate the fortification of land and buildings, including the authority to prohibit the excessive fortification and application of excessive protective elements to land and buildings;

AND WHEREAS the Council of The Corporation of the City of Brampton seeks to enact a by-law to prohibit excessive fortification and excessive protective elements being applied to land and buildings within the City of Brampton;

NOW THEREFORE, The Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

PART I - SHORT TITLE

1. This By-law may be cited as the "Anti-Fortification By-Law".

PART II - DEFINITIONS AND INTERPRETATION

2. In this By-law,
 - (1) "Apply or Application" means the erection, installation, extension or material alteration or repair of or application to land and includes to Construct;
 - (2) "Chief Building Official" means the officer or his or her designate, appointed by Council as the Chief Building Official pursuant to the *Building Code Act, 1992, S.O. 1992, c. 23, as amended from time to time*;
 - (3) "City" means The Corporation of the City of Brampton;
 - (4) "Construct" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning;
 - (5) "Council" means the Council of The Corporation of the City of Brampton;
 - (6) "Emergency Services Personnel" means any individual employed by the Peel Police Services, Brampton Fire and Emergency Services, or Ambulance Services who is acting in accordance with obligations imposed upon them (whether by statutory or common law duty) by their position and includes any person who is directed by an Emergency Services Personnel to do or refrain from doing anything and who acts on those directions

- (7) "Excessive Fortification and Excessively Fortify" means the construction of devices, barriers, or materials in a manner designed to unduly hinder, obstruct or prohibit lawful access to or from land by Law Enforcement Officers and Emergency Services Personnel, and includes but is not limited to:
- (i) The application of steel plates, steel bars, bullet-proof shutters or heavy gauge wire mesh to window and other openings on any and all levels of any structures on land;
 - (ii) The application of concrete block, brick, or other masonry or similar product to partially or completely obstruct or seal any doorway, window, or other exterior entrance or egress to land;
 - (iii) The application of steel sheeting or plates or other similar products to the interior or exterior walls of land such as to reinforce walls or create a secondary wall such as to protect against firearms artillery, explosives, vehicle contact, shock, and the like;
 - (iv) The application of break or bullet proof material to windows or doors, or the application of laminated glass or any other form of break resistant material to windows or doors where any other element of Excessive Fortification is used on the Land;
 - (v) Armour plated or reinforced doors whether (exterior or interior) designed to resist against impact of firearms artillery, explosives, battering rams, shock or vehicle contact;
 - (vi) The construction of pillars, cones or barriers out of concrete, steel, or any other material that may have the result of obstructing, hindering, restricting, or preventing access onto any land by conventional means of access or modes of transportation;
 - (vii) The construction of an observation tower designed to enable the visual observation of surrounding areas beyond the perimeter of the Land whether the tower is occupied by an individual or a surveillance camera or like equipment;
 - (viii) The application of steel sheeting or plates or other similar products to the interior or exterior, ceilings or roof structure of Land such as to reinforce to protect against firearms, artillery, explosives, shock, and the like.
- (8) "Excessive Protective Elements" means devices, objects, material components, or any contrivance designed to unduly control, hinder, restrict or prohibit lawful access to or from and includes but are not limited to:
- (i) The application of perimeter warning devices such as "laser eyes" or other types of advanced warning systems be it electronic or otherwise designed to forewarn of the encroachment onto the perimeter of land from adjoining lands or roadways but excluding similar applications to forewarn of entry into a structure located on land;
 - (ii) The application of electrified fencing or any similar perimeter barrier including hidden traps, electrified doors or windows, land mines or other explosive devices or any weapon or thing that may become a weapon when triggered or activated on encroachment to land whether designed to, or by application in such manner is, likely to cause death or serious injury;

- (iii) The application of visual surveillance equipment, including video cameras, 'night vision' systems, or electronic listening devices capable of permitting either stationary or scanned viewing or listening, by an operator or viewer or listener of that equipment, beyond the perimeter of the land actually owned, leased or rented by the occupant;
- (9) "Land" means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structures on the land, or in or on any structure on the land;
- (10) "Law Enforcement Officer" includes a Police Officer, a Municipal Law Enforcement Officer, the Chief Building Official, a Building Inspector, a Fire Inspector including the Fire Marshall, an assistant to the Fire Marshall or a Fire Chief, and a Property Standards Officer;
- (11) "Zoning By-law" means the applicable zoning by-law of the City.

PART III - GENERAL PROHIBITIONS

- 3. No person shall:
 - (1) Construct, cause to be constructed, or permit the construction of, Excessive Fortification;
 - (2) Apply, cause to be applied, or permit the application of, Excessive Protective Elements;
 - (3) In any manner hinder, obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

PART IV - EXEMPTIONS

- 4. The provisions of this by-law do not apply to:
 - (1) Financial institutions as identified and listed in Schedules I, II, and III of *the Bank Act*, S.C.1991, c. 46 as amended from time to time that is zoned for such use or otherwise permitted by law;
 - (2) Lands owned or occupied by the Federal or Provincial Government;
 - (3) Lands owned or occupied by the City or the Regional Municipality of Peel; and
 - (4) Lands specifically exempted from this By-law.
 - (5) Commercial, industrial or institutional establishments where the property is made more secure by the installation of steel bars in window or door openings provided the maximum dimensions of such steel bars is 3/8 inch (9.5 mm) and such steel bars are no less than 3 inches (76.2 mm) apart, and provided the bars do not extend beyond the window or door frame.
- 5. Council may, by by-law, exempt any Land from the provisions, in whole or in part, of this By-law.
- 6. A person requesting partial or complete exemption from the provisions of this By-law shall provide to the Chief Building Official the following:
 - (1) Proof of ownership of the Land, or where the person requesting the exemption is not the owner, authorization from the owner to request the exemption;
 - (2) Complete details of the location of the land, including municipal address, legal description, the existing use, and nature of the use (e.g. residential,

commercial, industrial or farm), and a scaled drawing showing the land and all structures on the property shall accompany the application;

- (3) A detailed explanation of the exemption(s) requested and the rationale for requesting such an exemption(s). This should include details of the proposed fortification or application of protective elements along with an explanation of how the fortification or application of protective elements is rationally connected to the purpose for which the exemption is being sought.
 - (4) The required non-refundable fee, and any further information as may be deemed necessary, which shall be provided at the expense of the applicant, including an acknowledgement that inquiries may be made and input sought from other departments or levels of government including Provincial and Federal authorities, and local police and fire services.
7. In determining whether to exempt any Land from the provisions of this By-law Council may consider:
 - (1) the reason, necessity and rationale for the exemption request;
 - (2) the nature and extent of the specific exemption requested;
 - (3) the ability of Law Enforcement Officers and Emergency Services Personnel to gain access to the Land as may be required.
 8. The Council may revoke an exemption under this By-law.
 9. An exemption granted under this By-law is personal, not assignable, does not run with the Land, and immediately expires upon the sale of the Land or any change in occupancy or corporate control of the tenancy or ownership of the Land, and expires upon any change in the use of the Land.

PART V - POWER OF ENTRY

10. A Law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, or an order under this By-law, is being complied with.
11. No person shall exercise a power of entry under this By-law to enter a place or a part of a place, that is being used as a dwelling unless:
 - (1) The occupier of the dwelling consents to entry, having first been informed of his or her right to refuse consent; or
 - (2) If the occupier refuses to consent, a warrant is obtained pursuant to the provisions of the *Provincial Offences Act*.

PART V.1 - WORK ORDERS

12. A Law Enforcement Officer may issue an order requiring work to be done to correct a contravention of this By-law, and said order shall set out:
 - (a) the municipal address or legal description of the land;
 - (b) reasonable particulars of the contravention and of the work to be done, and the period within which there must be compliance with the order; and
 - (c) notice stating that if the work is not done in compliance with the order within the period specified, the municipality may have the work done at the expense of the owner.
13. If the work required by an order is not completed within the specified period, a Law Enforcement Officer may, at any reasonable time, enter upon the Land or

may make arrangements for municipal employees or a contractor or agent retained for that purpose, to enter upon the land to do the work and the cost of such work shall be recoverable from the owner by the City in a like manner as municipal taxes.

PART VI - PENALTY AND ENFORCEMENT

- 14. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties specified in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, as amended.
- 15. The Chief Building Official shall be responsible for the administration of this By-law and all Law Enforcement Officers are entitled to enforce the provisions of this By-law.

PART VII - CONFLICT

- 16. Where a provision of this by-law conflicts with the provision of any other by-law of the City or any applicable government regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

PART VIII - SEVERABILITY

- 17. Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

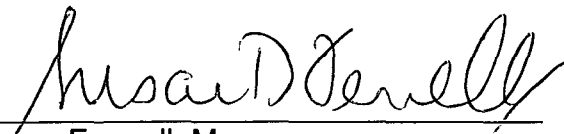
PART IX - EXEMPTION LIMITED BY ACT OF LAW

- 18. Any exemption authorized by this bylaw in any manner shall in no way be construed or interpreted as an exemption, limitation or excuse from a person's requirement to abide by and comply with any other Federal, Provincial or Municipal Law.

PART X - ENACTMENT

- 19. This By-law shall come into force and effect on the date of enactment.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this ^{9th} day of May, 2005.

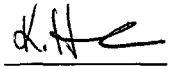


 Susan Fennell, Mayor



 Leonard J. Mikulich, Clerk

Approved as to form and content



 Kenneth G Hare
 Legal Counsel