



**OFFICE CONSOLIDATION
FORTIFICATION OF LAND AND BUILDINGS BY-LAW
BY-LAW NUMBER 5986/02**

Passed by Council on May 21, 2002

Amendments:

None

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 5986/02

Being a by-law to prohibit the excessive barricading or fortification of all lands, buildings and structures appurtenant to any land within the City of Pickering

WHEREAS pursuant to Section 217(1) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, a municipality that is responsible for the enforcement of the Building Code Act, 1992, may regulate the fortification of and protective elements applied to land in relation to the use of the land and prohibit the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

- a) “Chief Building Official” means the Chief Building Official appointed by Council pursuant to Section 3 of the Building Code Act, S.O. 1992, c.23, as amended, and includes an Inspector appointed pursuant to that Act.
- b) “City” means the Corporation of the City of Pickering.
- c) “Construct and Construction” 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.
- d) “Emergency Services” means police, fire and ambulance services.
- e) “Land” means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or on or in any structure on the land.
- f) “Municipal Law Enforcement Officer” includes a Municipal Law Enforcement Officer appointed pursuant to either paragraph 45 of Section 207 of the Municipal Act or pursuant to subsection 18(1) of the Police Services Act, R.S.O. 1990, c. P.15, as amended.
- g) “Person” means a natural person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators or other legal representative of a person to whom the context can apply according to the law, and includes an owner, lessee and tenant of land within the geographic limits of the City of Pickering.
- h) “Protective Elements” means objects, material components, excavation, or any contrivance designed to control, restrict, or render injury to lawful access to or from land or premises, and for purposes of this by-law shall be deemed to include, but is not limited to:

- i) protection plates made of metal or any material and installed inside or outside a building.
- ii) laminated glass or any other type of glass or material that is bulletproof or difficult to break in the event of a fire, installed in windows or doors including protection shutters.
- iii) armoured or specially reinforced doors made for resisting the impact of firearms, battering rams or explosives.
- iv) grills or bars made of metal or any other material installed on doors, windows and other openings that limits the quick entrance or exit from a building or structure in an emergency situation, except for those installed at the basement or cellar level.
- v) substantive bricking over or infilling of windows and doorways.
- vi) the obstruction or installation of secondary walls in front of landings, doors or windows.
- vii) concrete, metal or any other material installed as pillars or barriers prohibiting or hindering access onto any land through conventional means or modes of transportation.
- viii) fences and gates constructed, installed, maintained or reinforced with metal or like materials in excess of 3 (three) millimeters in thickness.
- ix) surveillance systems.

GENERAL PROHIBITION

2. No person shall:

- a) fortify or barricade any land, building, or structure or other area or part thereof for the purpose of, or which would have the effect of, restricting or hindering access by Emergency Services onto that land, building, structure or other area.

- b) construct any land and/or premises so as to restrict, obstruct or hinder any person, including emergency services personnel, from accessing and/or exiting in a timely manner, any land, property, building or structure appurtenant to property.
- c) assemble, install or maintain, nor permit to be assembled, installed or maintained, any material element which is intended to reinforce or fortify land, or which does reinforce or fortify land.
- d) construct, assemble, install or maintain, nor permit to be constructed assembled, installed or maintained, any protective element on land.

EXEMPTIONS

- 3. The following shall be exempt from the provisions of this By-law:
 - a) financial institutions zoned for such use or otherwise permitted by law.
 - b) detention centres, zoned for such use or otherwise permitted by law.
 - c) security service businesses, zoned for such use or otherwise permitted.
 - d) all other commercial, business, industrial or institutional establishments as determined by the Chief Building Official where the nature of the undertaking necessitates particular elements of fortification or protection and where such use is permitted by the Zoning By-laws of the City or provided such use is otherwise lawfully permitted.

POWER OF ENTRY

- 4. A Municipal Law Enforcement Officer or Chief Building Official 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.

ORDERS

5. If a Municipal Law Enforcement Officer or Chief Building Official is satisfied that a contravention of this By-law has occurred, the Officer or Chief Building Official may make an Order requiring work to be done to correct the contravention and the Order shall set out:
 - a) the municipal address or the 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.
 - c) a notice stating that if the work is not done in compliance with the Order within the period it specifies, the City may have the work done at the expense of the owner.
6. The period described in Section 5(b) shall not be less than three months if the fortification or protective elements were present on the land on the day this By-law is passed.
7. If the work required by an Order under Sections 5 or 6 is not done within the specified period, the Municipal Law Enforcement Officer or Chief Building Official may, at any reasonable time, enter upon the land or may make arrangements for municipal employees or a contractor retained by the municipality for that purpose, to enter upon the land to do the work.
8. No person shall exercise a power of entry under this By-law to enter a place, or a part of a place, that is used as a dwelling unless,
 - a) the occupier of the dwelling consents to the entry, having first been informed of his or her right to refuse consent; or
 - b) if the occupier refuses to consent, the power to enter is exercised under the authority of a warrant issued under Section 158 of the Provincial Offences Act.

ADMINISTRATION AND ENFORCEMENT

9. The Chief Building Official and the Municipal Law Enforcement Officer shall be entitled to enforce the provisions of this By-law.

PENALTIES

10. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.

CONFLICT

11. Subject to Section 12, 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.
12. Notwithstanding Section 11 and despite Section 35 of the Building Code Act, 1992, if there is a conflict between the Building Code under the Building Code Act, 1992 and this By-law, the Building Code prevails.

SEVERABILITY

13. If a Court of competent jurisdiction should declare any Section in this By-law or part thereof, to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law as being invalid and is hereby declared that the remainder of the by-law shall be valid and remain in force.

BY-LAW read a first, second and third time and finally passed this 21st day of May, 2002.

(signed) Wayne Arthurs

Wayne Arthurs, Mayor

(signed) Bruce Taylor

Bruce Taylor, Clerk