

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 085-2024

A By-Law of The Corporation of the City of Vaughan to regulate the fortification of land, to Prohibit Excessive Fortification of Land and to Prohibit the Application of Excessive Protective Elements to Land within the City of Vaughan, and to repeal By-law 328-2003.

WHEREAS subsections 11(2)6. and 11(2)8. of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*"), as amended, authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS subsections 133(1)(a) and 133(1)(b) of the *Municipal Act* authorize a municipality that is responsible for the enforcement of the *Building Code Act, 1992*, S.O. 1992, c. 23, to regulate in respect of the fortification of and protective elements applied to land in relation to the use of the land; and to prohibit the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land;

AND WHEREAS section 444(1) of the *Municipal Act* authorizes a municipality to make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 445(1) of the *Municipal Act* authorizes a municipality to make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS access to, and/or egress from land or buildings may be required by law enforcement officers in the lawful execution of their duties and/or emergency services personnel in the event of fire or other emergencies;

AND WHEREAS the fortification of land or the application of protective elements to land may hinder or prevent law enforcement officials and/or emergency services personnel, acting in the lawful course of their duties and/or in response to emergency situations,

from gaining access to and/or egress from land;

AND WHEREAS the fortification of land or the application of protective elements to land is likely to pose a serious health, safety and welfare risk to law enforcement officers and/or emergency services personnel when confronted with such land when acting in the course of their lawful duties or in response to emergency situations and as well to the occupants of land whose ability to escape an emergency situation is or may likely be hindered or prevented;

AND WHEREAS the fortification of land or the application of protective elements to land is likely to pose a serious threat to the safety and integrity of adjoining and abutting land and as well, the owners and occupiers of those lands by restricting, limiting or preventing law enforcement personnel and/or emergency services personnel from responding to emergency situations effectively and in a timely manner;

AND WHEREAS Council has determined that it is necessary for the health, safety, and welfare of the inhabitants of the City of Vaughan to enact a by-law providing for regulation of fortification of land and the application of protective elements as well as the prohibition of excessive fortification of land and the application of excessive protective elements to land within the City of Vaughan;

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

1.0 Short Title

(1) This By-law shall be known and may be cited as the “Fortification of Land By-law”.

2.0 Applicability and Scope

(1) The provisions of this By-law apply to all *Land* within the *City* of Vaughan, except as provided for under this By-law.

3.0 Definitions and Interpretation

(1) In this By-Law:

“Apply or Application” means the erection, installation, extension or material alteration or repair of, or application to, *Land* and includes to *Construct*;

“Building Code” refers to *O. Reg. 332/12: Building Code*, as amended, or its successor regulation;

“Building Code Act” refers to *Building Code Act, 1992*, S.O. 1992, c. 23, as amended,

or its successor act;

“Building Inspector” means a person appointed under section 3 of the *Building Code Act*;

“Chief Building Official” means a person appointed or constituted under section 3 of the *Building Code Act*;

“City” means the Corporation of the City of Vaughan;

“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;

“Emergency Services Personnel” means any individual employed by a police service, fire service, or ambulance service in Ontario who is acting in the course of their lawful duties or in response to emergency situations 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;

“Excessive Fortification and Excessively Fortify” means *Fortification* which is excessive and includes but is in no manner limited to one or more of the following:

- (a) 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*;
- (b) 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*;
- (c) the *Application* of steel sheeting or plates or other similar products to the interior or exterior walls on *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;
- (d) the *Application* of any form of break resistant/proof or bullet resistant/proof material to windows or doors that is difficult to break in the event of a fire or emergency;
- (e) the *Application* of armour plated or reinforced doors (exterior or interior) designed

to resist against impact of firearms artillery, explosives, battering rams, shock or vehicle contact;

- (f) the *Construction* of pillars, cones or barriers constructed out of concrete, steel, or any other solid building material that are designed to or, which are likely to obstruct, hinder, restrict, or prevent access onto any *Land* by conventional motor vehicles at ordinary points of entry for such vehicles so as to prevent reasonable access by *Emergency Services Personnel*; or
- (g) the *Construction* of an observation tower designed to enable the visual observation of surrounding areas beyond the perimeter of the *Land* actually owned or leased/rented by the occupant whether the tower is occupied by an individual or a surveillance camera or like equipment;

“Excessive Protective Elements” means *Protective Elements* which are excessive and includes but is in no manner limited to one or more of the following:

- (a) 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*;
- (b) 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;

“Fire Code” refers to *O. Reg. 213/07: Fire Code*, as amended, or its successor regulation;

“Fire Inspector” includes any member of the Vaughan Fire and Rescue Services;

“Fortification and Fortify” means the *Construction* of devices, barriers, or materials in a manner designed to hinder, obstruct or prohibit access to or from *Land*;

“Land” means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or in any structure on the land;

“Law Enforcement Officer” includes a *Police Officer, Municipal Law Enforcement Officer, Chief Building Official, Building Inspector* and *Fire Inspector*;

“Municipal Law Enforcement Officer” means an officer appointed pursuant to subsection 15(1) of the *Police Services Act*;

“Police Officer” means a person appointed pursuant to section 2 of the *Police Services Act*;

“Police Services Act” refers to *Police Services Act*, R.S.O. 1990, c. P.15, as amended, or its successor act;

“Protective Elements” means devices, objects, material components, or any contrivance designed (or is likely) to control, hinder, restrict or prohibit access to or from *Land*;

"Zoning By-law" means the City's Zoning By-law 001-2021, as amended or its successor By-law.

(2) In this By-law, unless the context otherwise requires, wording imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

(3) Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time except in periods when daylight saving time is in effect, in which periods it shall be daylight saving time.

(4) Where measurements are used in this By-law, the Metric system shall be deemed to be the official and required system of measurement. Measurements in the Imperial system are provided for convenience purposes only.

4.0 General Provisions

(1) No person shall:

- (a) *Construct*, cause to be *Constructed*, or permit the *Construction* of, *Excessive Fortification*;
- (b) *Apply*, cause to be *Applied*, or permit the *Application* of, *Excessive Protective Elements*;
- (c) in any manner hinder, obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

5.0 Exemptions

(1) Section 4.0 above does not apply to:

- (a) 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;
- (b) detention centres zoned for such use or otherwise permitted by law;
- (c) *Lands*, wherever situated, owned or occupied by the Ontario Provincial Police or an Ontario Municipal Police Service in accordance with the *Police Services Act*;
- (d) *Lands*, wherever situated, owned or occupied by the Department of National Defence;
- (e) *Lands*, wherever situated, owned or occupied by the Royal Canadian Mounted Police;
- (f) *Lands* owned or occupied by the *City* or the Regional Municipality of York; and
- (g) commercial, business, industrial or institutional establishments where the use is made more secure by *Excessive Fortification* or *Excessive Protective Elements* and where such use is permitted in the *Zoning By-law* or is otherwise lawfully permitted, but only to the extent necessary having consideration for the nature of the use, to be determined by the *City*;
- (h) electrified fencing used by agricultural operations which have livestock for the purpose of controlling movement of the livestock;
- (i) fences or gates that are commonly used on residential properties and comply with the Fence By-law 189-2020, as amended or its successor by-law.

6.0 Permitted Activities

(1) The following are permitted:

- (a) the use of *Protective Elements* such as “laser eye” or other advanced warning devices on windows or doors of a place that is being used as a dwelling for the purpose of providing a warning to the occupants of that place that is being used as a dwelling or to dispatch *Emergency Services Personnel* where an actual

- entry into a dwelling has occurred;
- (b) common household alterations or renovations where the location or style of a door or window may be altered and meets *Building Code* and *Fire Code* requirements and have received any permit required to complete such alteration or renovation.

7.0 Enforcement and Right of Access

- (1) *Law Enforcement Officers* shall be responsible for the administration and enforcement of this By-law.
- (2) 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.
- (3) 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:
- (a) the occupier of the dwelling consents to entry, having first been informed of his or her right to refuse consent; or
- (b) if the occupier refuses to consent, a warrant issued pursuant to section 158 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended is obtained.

8.0 Orders

- (1) Where a *Law Enforcement Officer* is satisfied that a contravention of this By-law has occurred, the officer 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 the work to be done and the period within which there must be compliance with the order; and
- (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the work may be done at the expense of the owner.
- (2) The period described in subsection 8.0(1)(b) shall not be less than three months if the *Excessive Fortification or Excessive Protective Elements* were present on the *Land* on the day this By-law is enacted.

9.0 Recovery of Expenses

- (1) The *City* may recover its expenses of remedying a violation of this By-law by invoicing the *Owner* of the *Land*, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes.

10.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law, a *Law Enforcement Officer* may issue an administrative monetary penalty to the person who has contravened this By-law.
- (2) If an administrative monetary penalty is issued to a person under section 10.0(1), no charge shall be laid against that same person for the same breach.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.
- (4) A person who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law.
- (5) An administrative monetary penalty imposed on a person that becomes a debt to the *City* under the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

11.0 Fines

- (1) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

12.0 Severability

- (1) If any provision of this By-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

13.0 Transition

- (1) Notwithstanding the repeal of by-law 328-2003, that by-law shall continue to apply

to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

14.0 Conflict with Other By-laws

- (1) Where there is a conflict or contradiction between this By-law and any other by-law of the *City*, the provisions establishing the more restrictive standard shall prevail.

15.0 Repeal and Amendment of Other By-laws

- (1) The Fortification of Land By-law 328-2003 is hereby repealed and replaced.
- (2) Schedule 1 of the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law is hereby amended by including this By-law as a Designated By-law.

16.0 Force and Effect

- (1) This By-law shall come into force and effect on its effective date.

Voted in favor by City of Vaughan Council this this 22nd day of May, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 10 of Report No. 52 of the Committee of the Whole.
Report adopted by Vaughan City Council on December 12, 2023.
City Council voted in favour of this by-law on May 22, 2024.
Approved by Mayoral Decision MDC 007-2024 dated May 22, 2024.
Effective Date of By-Law: May 22, 2024