



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Fortification By-law 0075-2022

**WHEREAS** without limiting sections 9, 10 and 11 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25 (the "*Municipal Act, 2001*"), section 133 authorizes a municipality to regulate in respect of the fortification of and prohibit 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; excessive fortification and excessive protective elements being applied to land;

**AND WHEREAS** the excessive fortification of land or excessive protective elements may hinder lawful access by law enforcement officials and emergency services personnel;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga deems it necessary to enact a by-law to prohibit excessive fortification and excessive protective elements being applied to land within the City of Mississauga;

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

#### **PART 1 - SHORT TITLE AND REPEAL BY-LAW**

1. This By-law shall be referred to as the "Fortification By-law".
2. The Fortification By-law 0511-2004 shall be repealed, effective at 12:01 a.m. on May 5, 2022.

#### **PART 2 - DEFINITIONS AND INTERPRETATION**

3. 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;

**"City"** means The Corporation of the City of Mississauga;

**"Construct"** means to do anything in the erection, installation, extension or material alteration or repair of a building or structure and includes the installation of a building unit fabricated or moved from elsewhere and **"Construction"** has a corresponding meaning;

**"Council"** means the Council of The Corporation of the City of Mississauga;

**"Director"** means the Director, Enforcement Division;

**"Emergency Services Personnel"** means any individual employed by the Peel Police Service, the City of Mississauga and within the Mississauga Fire and Emergency Services, or Ambulance Service directed by Region in the City who is acting in accordance with the 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;

**"Excessive Fortification and Excessively Fortify"** means devices, barriers, or materials that are capable of unduly hindering, obstructing or prohibiting lawful access to or from land by Law Enforcement Officers and Emergency Services Personnel, and includes but is not limited to:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) The application of laminated glass or any other form of break resistant/proof or bullet resistant/proof material to windows or doors;
- (5) Armour plated or reinforced doors whether (exterior or interior) designed to resist against impact of firearms artillery, explosives, battering rams, shock or vehicle contact;
- (6) 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;
- (7) 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;
- (8) 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;

**“Excessive Protective Elements”** means devices, objects, material components, or any contrivance includes but are not limited to:

- (1) The application of perimeter warning devices such as “laser eyes” or other types of advanced warning systems be it electronic or otherwise designed to or having the effect of forewarning of the encroachment onto the perimeter of land from adjoining lands or roadways but excluding similar applications to forewarn of entry into a building or structure located on Land;
- (2) 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;
- (3) The application of visual surveillance equipment, including video cameras, ‘night vision’ systems, or electronic listening devices appearing capable of permitting either stationary or scanned viewing or listening, by an operator or viewer or listener of that equipment, beyond the perimeter of Land actually owned, leased or rented by the occupant;

**“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 on any structure on the land;

**“Officer”** means a by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing City’s by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police;

**“Zoning By-law”** means the applicable zoning by-law of the City of Mississauga.

### **PART 3 - ADMINISTRATION AND ENFORCEMENT**

4. The administration and enforcement of this By-law is assigned to the Director who shall perform all of the functions conferred upon them by this By-law.
5. The Director may delegate any responsibilities to an Officer or employee of the City that are conferred to the Director pursuant to this By-law.

#### **PART 4 - GENERAL PROHIBITIONS**

6. No person shall:
- (1) Construct, affix, allow or place or permit the construction, affixing or placement of Excessive Fortification on Land;
  - (2) Construct, affix, allow or place or permit the construction, affixing or placement of Excessive Protective Elements on Land;
  - (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 5 - EXEMPTIONS**

7. The following are exempt from the provisions of this by-law:
- (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;
  - (4) Lands specifically exempted from this By-law; and
  - (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 to not extend beyond the window or door frame.
8. A person requesting an exemption from the provisions of this By-law shall provide to the Director the following:
- (1) Proof of ownership of the Land and 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 (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 shall be included of the exemption(s) requested and the rationale for requesting such an exemption(s). This should include details of proposed fortification or application of protective elements along with an explanation of how that 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 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; and
  - (5) Any other information or documents as may be required by the Director.
9. In determining whether to exempt any Land from the provisions of this By-law, the Director, may consider:
- (1) the reason, necessity and rationale for the exemption requested;
  - (2) the nature and extent of the specific exemption requested;
  - (3) whether the affected Ward Councillor is in agreement with granting the exemption or any conditions that may be attached;
  - (4) the ability of Officers and Emergency Services Personnel to gain access to the

Land as may be required.

10. The Director may revoke an exemption under this By-law.
11. 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.
12. The Director's decision pursuant to section 9 of this By-law shall be considered final.

#### **PART 6 – INSPECTIONS AND ORDERS**

13. An Officer may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this By-law are complied with, which may include a dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.
14. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
  - (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (3) require information from any person concerning a matter related to the inspection; and
  - (4) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
15. A receipt shall be provided for any document or thing removed under subsection 14(2) and the document or thing shall be promptly returned after the copies or extracts are made.
16. No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
17. An Officer may make a notice or order requiring the person who contravened this 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 or to do work to correct the contravention.
18. A notice or order made pursuant to Section 17 shall include:
  - (1) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (2) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done; and
  - (3) direct that if the thing or matter that is required to be done is not completed by the time set out in the notice or order, the matter or thing will be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
19. Every person shall comply with a notice or order made pursuant to Section 17.

#### **PART 7 - PENALTY AND ENFORCEMENT**

20. Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, including the fines set out in this Part 7, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time.

21. Any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to a minimum fine of \$500 and a maximum fine not exceeding \$100,000.

#### **PART 8 - CONFLICT**

22. 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.
23. 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.

#### **PART 9 - SEVERABILITY**

24. 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 10 - EXEMPTION LIMITED BY ACT OF LAW**

25. 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 11 - ENACTMENT**

26. This by-law shall come into force and effect on the date of enactment.

**ENACTED** and **PASSED** this 4<sup>th</sup> day of May, 2022.

Signed by Bonnie Crombie, Mayor and Diana Rusnov, City Clerk.