
THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 99-2002

**Being a By-law to Regulate the Fortification of Land, Fences and Structures within
the Town of Ajax**

WHEREAS Council deems it necessary to enact a by-law providing for regulating excessive fortification and protective elements applied to land within the Town of Ajax;

AND WHEREAS Section 217 of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended, provides that by-laws may be passed by a Council of a Municipality regulating the fortification and protective elements applied to land within the town of Ajax:

AND WHEREAS access to, and exit from land, buildings and structures may be required by municipal and law enforcement officials and/or emergency services personnel;

NOW THEREFORE, The Council of the Corporation of the Town of Ajax enacts as follows:

SHORT TITLE
THE FORTIFICATION OF LAND BY-LAW

1. DEFINITIONS AND INTERPRETATION

In this By-law, unless the context otherwise requires;

- 1.1 “Corporation” means the Corporation of the Town of Ajax;
- 1.2 “Construct and construction,” includes doing anything in the installation, extension or material alteration or repair of a building or structure;
- 1.3 “Emergency services personnel,” includes any individual employed by the police service, fire service (including volunteer firefighters and ambulance service in Ontario) 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 any emergency services personnel to do or refrain from doing anything and to act on those directions.
- 1.4 “Excessively fortify and excessive fortification,” includes the installation, application, or maintenance of devices, barriers, or materials in a manner designed to restrict, obstruct or impede, or having the effect of restricting, obstructing or impeding, access to or from land and includes but is not limited to:
 - 1.4.1 protection plaques or plates made of metal or any other material installed inside or outside a building;
 - 1.4.2 an observation tower, whether integrated or not, to a building;
 - 1.4.3 laminated glass or any other type of glass or material that is bullet-proof or difficult to break in the event of a fire, installed in windows or doors, including protection shutters;
 - 1.4.4 armored or specially reinforced doors designed to resist the impact of firearms, battering rams, explosives or vehicle contact;
 - 1.4.5 grills or bars made of metal or any other material installed on doors, windows and other openings that limit the rapid exit from a building or structure in an emergency situation, except for those installed at the basement or cellar level;
 - 1.4.6 masonry, including brick and concrete block over windows or doorways;

- 1.4.7 secondary walls or other obstructions in front of landings, doors or windows;
 - 1.4.8 concrete, metal or other material installed as pillars or barriers designed to prohibit, restrict, obstruct or impede access to any land through conventional means or modes of transportation;
 - 1.4.9 any fence or gate constructed, installed, or maintained or reinforced with metal or similar material in excess of 3 millimeters in thickness.
- 1.5 “Excessive protective elements,” includes any object, material component or any contrivance designed to, or having the effect of restricting, obstructing or impeding, access to or from land, and includes but is not limited to:
- 1.5.1 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;
 - 1.5.2 electrified fencing or any similar 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;
 - 1.5.3 the installation 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.
- 1.6 “Fortify and Fortification,” includes the installation, application, or maintenance of devices, barriers, or materials in a manner designed to restrict, obstruct or impede or having the effect of restricting, obstructing, or impeding, access to land;
- 1.7 “Land” means land, including buildings, mobile homes, mobile buildings, mobile structure, outbuilding, fences, erections, physical barriers and any other structure on the land or in any structure on the land;
- 1.8 “Law Enforcement Officer” includes a Police Officer appointed pursuant to section 2 of the Police Services Act, R.S.O. 1990, Chapter P.15 as amended from time to time and a Municipal Law Enforcement Officer appointed pursuant to either paragraph 45 of Section 207 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended from time to time, or pursuant to subsection 15(1) of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended from time to time, and includes a Property Standards Officer.
- 1.9 “Person,” means a natural person, a corporation, partnership or association and their heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 1.10 “Protective elements,” includes any object, material components, or any contrivance designed to restrict, obstruct, or impede access to and exit from land, or having the effect of restricting, obstructing, or impeding, access to and exit from land.
2. PROHIBITED MATTERS
- 2.1 No person shall:
 - 2.2 Excessively fortify or barricade any land for the purpose of restricting, obstructing, or impeding lawful access to land;

2.3 construct any land through the application of excessive protective elements so as to restrict, obstruct or impede municipal and law enforcement officials and/or emergency personnel from accessing or exiting any land;

3. Part 2 above does not apply to:

- 3.1 financial institutions as identified and listed in Schedule I, II, and III of the Bank Act as amended from time to time that is zoned for such use or otherwise lawfully permitted;
- 3.2 detention centres zoned for such use, or otherwise lawfully permitted;
- 3.3 security service businesses, zoned for such use, or otherwise lawfully permitted;
- 3.4 lands owned or occupied by the Ontario Provincial Police or the Durham Regional Police Service in accordance with the Ontario Police Service Act;
- 3.5 lands owned or occupied by the Federal Department of National Defence;
- 3.6 lands owned or occupied by the Royal Canadian Mounted Police;
- 3.7 other commercial, business, industrial, or institutional establishment where the nature of the undertaking necessitates particular elements of fortification or protection and where such use is permitted by the Zoning By-law of the Corporation or provided such use is otherwise lawfully permitted, but only to the extent necessary having consideration for the nature of the undertaking.

4. POWERS OF ENTRY

- 4.1 The Law Enforcement Officer, may at any reasonable time, enter and inspect any land to determine whether this by-law, or an Order made under it is being complied with;
- 4.2 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 unit, unless;
 - 4.2.1 the occupier of the dwelling place consents to entry, having first been informed of his or her right to refuse consent; or
 - 4.2.2 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.

5. ORDERS

- 5.1 If 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;
 - 5.1.1 the municipal address or the legal description of the land;
 - 5.1.2 reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the Order, and;
 - 5.1.3 a notice stating that if the work is not done in compliance with the Order within the period it specifies, the Corporation or its appointed agent may have the work done at the expense of the owner of the land, and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in the like manner as municipal taxes.
- 5.2 The period described in Subsection 5.1.2 shall not be less than three (3) months if the fortification or protective elements were present on the land on the day this by-law is passed.
- 5.3 If the work required by an Order under this Section is not done within the specified period, the Corporation, its employees and/or agents may at any responsible time enter the land to do the work.

6. CONTRAVENTION

6.1 Any 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.

6.2 The court in which a conviction has been entered, and any court of competent jurisdiction therefore, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

7. SEVERABILITY

7.1 If a court of competent jurisdiction should declare any Section of this By-law, or part thereof, to be invalid, such Section or part thereof is deemed severable from this By-law and shall not be construed as having influenced Council to pass the remainder of this By-law and it is the intention of Council to pass the remainder of the By-law shall survive and remain in force.

8. ENACTMENT

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

READ a first and second time this
Eleventh day of July, 2002

READ a third time and finally passed
this Eleventh day of July, 2002

Mayor

Clerk