OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to regulate the Fortification of Land and to Prohibit Excessive Fortification of Land and to Prohibit the Application of Excessive Protective Elements to Land within the Town of Caledon being By-law Number 2004-205 as amended by By-law 2026-066. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2004-205 and 2026-066 the by-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

By-law 2004-205

Being a by-law to regulate the Fortification of Land
and to Prohibit Excessive Fortification of Land
and to Prohibit the Application of Excessive Protective Elements to Land
within the Town of Caledon

WHEREAS Section 133 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality that is responsible for the enforcement of the *Building Code Act, 1992* may:

(1) regulate in respect of the fortification of and protective elements applied to land in relation to the use of the land; and

(2) 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 133 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law under that section may:

(1) exempt land or classes of land, on such conditions as may be specified in the by-law;

(2) require the owner of the land, at the owner’s expense, to perform remedial work in respect of the land so that it is in conformity with the by-law; and

(3) require remedial work under clause (b) to be done even though the fortifications or protective elements to which the by-law applies were present on the land before the by-law came into force;

AND WHEREAS the Council of the Corporation of the Town of Caledon deems it necessary for the health, safety, and welfare of the inhabitants of the Town of Caledon to enact a by-law providing for regulation of fortification of land and the application of protective devices as well as the prohibition of excessive fortification of land and the application of excessive protective elements to land within the Town of Caledon;

AND WHEREAS access to, and/or egress from land or buildings may be required by law enforcement officials in the lawful execution of their duties and/or emergency service 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

officials 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 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 to the safety of 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;

NOW THEREFORE the Council of The Corporation of the Town of Caledon hereby ENACTS AS FOLLOWS:

Definitions

1. In this By-law,

"Apply or Application" in respect of buildings, means the erection, installation, extension or material alteration or repair of or application to land and includes to construct

"Chief Building Official" means the officer or his or her designate, appointed by Council of The Corporation of the Town of Caledon as the Chief Building Official pursuant to Section 3 of the *Building Code Act,* S.0. 1992, c. 23, as amended

"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

"Council" means the Council for The Corporation of the Town of Caledon

"Emergency Services Personnel" means any individual employed by a Police Service, Fire Service (including volunteer Fire-fighters), or 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 an emergency services personnel to do or refrain from doing any thing and who acts on those directions

"Excessive Fortification and Excessively Fortify" means fortification which is excessive 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 installation of bullet resistant/proof material to windows or doors;

(5) the installation of armour plated or reinforced doors (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 are designed to obstruct, hinder, restrict, or prevent

access onto any land by conventional means of access or modes of transportation, or;

(7) 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 not limited to, one or more of:

(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 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;

(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 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

“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, and includes buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structures on the land

“Law Enforcement Officer” includes:

(1) a Police Officer as defined in the *Police Services Act,* R.S.O. 1990, Chapter P.15, as amended;

(2) a Municipal Law Enforcement Officer appointed pursuant to the *Municipal Act,* R.S.O. 1990, Chapter M.45, as amended, or pursuant to the *Police Services Act,* R.S.O. 1990, Chapter P.15, as amended;

(3) the Chief Building Official, or his or her designate, appointed under the *Building Code Act, 1992,* S.O. 1992, c. 23, as amended;

(4) an Inspector appointed under the *Building Code Act, 1992,* S.O. 1992, c. 23, as amended;

(5) a Fire Inspector**,** the Fire Marshall, an assistant to the Fire Marshall or the Fire Chief appointed under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended; and

(6) a Property Standards Officer appointed under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended

“Person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law

“Protective Elements” means devices, objects, material components, or any contrivance designed to control, hinder, restrict or prohibit access to or from land

“Town” means The Corporation of the Town of Caledon

"Zoning By-law" means By-law No. 87-250 of the Town of Caledon, as amended from time to time, or any like by-law passed under Part V of the *Planning Act,* R.S.O. 1990, c.P.13, that applies to land in the Town

GENERAL PROHIBITIONS

2. No person shall:

(1) construct, cause to be constructed, or permit the construction of, Excessive Fortification, or

(2) apply, cause to be applied, or permit the application of, Excessive Protective Elements.

EXEMPTIONS

3. Section 2 of this By-law does 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 that are zoned for such use or otherwise permitted by law;

(2) detention centres zoned for such use or otherwise permitted by law;

(3) lands, wherever situated, owned or occupied by the Federal or Provincial Government or their agents;

(4) lands owned or occupied by the Town or the Regional Municipality of Peel;

(5) commercial, business, industrial or institutional establishments where the use is made more secure by the installation of steel bars in window/door openings with maximum dimensions of 3/8 inch steel and minimum 3 inch spacing between the bars, not to exceed beyond the window/door frame, and where such use is permitted in the Zoning By-law or is otherwise lawfully permitted;

(6) the use or application of commercially marketed household security devices designed to provide reasonable protection from theft or other criminal activities against the person or property of a person, applied to a private dwelling; and

(7) a normal farm practice carried on as part of an agricultural operation pursuant to the *Farming and Food Protection Act, 1998*, S.O. 1998, c. 1, as amended.

APPLICATION FOR PARTIAL OR COMPLETE EXEMPTION

4. Any person wishing to make application for partial or complete exemption from the provisions of this By-law shall file with the Chief Building Official the following:

(1) a completed application as set out in Schedule “A” to this By-law for partial or complete exemption from any provision(s) of this By-Law that is signed and in writing and directed to the Chief Building Official;

(2) complete details of the location of the land, including Municipal address, legal description, the existing use and nature (residential, commercial, farm), and a scaled drawing showing the land and the structures on the property;

(7) 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 being considered 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; and

(8) a non-refundable application processing fee as set out in By-law 2002-165, as amended (the Fees By-law).

5. All applications will be reviewed by the Chief Building Official who may require the provision of any additional information at the expense of the applicant, including, but not limited to:

(1) any further or other documents considered by the Chief Building Official to be necessary or relevant to the investigation of the application, from the applicant or other parties;

(2) information or input from any department of local, Provincial or Federal Government considered necessary and/or relevant to the investigation of the application, and

(3) information or input from local Police, Fire, and Ambulance Services, or any other department that may have an interest, issue, or concern with the application.

GROUNDS FOR EXEMPTION

6. Upon review of documentation and information obtained, and based upon the input from parties consulted, the Chief Building Official may issue a complete or partial exemption from the provisions of this by-law if:

(1) the applicant is a person;

(2) there is, in the opinion of the Chief Building Official, a bona fide reason, need and rationale for the exemption;

(3) there is, in the opinion of the Chief Building Official, a reasonable connection between the reason, need and rationale for the exemption and the nature and extent of the specific exemption requested;

(4) in the opinion of the Chief Building Official, the nature and extent of the exemption request does not exceed that which is reasonable necessary; and

(5) the ability to access the land by emergency services personnel and law enforcement officers is not unreasonably interfered with or limited considering the need and rationale provided for in the exemption.

7. Upon completion of the investigation and review of the application for exemption the Chief Building Official shall issue a written decision that:

(1) approves the application;

(2) approves the application in part, with restrictions, conditions or modifications as deemed appropriate by the Chief Building Official; or

(3) denies the application.

8. A true copy of any decision issued under section 7 shall be forwarded by the Chief Building Official to the attention of the appropriate Emergency Services personnel.

9. The Chief Building Official may revoke a permit issued under this by-law:

(1) if it was issued on mistaken, false or incorrect information;

(2) if it was issued in error;

(3) if the holder requests in writing that it be revoked, or

(4) if the explanation provided in the application for partial/complete exemption is found to be no longer applicable.

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 issued pursuant to Section 158 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, is obtained.

ORDERS

12. 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:

(1) the name of the owner and/or occupier of the land;

(2) the municipal address or the legal description of the land;

(3) reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the order; and

(4) a notice stating that if the work is not done in compliance with the order within the period it specifies, the work done may be 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 Town in like manner as municipal taxes.

14. The period described in subsection 12 (3) shall not be less than three months from the date of the issuance of the order if the excessive fortification or excessive protective elements were present on the land on the day this by-law is passed.

OBSTRUCTION

15. No person shall, in any manner hinder, obstruct or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

PENALTY AND ENFORCEMENT

16. 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.

[Section 16.1 added, By-law 2026-066, effective June 23, 2026]

16.1 Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.

17. The Chief Building Official shall be responsible for the administration and enforcement of this by-law and persons who are employed or appointed as Law Enforcement Officers are all deemed appointed and entitled to enforce the provisions of this By-law.

CONFLICT

18. Where a provision of this by-law conflicts with the provision of any other by-law of the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

SEVERABILITY

19. 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.

FEE

20. Schedule J dated 20 April 2004 of By-law 2002-165, as amended, is and the same is hereby amended by adding the following section immediately after the section entitled “Woodlands by-law”

“Fortification of Land By-law
Fee to process application $750.00”

SCHEDULES

21. Schedule “A’ attached hereto forms part of this by-law.

SHORT TITLE

22. This by-law may be referred to as the “Fortification of Land By-law”.

ENACTMENT

23. This by-law shall come into force and effect on the day it is passed by Council.

READ A FIRST, SECOND AND THIRD TIME
AND PASSED IN OPEN COUNCIL
THIS 7th DAY OF DECEMBER, 2004.

Marolyn Morrison, Mayor

Cheri Cowan, Clerk

SCHEDULE "A" TO BY-LAW 2004-205

TOWN OF CALEDON

EXEMPTION TO FORTIFICATION BY-LAW

Application No. _____

Fee as per Town of Caledon Fees By-law 2002-165 (as amended)

EXEMPTION REQUESTED BY

Name_____

Business Name_____

Mailing Address_____

Phone (Bus)_____(Fax)_____(Other)_____

Signature of Owner _____Date _____

PERSON APPLYING FOR EXEMPTION (If different from above)

Name_____

Mailing Address_____

Phone (Bus)_____(Fax)_____(Other)_____

Applicant Signature_____ Date _____

PROPERTY DESCRIPTION

Former Township_____ Lot_____ Concession_____ EHS/WHS_____

Plan #_____ Municipal Address_____

Current Owner_____

Existing use of the Property _____

Section of By-law Requesting Exemption From_____

REASON FOR EXEMPTION (attach scaled drawing of work proposed)

IF MAKING PAYMENT BY VISA/MASTERCARD, PLEASE COMPLETE THIS SECTION

Name of Cardholder	
Card Number	
Expiry Date	Amount to be Charged
Signature of Cardholder	