BY-LAW NUMBER 145-2026

A BY-LAW TO REGULATE THE FORTIFICATION OF LAND AND PROTECTIVE ELEMENTS APPLIED TO LAND AND TO PROHIBIT EXCESSIVE FORTIFICATION OF LAND AND EXCESSIVE PROTECTIVE ELEMENTS BEING APPLIED TO LAND WITHIN THE CITY OF WINDSOR

Passed the 28th day of September, 2026.

WHEREAS the Council of the Corporation of the City of Windsor deems it appropriate to enact a by-law to regulate the fortification of land and protective elements applied to land and to prohibit excessive fortification of land and excessive protective elements being applied to land within the City of Windsor pursuant to section 133 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended,

AND WHEREAS the Council of the Corporation of the City of Windsor deems it appropriate for the health, safety and well-being of the inhabitants of the City of Windsor to enact a by-law providing for the regulation of fortification of land and protective elements being applied to land and to prohibit the excessive fortification of land and excessive protective elements being applied to land within the City of Windsor pursuant to section 130 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended,

AND WHEREAS it is deemed expedient to repeal By-law 174-2003 and replace it with a new consolidated By-law,

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This By-law may be cited as the "The Fortification of Land By-Law".

SECTION 2 - DEFINITIONS AND INTERPRETATION

2.1 In this By-law,

(1) "**Apply or Application**" means the erection, installation, extension or material alteration or repair of or application to land and includes to construct;

(2) "**City**" means The Corporation of the City of Windsor;

(3) "**City Clerk**" means the person duly appointed as Clerk for the City.

(4) "**Construct**" or "**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;

(5) "**Corporation**" means The Corporation of the City of Windsor;

(6) "**Council**" means the Council of The Corporation of the City of Windsor;

(7) "**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 anything and who acts on those directions;

(8) "**Excessive Fortification and Excessively Fortify**" means the construction of devices, barriers, or materials applied to land and includes but is not limited to:

(i) The application of steel plates, steel bars, bullet-resistant/proof shutters or heavy gauge wire mesh to windows or other openings on any and all levels of any structure or building on land with the sole exclusion of basement windows or openings;

(ii) 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 a building or land;

(iii) The application of steel sheeting or plates or other similar products to the interior or exterior walls of a structure or building such as to reinforce walls or create a secondary wall such as to protect against firearms artillery, explosives, vehicle contact, shock, and any other similar intrusions;

(iv) The application of laminated glass or any other form of break resistant/proof or bullet resistant/proof material to windows or doors;

(v) Armour plated or reinforced doors (exterior or interior) designed to resist against impact of firearms artillery, explosives, battering rams, shock or vehicle contact;

(vi) The construction of pillars, cones or barriers out of concrete, steel, or any other building material that are designed to obstruct, hinder, restrict, or deny access to any building or land by conventional means of access or modes of transportation; and,

(vii) 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;

(9) "**Excessive Protective Elements**" means devices, objects, material components, or any contrivance applied to land and includes but is not limited to:

(i) The application of perimeter warning devices such as "laser eyes" or other types of advanced warning systems be they 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;

(ii) 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; and,

(iii) The application of 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.

(10) "**Fortification and Fortify**" means the construction of devices, barriers, or materials in a manner designed to strengthen, or to provide defensive works to land and includes **Excessive Fortification**;

(11) "**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;

(12) "**Officer**" means means a provincial offences officer as defined in the Provincial Offences Act, R.S.O. 1990, c. P.33 or any successor legislation,

(13) "**Protective Elements**" includes, but is not limited to surveillance equipment and includes Excessive Protective Elements.

(14) "**Person**" means any natural person and includes a corporation incorporated pursuant to the laws of any jurisdiction and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

SECTION 3 - GENERAL PROHIBITIONS

3.1 No person shall:

(a) Excessively fortify any land; or

(b) Apply excessive protective elements to land.

SECTION 4 - EXEMPTIONS

4.1 Clause 3.1 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;

(b) Detention centres zoned for such use or otherwise permitted by law;

(c) Lands owned or occupied by the Windsor Police Services, the Ontario Provincial Police or an Ontario Municipal Police Service in accordance with the *Ontario Police Services Act*;

(d) Lands owned or occupied by the Federal Department of Defence;

(e) Lands owned or occupied by the Royal Canadian Mounted Police.

SECTION 5 - SCOPE AND LIMITATION OF BY-LAW

5.1 Clause 3.1 does not operate to prohibit;

(a) The use or application of commercially marketed household security devices designed and applied to provide reasonable fortification and protection from theft or other criminal activity against the person or property of a person; and

(b) The reasonable use of protective elements such as a "laser eye" or other advanced warning devices on windows or doors of a dwelling house for the purpose of providing a warning to the occupants of that dwelling house or structure or to dispatch emergency services personnel where an actual entry into a dwelling house has occurred; and

(c) Common household alterations or renovations where the location or style of a door or window may be altered for purely aesthetic reasons and meets local Building Code and Fire Code requirements and have received any permit required to complete such alteration or renovation.

5.2 Nothing in this By-law shall be interpreted as restricting a normal farm practice carried on as part of an agricultural operation pursuant to the *Farming and Food Protection Act, 1998.*

SECTION 6 - APPLICATION FOR PARTIAL OR COMPLETE EXEMPTION

6.1 Any person wishing to obtain a partial or complete exemption from the provisions of this By-law must file with the City Clerk a written application for partial or complete exemption from any provision(s) of this By-Law containing the following information:

(a) Date of application;

(b) Complete details of the location of the land, including municipal address, legal description, the existing use of the land and the intended use if any change in use is anticipated;

(c) A drawing or survey of the land and structures;

(d) A detailed explanation of the exemption(s) requested and the reasons for requesting such an exemption(s). This should include details of proposed excessive fortification or fortification or application of excessive protective elements or protective elements being considered along with an explanation as to how the proposal relates to the exemption request;

(d) Proof of ownership of the land or proof of authorization by the owner of the land; and

(e) The signature of the person making the application.

6.2 All applications will be reviewed by the office of the City Clerk who may make any further inquiries deemed necessary and relevant to the review and investigation of the application and may require the provision of any additional information that shall be provided at the expense of the applicant, including, but not limited to;

(a) Requests for further details or documentation from the applicant,

(b) Requiring the provision of any further or other documents considered by the City Clerk to be necessary or relevant to the investigation of the application;

(c) Information from any department of local, provincial or federal government considered necessary or relevant to the investigation of the application; and

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

6.3 The City Clerk shall, once his or her investigation and review of the application is complete:

(a) prepare a report containing a recommendation to be considered by Council;

(b) that report may recommend either a partial or complete exemption or denial of the application;

(c) in the event the report recommends partial or complete approval, the approval may be time limited, or include such other conditions and restrictions as in the opinion of the City Clerk, is appropriate;

(d) the reasons for any recommendation must be based upon the information provided pursuant to Clauses 6.1 and 6.2, the investigation and review undertaken pursuant to Clause 6.2 and the principles set out in Clause 6.4 of this By-Law.

6.4 Upon review of the documentation required or requested pursuant to Clauses 6.1 and 6.2, the City Clerk may recommend a complete or partial exemption if:

(a) the applicant is a person;

(b) there is, in the opinion of the City Clerk, a reasonable connection between the necessity for the exemption and rationale provided for the exemption and the nature and extent of exemption requested;

(c) the nature and extent of the exemption requested does not exceed that which is reasonably necessary; and

(d) the necessity of access to emergency services personnel and/or law enforcement officials is not unreasonably interfered with or limited considering the need, necessity and rationale provided for the exemption.

6.5 Upon the recommendation of the City Clerk, Council may:

(a) approve the application for exemption in whole or in part, with such restrictions or conditions as Council deems appropriate; or

(b) deny the application.

6.6 The Council decision referred to in Clause 6.5 shall be forwarded immediately by the office of the City Clerk to the attention of the Chief of Police, Windsor Police Service, the City's Fire Chief and the County of Essex Director of Ambulance Services.

SECTION 7 - POWER OF ENTRY

7.1 An 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.

7.2 No person shall exercise a power of entry under this By-law to enter a place, or a part of a place, that is being used as a dwelling unless:

(a) The occupier of the dwelling unit consents to the entry, having first been informed of his or her right to refuse entry, consents; or

(b) If the occupier refuses to consent, a warrant issued pursuant to Section 158 of the *Provincial Offences Act* is obtained.

SECTION 8 - ORDERS

8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer shall make an Order requiring work to be done to correct the contravention and the Order shall set out:

(i) The name of the owner of the land;

(ii) The municipal address and the legal description of the land;

(iii) Reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the Order; and

(iv) 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.

8.2 If the work required by an Order is not completed within the specified period, an Officer may, at any reasonable time, enter upon the land or may make arrangements for municipal employees or a contractor 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 City in like manner as municipal taxes.

8.3 The period described in Clause 8.1 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 was passed.

8.4 The Order identified in Clause 8.1 shall be deemed to be served on the owner of the land by any of the following methods:

(i) Personally delivered to the owner or occupant of the land, in which case the Order is deemed to come to the attention of the owner of the land on the date of the delivery;

(ii) Mailed by registered mail to the municipal address of the registered owner of the land, in which case the Order is deemed to come to the attention of the owner of the land on the third business day after the date of mailing;

(iii) Posting the Order in a conspicuous place on the land, in which case the Order is deemed to come to the attention of the owner of the land on the date of the posting.

SECTION 9 - PENALTY AND ENFORCEMENT

9.1 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 or any successor legislation.

SECTION 10 - SEVERABILITY

10.1 Should a court of competent jurisdiction declare a part or whole of any provision of the 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.

SECTION 11 - EXEMPTION LIMITED BY ACT OF LAW

11.1 Any exemption authorized by this By-law 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.

SECTION 12 - REPEAL AND TRANSITION

12.1 Except as provided by Section 12.2 hereof, By-law Number 174-2003, is hereby repealed.

12.2 Notwithstanding Section 12.1 hereof, the provisions of By-law Number 174-2003, shall continue to apply to any properties in respect of which an Order has been issued under the said by-law until such Order has been concluded.

SECTION 13 - ENACTMENT

13.1 This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

By signing this by-law on September 28, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – September 28, 2026
Second Reading – September 28, 2026
Third Reading – September 28, 2026