

# **CITY OF PRINCE ALBERT BYLAW NO. 41 OF 2004**

*A Bylaw of The City of Prince Albert to regulate the fortification of and protective elements applied to land.*

WHEREAS the fortification of protective elements applied to land may restrict, obstruct or impede access to and exit from land, buildings and structures;

AND WHEREAS the Council of The City of Prince Albert deems it necessary for the health, safety and welfare of the inhabitants of the City of Prince Albert to enact a bylaw 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 Prince Albert;

AND WHEREAS the excessive fortification of land or the application of excessive protective elements to land is likely to pose a serious risk to the health, safety and welfare of municipal and 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 excessive fortification of land or the application of excessive protective elements to land is likely to pose a serious threat to the safety and integrity of abutting land as well as the owners and occupiers thereof by restricting, obstructing, impeding or preventing municipal and law enforcement officials and/or emergency services personnel from responding to emergency situations effectively and in a timely manner.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

## **SHORT TITLE**

This Bylaw may be cited as "The Fortification Bylaw".

**PART I**  
**DEFINITIONS**

1. In this Bylaw:

- (a) **"City"** means the City of Prince Albert;
- (b) **"Building Inspector"** means the officer appointed by Council as the Building Inspector pursuant to The Uniform Buildings and Accessibility Standards Act;
- (c) **"Bylaw Enforcement Officer"** includes a Bylaw Enforcement Officer appointed by Council pursuant to Section 337 of The Cities Act;
- (d) **"Chief of Police"** means a chief of police appointed pursuant to section 35 of *The Police Act, 1990*.
- (e) **"Construct"** includes doing anything in the erection, installation, extension, or material alteration or repair of a building of structure, and "construction" has a corresponding meaning;
- (f) **"Custom Work Order Policy"** means the requirement of deposits and the estimation of the value thereof to be paid prior to the commencement of the work and the invoicing for work performed by City forces that is calculated by the City Engineer and constitutes the standard charge for all such work performed deemed by the city Engineer to reflect the actual cost to the City of labour, equipment and materials used together with an administration fee equal to fifteen (15%) percent of the value of the cost; and further, includes such alterations by the City Engineer to such standard fees and charges from time to time to reflect changes in the actual costs;
- (g) **"Emergency Services Personnel"** includes any individual employed by a police service, fire service and ambulance service in Saskatchewan 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;
- (h) **"Excessive Fortification"** means fortification that is excessive and includes but is not limited to:
  - i. protection plaques or plates made of metal or any other material installed inside or outside building;
  - ii. an observation tower, whether integrated or not, to a building;

- iii. 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;
- iv. armored or specially reinforced doors designed to resist the impact of firearms, battering rams, explosives or vehicle contact;
- v. 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;
- vi. masonry, including brick and concrete block over windows or doorways;
- vii. secondary walls or other obstructions in front of lands, doors or windows;
- viii. concrete, metal or other materials installed as pillars or barriers designed to prohibit, restrict, obstruct or impede access to any land through conventional means or modes of transportation; and
- ix. any fence or gate constructed, installed, or maintained or reinforced with metal or similar materials in excess of 3 millimeters in thickness;

and "excessively fortify" has a corresponding meaning;

- (i) **"Excessive Protective Elements"** means protective elements that are excessive and includes but is not limited to:
  - i. perimeter warning devices such as "laser eyes" or other types of advanced warning systems be it electronic or otherwise designed to forewarn of the entry 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. electrified fencing or any similar barrier including hidden traps, electrified doors, or windows, land mines or other explosive devices or any weapon of thing that may become a weapon when triggered or activated on entry to land whether designed to, or by application in such manner is, likely to cause death or serious injury; and
  - iii. visual surveillance equipment, including video cameras, night vision systems, or electronic surveillance devices capable of

permitting either stationary or scanned viewing or listening, beyond the perimeter of the land;

- (j) **"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 "fortify" has a corresponding meaning;
- (k) **"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;
- (l) **"Maintain"** means to allow the continued existence of a device, barrier, structure, or material whether or not repairs are undertaken, and "maintenance" has a corresponding meaning;
- (m) **"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;
- (n) **"Protective Elements"** includes any object, material, component or any contrivance designed for surveillance or to restrict, obstruct, or impede, or having the effect of surveillance or restricting, obstructing, or impeding, access to and exit from land.

## **PART II**

### **PROHIBITED MATTERS**

#### **2. No person shall:**

- (a) Excessively fortify any land so as to restrict, obstruct or impede municipal and law enforcement officials and/or emergency services personnel from accessing or exiting any lands; and
- (b) Apply excessive protective elements to land or maintain excessive protective elements applied to land so as to restrict, obstruct or impede municipal and law enforcement officials and/or emergency services personnel from accessing or exiting any land;
- (c) Hinder, obstruct or in any way interfere with a person exercising power under this bylaw.

**PART III**  
**EXCLUSIONS**

3. Section 2 of this bylaw does not apply to:

- (a) financial institutions as identified and listed in Schedule 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 lawfully permitted;
- (b) detention centres operated by or on behalf of the Government of Canada or Saskatchewan, zoned for such use, or otherwise lawfully permitted;
- (c) lands owned or occupied by the Prince Albert City Police Service in accordance with *The Saskatchewan Police Act*;
- (d) lands owned or occupied by the Federal Department of National Defence;
- (e) lands owned or occupied by the Royal Canadian Mounted Police;
- (f) lands owned and occupied by the City of Prince Albert;
- (g) other commercial, business, industrial, or institutional establishments where the nature of the undertaking necessitates particular elements of excessive fortification or excessive protective elements and where such use is permitted by the Zoning Bylaw of the City or provided such use is otherwise lawfully permitted, but only to the extent necessary having consideration for the nature of the undertaking;
- (h) a lawfully permitted private dwelling where the nature of the lawful use of the dwelling necessitates particular elements of excessive fortification or excessive protective elements, but only to the extent necessary having consideration for the nature of such use.

4. Section 3 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 an individual;
- (b) the use of protective elements such as "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;

- (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.

#### **PART IV** **ENFORCEMENT AND INSPECTIONS**

##### **Enforcement of Bylaw**

- 5. The Chief of Police shall:
  - (a) administer and enforce this Bylaw within the City; and
  - (b) perform any other duties and may exercise any other powers that may be delegated by Council;

##### **Appointment of Municipal Inspectors**

- 6. The Chief of Police may appoint any employee or agent of the City as a municipal inspector for the purpose of enforcing this Bylaw including the Building Supervisor, Bylaw Enforcement Officer or a Police Officer.

##### **Inspections**

- 7.
  - (a) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized;
  - (b) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*;
  - (c) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this section, or a person who is assisting a municipal inspector.

##### **Order to Remedy Contraventions**

- 8.
  - (a) If an inspector finds that a person is contravening this Bylaw, the municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention;
  - (b) Orders given under this Bylaw shall comply with section 328 of *The Cities Act*;
  - (c) orders given under this Bylaw shall be served in accordance with section 347 of *The Cities Act*.

### **Registration of Notice of Order**

9. If an order is issued pursuant to section 8, the city may, in accordance with section 328 of *The Cities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

### **Appeal of Order to Remedy**

10. (a) A person may appeal an order made pursuant to section 8 in accordance with section 329 of *The Cities Act*;  
  
(b) Appeals shall be made initially to the Council of the City of Prince Albert.

### **City Remedying Contraventions**

11. The City may, in accordance with section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

### **Civil Action to Recover Costs**

12. The City may, in accordance with section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of the Bylaw by civil action for debt in a court of competent jurisdiction.

### **Adding Amounts to Tax Roll**

13. The City may, in accordance with section 333 of *The Cities Act* add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

### **Emergencies**

14. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 331 of *The Cities Act*.

## **PART V EXEMPTIONS**

15. Any person wishing to make application for partial or complete exemption from the provisions of this bylaw shall file with the Chief of Police the following:

- (a) any application for partial or complete exemption from any provision(s) of this bylaw shall be signed and in writing and directed to the Chief of Police;
  - (b) complete details of the location of the land, including municipal address, type, number and nature (residential, commercial, farm), and a recent survey of the land and structures shall accompany the application;
  - (c) a detailed explanation shall be included of the exemption(s) requested and the rationale for requesting such an exception(s). This should include details of 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;
16. All applications will be reviewed by the Chief of Police who may make or direct further inquiries deemed necessary and relevant 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 applicant;
  - (b) requiring the provision of any further or other documents considered by the Chief of Police to be necessary or relevant to the investigation of the application;
  - (c) making inquiries of any department of local, provincial or federal government considered necessary and/or relevant to the investigation of the application;
  - (d) making inquiries and requesting input from local police, fire and ambulance services, or any other department that may have an interest, issue or concern with the application.
17. Any decision to authorize a partial or complete exemption will be based on the results of those inquiries and investigations set out in section 16 and will be based on consideration of the guiding principles of this bylaw as set out in the preamble.
18. An authorized partial or complete exemption provided to a successful applicant will reference this bylaw and bear the signature of the Chief of Police.
19. A true copy of any authorization issued under section 18 shall be forwarded immediately by the Chief of Police to the Building Inspector, Bylaw Enforcement Officer, Fire Chief and ambulance services.
20. Upon review of the documentation required or requested pursuant to Sections 15 and 16, the Chief of Police may issue a complete or partial exemption if:

- (a) the applicant is a person, and
- (b) there is proven to exist a rationale connections between the necessity and rationale provided for the exemption and the nature and extent of exemption requested, and
- (c) the nature and extent of authorized exemption does not exceed that which is rationally proved to be 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.

## **PART VI** **PENALTIES**

### **Offences and Penalties**

**21. (a) No person shall:**

- i) fail to comply with an order made pursuant to this bylaw;
- ii) obstruct or hinder any municipal inspector of any other person acting under the authority of this bylaw; or

**(b) Every person who contravenes any provision of subsection (a) is guilty of an offence and liable on summary conviction:**

- i) in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues;
- ii) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues;

**(c) In the event of non-payment of a fine imposed pursuant to clause (b)(ii), the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.**

### **Court Order – Prohibit Continued Offence**

**22. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, 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.**

**PART VII**  
**SEVERABILITY**

**Unsevered Sections**

23. If a court of competent jurisdiction should declare any section of this bylaw, or Part thereof, to be invalid, such section or Part thereof is deemed severable from this bylaw and shall not be construed as having influenced Council to pass the remainder of this bylaw, and it is the intention of Council that the remainder of this bylaw shall survive and remain in force.

**PART VIII**  
**ENACTMENT**

24. This bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 20th DAY OF September, A.D. 2004.

READ A SECOND TIME THIS 20th DAY OF September, A.D. 2004.

READ A THIRD TIME AND PASSED THIS 20th DAY OF September, A.D. 2004.

  
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MAYOR

  
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ACTING CITY CLERK