

# THE CORPORATION OF THE TOWN OF MIDLAND

## **BY-LAW 2026-54**

A By-law to regulate the Use of Municipal Docks and Municipal Launch Ramps within the Town of Midland

**WHEREAS** Section 9 of the *Municipal Act*, 2001, S.O., c. 25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

**AND WHEREAS** Section 10 and 11 of the *Municipal Act*, 2001, S.O., c. 25, as amended, provides the authority for a municipality to enact by-laws for the health, safety and well-being of persons and economic, social and environmental well-being of the municipality;

**AND WHEREAS** Section 27(1) of the *Municipal Act*, 2001, S.O., c.25, as amended provides that a municipality may pass by-laws in respect of highways over which it has jurisdiction;

**AND WHEREAS** it is deemed expedient that the Council of the Corporation of the Town of Midland to govern and control the Town owned Harbour and boat launch areas;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AS FOLLOWS:**

This By-law shall be known as the “**Municipal Dock By-law**”

### **1.0 DEFINITIONS**

For the purpose of this **By-law**, the following definitions shall apply:

“**Abandon**” means a **Vessel** that is moored, stored or left on a **Municipal Dock**, **Municipal Launch Ramp** or any other **Town** property without authorization, in contravention of this By-law, or after notice to remove has been given, and includes a **Vessel** that appears to be unattended, inoperative, or neglected for a period deemed unreasonable by an **Officer**.

“**Authorized Use**” means the use of any **Municipal Dock**, slip, mooring space, Harbour facility, **Navigable Waterway** or **Municipal Launch Ramp** in accordance with a permit, agreement, or time-limited public access designation established by the **Town**, and subject to any applicable time limits, conditions, or restrictions established by the **Town**.

“**Barge**” means any **Vessel**, usually flat-bottomed and with or without it’s own power, used for transporting freight;

**“Commercial Enterprise”** means any business, service, or revenue-generating activity.

**“Commercial Vessel”** means any **Vessel** which is used to generate revenue by charging a fee for the transportation of goods, the transportation of people, the sale of goods from the **Vessel**, or any other service provided by the **Vessel**.

**“Derelict Vessel”** means a **Vessel** that is wrecked, dismantled, inoperative, discarded or unused and any component or part thereof.

**“Dilapidated”** means decayed, deteriorated or fallen into partial ruin.

**“Domestic Waste”** means any debris, rubbish, garbage, article, matter of effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to:

- (i) Accumulations or deposits of litter, **Refuse**, rubbish, junk, and trash;
- (ii) Paper, cartons, cardboard, clothing;
- (ii) Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (iv) New or used building materials resulting from or once used for the purpose of construction, alteration, repair or demolition of any building or structure;
- (v) Human or animal waste.

**“Emergency Vessel”** means any **Vessel** operated by a Police Service, Fire Department or any **Person** authorized by the **Town**.

**“Fish/Fishing”** mean to engage in or attempt to engage in the act of catching fish by any means.

**“Harbour Master”** means the person designated by the **Town** to oversee the operation, management, and control of **Municipal Docks**, Harbour facilities, and **Municipal Launch Ramps**, and includes any **Town** employee or agent authorized to act in that capacity.

**“Industrial Waste”** means any debris, rubbish, garbage, article, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation but is not limited to the following:

- (i) Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, agricultural, animal, vegetable, paper, lumber, or wood products, or mineral, metal or chemical products;
- (ii) **Derelict Vessels** and all parts thereof including all types of motors or engines, including a **Commercial Vessel**;

- (iii) Mechanical equipment or any parts thereof;
- (iv) Containers of any size, type or composition;
- (v) Material resulting from, or as part of, construction or demolition projects;
- (vi) Paper, cardboard, packaging or wrapping;
- (vii) Rubble or inert or contaminated fill;
- (viii) Fuels, oils, sewage, greywater, chemicals, or any other contaminant.

**“Little Lake Park”** means the municipally owned property located at 606 Little Lake Park Road/617 Yonge Street, Midland, Ontario.

**“Midland Harbour”** means the municipally owned property located at 165/200 King Street, Midland Ontario.

**“Moored”** means to secure a **Vessel** by means of lines, cables, anchors or other similar means to a **Municipal Dock**.

**“Motor Vehicle”** means any vehicle or trailer as defined under the *Highway Traffic Act, R.S.O. 1990, c. H.8*

**“Municipal Dock”** means any structure or land owned or under the control of the **Town** and used as a dock, wharf, or boat launching or recovery area, together with all adjacent and underlying lands related thereto and includes the **Midland Harbour**.

**“Municipal Launch Ramp”** means an area which serves as an area to launch or recover vessels from the water, and which is lands owned or under the control of the **Town**.

**“Navigable Waterway”** means the waterway used by boaters for manoeuvring a **Vessel** within the **Midland Harbour, Pete Pettersen Park, Little Lake Park** or other **Municipal Dock**, or any **Municipal Launch Ramp**.

**“Nuisance”** means the parking, placing, storing, or abandoning of boats or materials in contravention of this By-law in a location or manner which interferes with the use of a **Municipal Dock** or a **Municipal Launch Ramp** or a **Navigable Waterway** by the general public.

**“Officer”** means a Municipal Law Enforcement Officer, the Manager of Recreation, the **Harbour Master** or any other **Person** appointed by the **Town** to enforce the provisions of by-laws.

**“Order”** means an Order to Remedy or Order to Comply issued under this By-law.

**“Owner”** means:

- (i) any **Person** that owns a **Vessel** or **Commercial Vessel**, or;

(ii) any **Person** operating or having care and control of a **Vessel** at any particular time; or,

(iii) any **Person** operating or having care and control of a **Motor Vehicle** used in connection with a **Vessel**.

**“Permit”** means a permit for the launching, docking or mooring of a **Vessel** at a **Municipal Dock or Town Property**.

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

**“Pete Pettersen Park”** means the municipally owned property located at 155 Marina Park Avenue, Midland Ontario.

**“Refuse”** means debris, **Domestic Waste** and/or **Industrial Waste** as defined within this By-law and materials or effluent that, in the opinion of the **Officer**:

- (i) Appears to have been cast aside, discarded or abandoned; or
- (ii) Appears to be worthless or useless or of no practical value; or
- (iii) Appears to be used up, in whole or in part, or expended or worn out in whole or in part.

**“Season of Operation”** means the period of time established by the **Town** for the operation of municipal dock and harbour services, as determined and published by the **Town** from time to time.

**“Swim/Swimming”** means to intentionally play, bathe, submerge, dive, jump or propel one’s self in water.

**“Town”** means the Corporation of the Town of Midland or the land within the geographic limits of the Corporation of the Town of Midland as the context requires.

**“Town Property”** means any lands owned or operated by the Corporation of the Town of Midland.

**“Unsafe Condition”** means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the

- (i) A **Vessel**, part or all of which is **Dilapidated** or liable to collapse from weight of snow, force of wind, human occupancy or other causes;
- (ii) Machinery, nautical equipment or any other material in disuse which are not properly enclosed and protected;
- (iii) Any other circumstance that creates or is likely to create a risk of fire or other accident;

(iv) Spilled or leaked substances including but not limited to fuels and chemicals which cause a risk of contamination to a **Municipal Dock** or **Navigable Waterway**.

**“Vessel”** means any ship or watercraft which floats or is capable of floating on the surface of the water or is capable of carrying people or material whether motorized or not and includes but is not limited to: barges, pleasure crafts, yachts, sailing boats, personal water craft, inflatables, pontoon boats and dinghies when on water or land and includes associated or ancillary components such as trailers and cradles.

## **2.0 GENERAL PROVISIONS**

- 2.1 No **Person** or **Owner** shall **Abandon** a **Vessel** or **Commercial Vessel** while **Moored** to a **Municipal Dock** or in a **Navigable Waterway**.
- 2.2 No **Person** or **Owner** shall cause a **Nuisance** on a **Municipal Dock** or while using a **Municipal Launch Ramp** or in a **Navigable Waterway**.
- 2.3 No **Person** or **Owner** shall deposit **Refuse** on a **Municipal Dock** or **Municipal Launch Ramp** or in **Navigable Waterway**.
- 2.4 No **Person** shall **Swim**, from any **Municipal Dock**, or Harbour structure, of within any **Municipal Launch Ramp** or designated harbour basin, except where expressly permitted by the **Town**.
- 2.5 No **Person** shall **Fish** from any **Municipal Dock**, or Harbour structure, or within any harbour basin except where expressly permitted by the **Town**.
- 2.6 No **Person** shall create an **Unsafe Condition** on a **Municipal Dock** or on a **Municipal Launch Ramp** or in a **Navigable Waterway**.
- 2.7 No **Person** shall **Moor** or occupy a **Municipal Dock** or **Municipal Launch Ramp** while engaging in criminal activity of any kind.
- 2.8 No **Person** shall conduct any work, repairs or maintenance on a **Vessel** while occupying any area of a **Municipal Dock** or **Municipal Launch Ramp**.
- 2.9 No **Person** shall use or occupy any **Municipal Dock**, the **Midland Harbour**, **Navigable Waterway**, or **Municipal Launch Ramp** except in accordance with an **Authorized Use**.
- 2.10 Every **Person** shall immediately report any **Unsafe Condition**, including any spills or discharges of **Refuse** into any **Navigable Waterway** to the **Town**.
- 2.11 No **Person** shall block or obstruct any **Municipal Dock**, **Municipal Launch Ramp** or any **Midland Harbour** or marina dock or any walkway, access point, gate, fire lane, or emergency access route, or interfere with the use of harbour facilities by the public, **Town** staff, or emergency services.

- 2.12 Every **Person** using **Municipal Docks**, a **Municipal Launch Ramp** or the **Midland Harbour** shall comply with the **Town's Midland Harbour** Rules and Regulations, and the Town's Public Boat Launch Rules and Regulations, as amended from time to time.

### 3.0 LICENCES, AGREEMENTS & PERMISSIONS

- 3.1 Every **Person** or **Owner** shall obtain a **Permit** or pay the appropriate fee, where required by the **Town**, before **Mooring** or using a **Municipal Dock** or a **Municipal Launch Ramp**, except where such use is expressly permitted for public access or otherwise authorized by the **Town**.
- 3.2 No **Person** or **Owner** shall **Moor** or launch any **Vessel** from any **Town Property** unless authorized by the **Town**.
- 3.3 No **Person** shall operate, conduct, advertise, or provide any **Commercial Enterprise** from or in connection with a **Municipal Dock**, **Municipal Launch Ramp**, **Navigable Waterway** or the **Midland Harbour** unless expressly authorized by the **Town** through the issuance of a permit, license, agreement, or other written authorization.

### 4.0 EXEMPTIONS

- 4.1 The provisions of this By-law shall not apply to:
- (a) Ambulances, Police, Fire Department, **Emergency Vessels** or public utility emergency vehicles;
  - (b) **Vessels** or **Motor Vehicles** owned or operated by the **Town**, the County of Simcoe, the Federal or Provincial Government or **Vessels** contracted by the **Town** where such **Vessels** are engaged in the performance of their respective duties;

### 5.0 ENTRY AND INSPECTIONS

- 5.1 An **Officer** may at any reasonable time, enter upon any **Municipal Dock**, **Municipal Launch Ramp** or **Vessel** without notice for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being contravened or to determine if a notice or **Order** has been complied with or to carry out any remedial action required.

### 6.0 NOTICES AND ORDERS

- 6.1 If an **Officer** is satisfied that a contravention of this By-law has occurred, the **Officer** may make a notice or **Order** requiring the **Person** or **Owner** who contravened the By-law or who caused or permitted the contravention or the **Owner** of the **Vessel** from which the contravention occurred to do work to correct the contravention.

6.2 The notice or **Order** shall include:

- (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) The work required to correct the contravention;
- (c) The date and time by which the work shall be completed.

6.3 A notice or **Order** issued under this By-law may be served personally and/or served by sending it via regular mail, registered mail and/or email to the last known address of:

- (a) The **Owner** of the **Vessel** at the address, if known by the **Officer**;
- (b) The **Person** or **Owner** identified as contravening this By-law;
- (c) If sent via email, the notice or **Order** shall be sent to the last known email address of the **Person(s)**, **Owner(s)** or corporation(s) in which the notice or **Order** is addressed to.

6.4 In addition to service under section 6.3, a notice or **Order** may also be posted on the **Vessel** in violation in a location visible to the public. If a notice or **Order** is posted on the **Vessel**, it shall be deemed served on the same day that the notice or **Order** is posted.

6.5 In addition to service under Section 6.3 and 6.4, a notice or **Order** that cannot reasonably be served personally or on a **Vessel**, the notice or **Order** may be posted in a prominent place at or near a **Municipal Dock** or **Municipal Launch Ramp** or **Navigable Waterway** where the violation has occurred in a location visible to the public. If an **Order** is posted at or near a **Municipal Dock** or **Municipal Launch Ramp** or **Navigable Waterway** where a violation has occurred, it shall be deemed served on the same day that the notice or **Order** is posted.

6.6 No **Person** or **Owner** shall fail to comply with a notice or **Order** issued under the authority of this By-law.

## 7.0 REMEDIAL ACTION

7.1 Where the **Person** or **Owner** is in default of doing the matter or thing required to be done under this By-law, an **Officer** may have the **Vessel** removed from the **Municipal Dock** or **Municipal Launch Ramp** or **Navigable Waterway**, by any means necessary to achieve compliance with this By-law.

7.2 In addition to any other penalties provided by this By-law, upon discovery of any **Vessel** or **Commercial Vessel** that is **Moored**, or **Abandoned** at a **Municipal Dock** or **Municipal Launch Ramp** or in a **Navigable Waterway**, in contravention of any provision of this By-law, an **Officer** may cause such **Vessel**

or **Commercial Vessel** to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removing, care and storage thereof, are a lien upon the **Vessel** or **Commercial Vessel** being released and may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. 25 as amended.

## **8.0 ADMINISTRATION AND ENFORCEMENT**

- 8.1 No **Permit**, licence, agreement, contract or permission shall be given for any term exceeding the **Season of Operation**, except with the express written approval of the Town.
- 8.2 The **Town** shall have the right to revoke any **Permit**, licence, agreement, contract or permission issued or entered pursuant to this By-law if a **Person** or **Owner** is in contravention of any provision of this By-law or has breached any term or contravention of such **Permit**, licence, agreement, contract or permission as determined by the **Town's Officers** in their sole discretion.
- 8.3 All **Vessels** operated by a **Person** or **Owner** at a **Municipal Dock** shall be **Moored** at the **Owner's** risk and the **Town** shall not be responsible under any circumstances for any loss or damage caused or sustained by any **Vessel** and the **Owner** in **Mooring** any **Vessel** in the **Midland Harbour** or **Pete Pettersen Park** or other **Municipal Dock**, hereby indemnifies the **Town** in respect of any claims for loss and damage sustained by the **Owner** or any third party as a consequence or arising therefrom.
- 8.4 The **Town** assumes no liability for property damage or injury resulting from remedial action, remedial work and enforcement undertaken with respect to any **Person** or **Owner** that is subject to the provisions of this By-law.
- 8.5 Any **Owner** of a **Vessel**, **Commercial Vessel** or **Motor Vehicle** which is used in connection with a violation of this By-law is deemed responsible for permitting the violation to occur and is eligible for enforcement under this By-law.
- 8.6 No **Person** or **Owner** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law. Any **Person** or **Owner** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the **Officer** upon request, and failure to do so shall be deemed to have obstructed or hindered the **Officer** in the execution of their duties.

## **9.0 OFFENCES AND PENALTIES**

- 9.1 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

- 9.2 Each day on which a person contravenes any provisions of this By-law shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the *Municipal Act, S.O. 2001, c. 25*.
- 9.3 Every person who contravenes the provisions of any section of this By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$50,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 9.4 Every director or officer of a corporation who contravenes any provisions of the By-law is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 9.5 If there is a contravention of any provision within this By-law, and the contravention has not been complied with or corrected, the contravention of the provisions shall be designated as a continuous offence for each day or part of a day that the contravention remains uncorrected.
- 9.6 For the purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is deemed a multiple offence.
- 9.7 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 9.8 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 9.9 Notwithstanding Section 9.7 and 9.8, and in accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.
- 9.10 Every person or owner who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the **Town's** Administrative

Monetary Penalty System By-law, be liable to pay the **Town** an Administrative Monetary Penalty.

#### **10.0 VALIDITY AND SEVERABILITY**

- 10.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

#### **11.0 EFFECTIVE DATE**

- 11.1 This By-law shall come into force and effect on the date of passage.

**BY- LAW PASSED AND ENACTED THIS 24<sup>TH</sup> DAY OF JUNE 2026.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**BILL GORDON – MAYOR**

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**SHERRI EDGAR – CLERK**

**Written approval of this By-law was given by Mayoral Decision MDE-2026-12 dated June 24, 2026.**

**THE CORPORATION OF THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2026-54: Municipal Dock By-law**  
**Set Fines**

| <b>ITEM</b> | <b>COLUMN 1<br/>Short Form Wording</b>                                                                                           | <b>COLUMN 2<br/>Provision Creating or<br/>Defining an Offence</b> | <b>COLUMN 3<br/>Set Fine</b> |
|-------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------|
| 1           | Abandon vessel while moored to municipal dock or navigable waterway                                                              | 2.1                                                               | \$200.00                     |
| 2           | Abandon commercial vessel while moored to municipal dock or navigable waterway                                                   | 2.1                                                               | \$200.00                     |
| 3           | Cause nuisance on municipal dock, municipal launch ramp or in a navigable waterway                                               | 2.2                                                               | \$200.00                     |
| 4           | Deposit refuse on municipal dock, municipal launch ramp or in a navigable waterway                                               | 2.3                                                               | \$300.00                     |
| 5           | Swim in navigable waterway, harbour structure or municipal launch ramp                                                           | 2.4                                                               | \$150.00                     |
| 6           | Fish at municipal dock, harbour structure or municipal launch ramp                                                               | 2.5                                                               | \$200.00                     |
| 7           | Create unsafe condition on municipal dock, municipal launch ramp or in a navigable waterway                                      | 2.6                                                               | \$300.00                     |
| 8           | Moor, dock or occupy municipal dock or municipal launch ramp while engaging in criminal activity                                 | 2.7                                                               | \$500.00                     |
| 9           | Conduct work, repairs or maintenance on vessel at municipal dock or municipal launch ramp                                        | 2.8                                                               | \$300.00                     |
| 10          | Use or occupy municipal dock, midland harbour, navigable waterway or municipal launch ramp not in accordance with authorized use | 2.9                                                               | \$300.00                     |
| 11          | Fail to report unsafe condition or spill or discharge of refuse                                                                  | 2.10                                                              | \$300.00                     |
| 12          | Block or obstruct municipal dock, municipal launch ramp or midland harbour                                                       | 2.11                                                              | \$300.00                     |

|    |                                                                                                                                               |      |          |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|------|----------|
| 13 | Fail to comply with rules and regulations                                                                                                     | 2.12 | \$300.00 |
| 14 | Fail to obtain permit before docking, mooring or using municipal dock or launch ramp                                                          | 3.1  | \$300.00 |
| 15 | Dock, moor or launch vessel without authorization                                                                                             | 3.2  | \$300.00 |
| 16 | Operate, conduct, advertise or provide any commercial enterprise in connection with municipal dock, municipal launch ramp, or midland harbour | 3.3  | \$300.00 |
| 17 | Fail to comply with an order or notice                                                                                                        | 6.6  | \$500.00 |
| 18 | Hinder or obstruct officer                                                                                                                    | 8.6  | \$500.00 |

**NOTE: The penalty provision for the offences indicated above is section 9.1 of By-law 2026-54, a certified copy of which has been filed.**