

**THE CORPORATION OF THE TOWN OF MIDLAND**

**BY-LAW 97-36**

Being a By-Law to prohibit the  
Feeding of Canada Geese and Seagulls  
Within municipal parks

**WHEREAS** the number of Canada Geese and Seagulls attracted to the Town of Midland and enticed to remain in the Town of Midland has increased greatly as a result of the Canada Geese and Seagulls being fed;

**AND WHEREAS** the number of Canada Geese and Seagulls have increased to the extent that they and their excrement represent a potential danger to the health and security of people and to the natural environment of the Town of Midland parks, beaches and water and constitute a public nuisance;

**AND WHEREAS** under paragraph 52 of Section 207 of The Municipal Act, Council of the Corporation of the Town of Midland may exercise all the powers that are conferred on Boards of Park Management by The Public Parks Act and under Section 11 of that Act, By-Laws may be passed for the use, regulation, protection and government of parks;

**AND WHEREAS** paragraph 140 of Section 210 of The Municipal Act allows municipalities to pass By-Laws for prohibiting and abating public nuisances;

**AND WHEREAS** Section 15(1) of The Police Services Act, R.S.O. 1990, c.P.15 empowers the Council of any municipality to appoint persons to enforce the By-Laws of the municipality;

**AND WHEREAS** the Solicitor General for the Province of Ontario, on July 30, 1994, designated persons appointed by a municipal by-law to enforce municipal by-laws as provincial offences officers pursuant to Section 1(2) of The Provincial Offences Act;

**AND WHEREAS** the Council of the Corporation of the Town of Midland deems it expedient to establish this By-Law to prohibit the feeding of Canada Geese and Seagulls within municipal parks within the municipality of the Corporation of the Town Midland.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:**

**DEFINITIONS AND INTERPRETATIONS:**

1. In this By-Law:
  - (a) “By-Law “Enforcement Officer” means a person duly appointed by the Corporation of the Town of Midland for the purpose of enforcing this By-Law;
  - (b) “Municipality” shall mean the Municipal Corporation of the Town of Midland.

**ENFORCEMENT:**

2. Police Officers, Peace Officers or the By-Law Enforcement Officers of the municipality shall enforce the provisions of this By-Law.
3. Where appropriate signs have been erected and are on display, no person shall feed Canada Geese and/or Seagulls within any park in the Town of Midland.

**PENALTIES:**

4. Every person who contravenes the provisions of this By-Law is guilty of an offence and is subject to the penalties set out in the Provincial Offences Act.
5. This By-Law shall come into force and take effect on the day of the final passing thereof.
6. By-Law read a first, second and third time and finally passed at a meeting of the Municipal Council of The Corporation of the Town of Midland held this 26<sup>th</sup> day of May, 1997.

G.J. MacDonald (signed)  
Mayor

F.G. Flood (signed)  
Clerk