

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2025-53

A By-law to regulate the removal and piling of snow within the Municipality and to Repeal By-law 2009-69.

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 Section 181 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 states that no person shall deposit snow or ice on a roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road;

AND WHEREAS it is deemed expedient that the Council of the Corporation of the Town of Midland to govern and control the removal and piling of snow within the Municipality on public and private property;

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

This By-law shall be known as the “**Snow Removal By-law**”.

1.0 DEFINITIONS

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

“**Accessible Parking Space**” means a designated parking space or parking area for the exclusive use of a vehicle displaying a valid permit in accordance with the requirements of the *Highway Traffic Act* and any other statute or law;

“**Agent**” means a person who acts on behalf of the Town of Midland;

“**Boulevard**” means any portion of a **Highway** or **Roadway**, paved or unpaved between the **Town** property line and the curb line;

“**County**” means the County of Simcoe.

“**Deposit**” along with the common definition of deposit shall also mean to dump, throw, pile, redistribute, place, leave, store permanently or temporarily.

“**Highway**” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“**Ministry**” means the Ministry of Transportation of Ontario.

“**Motorist**” means any **Person** who is operating any motor vehicle as defined within the *Highway Traffic Act*.

“**Municipal Property**” means any property owned by the Town of Midland including but not limited to any **Highway, Roadway, Sidewalk**, parking lot, ditch, park or **Boulevard**.

“**Officer**” means a Municipal Law Enforcement Officer, a Police Officer or any other person appointed by the **Town** to enforce the provisions of by-laws.

“**Person**” means any human being, association, firm, partnership, private club, a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

“**Private Property**” means real property owned by a person(s) or corporation(s) other than a municipal corporation and within the Town of Midland.

“**Roadway**” means the same as **Highway**.

“**Sidewalk**” means any hard surfaced area forming part of any **Highway** or **Roadway** used by or set apart for the use of pedestrians.

“**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.

2.0 GENERAL PROVISIONS

2.1 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice on a **Highway, Roadway** or **Sidewalk**.

2.2 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice on a **Boulevard** that is not adjacent to their own property.

2.3 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice on a **Boulevard** that obstructs the line of sight of a **Motorist**.

- 2.4 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice onto any property that is not owned or lawfully occupied by that **Person**, including but not limited to:
- (a) **Municipal Property**;
 - (b) **Private Property** owned by another individual or entity.
- 2.5 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice on, or immediately adjacent to, a fire hydrant or in any manner that obstructs access to a fire hydrant.
- 2.6 No **Person** shall **Deposit** or permit or aid in the **Depositing** of snow or ice in such a manner so as to obstruct drainage to any **Town** owned drain or sewer;
- 2.7 No **Person** shall pile, redistribute or otherwise cause the accumulation of snow or ice on a **Sidewalk, Boulevard** or travelled portion of a **Roadway** within the **Town** in such a manner as to:
- (a) Obstruct traffic;
 - (b) Obstruct the view of traffic;
 - (c) Obstruct in any way the movement of snow clearing equipment under the jurisdiction of the **Town**, the **County** or the Ministry of Transportation of Ontario.
- 2.8 No Person shall pile, redistribute or otherwise cause the accumulation of snow or ice within an **Accessible Parking Space** or fire route on **Private Property** or **Municipal Property**.

3.0 EXEMPTIONS

- 3.1 The provisions of this By-law shall not apply to the Town of Midland, the County of Simcoe or the Ministry of Transportation of Ontario or any **Agent** acting on behalf of the **Town**, the **County** or the **Ministry**.

4.0 NOTICES AND ORDERS

- 4.1 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** who contravened the By-law or who caused or permitted the contravention or the **Owner** of the land on which the contravention occurred to do work to correct the contravention.

- 4.2 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 by which the work shall be completed.
- 4.3 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 property at the address shown on the municipal tax roll;
 - (b) The **Person** 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)** or corporation(s) in which the notice or **Order** is addressed to.
- 4.4 Where service of a notice or **Order** is made by regular mail or registered mail, the notice or **Order** shall be deemed served on the fifth (5th) day after the notice or **Order** is mailed.
- 4.5 Where service of a notice or **Order** is made by email, the notice or **Order** shall be deemed served on the third (3rd) day after the notice or **Order** was emailed or upon a response from any recipient of the notice or **Order**.
- 4.6 In addition to service under section 4.4 and 4.5, a notice or **Order** may also be posted on the property in a location visible to the public. If an **Order** is posted on the property, it shall be deemed served on the same day that the notice or **Order** is posted.
- 4.7 Only one (1) notice or **Order** per calendar year is required. If, after a notice or **Order** has been served in accordance with this by-law, and an **Officer** determines that a subsequent contravention has occurred, an **Officer** may proceed with the remedy set forth in Section 6.1 without further notice.
- 4.8 No **Person** shall fail to comply with a notice or **Order** issued under the authority of this By-law.
- 5.0 ENTRY AND INSPECTIONS**
- 5.1 An **Officer** may at any reasonable time, enter upon any land and into structures other than a place actually used as a dwelling 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 REMEDIAL ACTION

- 6.1 Where the **Owner** is in default of doing the matter or thing required to be done under this by-law, an **Officer** may have the property remediated, by any means necessary to achieve compliance with this by-law.
- 6.2 Upon completion of the **Town**, its employees or **Agents** performing the work required to bring a property into compliance with the by-law, all expenses incurred by the **Town** or its **Agents** in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property.
- 6.4 The **Town** may place a lien on the property as per Section 446 of the *Municipal Act* on the costs and expense of any remedial action that exceeds \$1000.00.

7.0 ADMINISTRATION AND ENFORCEMENT

- 7.1 This by-law shall be administered and enforced by an **Officer** or their designate, a Police Officer or any person appointed or otherwise delegated the authority of administration and enforcement of municipal by-laws.
- 7.2 No **Person** 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** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the **Officer** upon request, failure to do so shall be deemed to have obstructed or hindered the **Officer** in the execution of their duties.
- 7.3 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 property that is subject to the provisions of this by-law.

8.0 PENALTY

- 8.1 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.
- 8.2 Each day on which a person contravenes any provisions of this bylaw 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.

- 8.3 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 \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 8.4 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.
- 8.5 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;
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 Notwithstanding Section 8.7 and 8.8, 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.
- 8.10 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.

9.0 VALIDITY AND SEVERABILITY

9.1 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.

10.0 TRANSITION

10.1 The repeal of by-laws referred to in Section 11.1 shall not affect any offence committed against the provisions of the by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

11.0 REPEAL

11.1 That By-law 2009-69 and all amendments thereto are hereby repealed and replaced with this By-law.

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 15th DAY OF OCTOBER 2025.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2025-12 dated October 15, 2025

THE CORPORATION OF THE TOWN OF MIDLAND
PART I Provincial Offences Act
By-law 2025-53: Snow Removal By-law
Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Deposit, Permit or aid in the Depositing of snow or ice on a highway, roadway or sidewalk	2.1	\$300.00
2	Deposit, Permit or aid in the Depositing of snow or ice on a boulevard not adjacent to own property	2.2	\$300.00
3	Deposit, Permit or aid in the Depositing of snow or ice on a boulevard that obstructs line of sight of motorist	2.3	\$300.00
4	Deposit, Permit or aid in the Depositing of snow or ice on municipal property	2.4 (a)	\$300.00
5	Deposit, Permit or aid in the Depositing of snow or ice onto private property owned by another individual or entity	2.4 (b)	\$300.00
6	Deposit, Permit or aid in the Depositing of snow or ice on or immediately adjacent to a fire hydrant	2.5	\$300.00
7	Deposit, Permit or aid in the Depositing of snow or ice in manner as to obstruct drainage to Town drain or sewer	2.6	\$300.00
8	Pile, redistribute or cause accumulation of snow or ice on sidewalk, boulevard or roadway which obstructs traffic	2.7 (a)	\$300.00
9	Pile, redistribute or cause accumulation of snow or ice on sidewalk, boulevard or roadway which obstructs the view of traffic	2.7 (b)	\$300.00
10	Pile, redistribute or cause accumulation of snow or ice on sidewalk, boulevard or roadway	2.7 (c)	\$300.00

	which obstructs snow clearing equipment		
11	Pile, redistribute or cause accumulation of snow or ice within an accessible parking space or fire route on Private Property	2.8	\$500.00
12	Pile, redistribute or cause accumulation of snow or ice within an accessible parking space or fire route on Municipal Property	2.8	\$500.00
13	Fail to comply with a notice	4.8	\$300.00
14	Fail to comply with an order	4.8	\$500.00
15	Hinder or obstruct an Officer	7.2	\$500.00

NOTE: The penalty provision for the offences indicated above is section 8.1 of By-law 2025-53, a certified copy of which has been filed.