

Staff Report



To	General Committee
Subject	Permitting of Commercial Motorized Watersport Operators
Date	April 9, 2025
Ward	Wards 1, 2, 8 and 10
From	R. Pews, P.Eng; Director of Corporate Facilities
Executive Member Approval	J. Schmidt; General Manager of Community and Corporate Services.
CAO Approval	M. Prowse, Chief Administrative Officer
Staff Report #	FAC001-25

Recommendation(s):

1. That staff in Corporate Facilities (Marina) implement a Permit System authorized under the Parks Use By-law 2019-059, as amended, to regulate businesses offering Commercial Motorized Watercraft within Kempenfelt Bay and adjacent marina facilities for the 2025 boating season.
2. That the permit criteria detailed in Appendix A to Staff Report FAC001-25, be approved.
3. That the 2025 Fees By-law be amended to include the following fees under Schedule L Marina:
 - Commercial Motorized Watercraft Operator Permit - \$2000
 - Individual vessels registered under each permit - \$500 each.
4. That staff report back to General Committee at the end of the 2025 Boating Season with the results of this pilot program and provide recommended changes to the lineup of services or number of vessels permitted by each vendor based on operator and public feedback.
5. That the Supervisor of Marina Services be designated as the Harbour Master for the City of Barrie, with jurisdictional limits outlined in Appendix C of Staff Report FAC001-25.

Executive Summary:

The purpose of this report is to outline a permitting system that will authorize and

regulate businesses operating such activities as commercial rentals of Motorized Watercraft equipment within the City's limits of Kempenfelt Bay in response to Council motion 25-G-018 concerning the *Licensing of Watersports* adopted on January 29, 2025.

By establishing a permit system, this will allow the municipality to ensure that Federal, Provincial and Municipal regulations are being adhered to by commercial operators of motorized watercraft. It will allow the city to monitor the use of Kempenfelt Bay within the city's geographic limits to ensure boating and swim areas coexist safely and harmoniously, and will establish the ability to address issues arising from businesses who operate without a permit.

Key Findings:

The Parks Use By-law 2019-059 allows Departments to develop policies and permit systems to regulate activities within the waterfront and city parks. Staff are recommending the establishment of a permit system to be managed and overseen by the Marina staff for the operation of commercial motorized vehicles in Kempenfelt Bay and surrounding area. The permit system allows the municipality to evaluate the various activities each year to ensure the operation fits within the continued vision for the waterfront and inland parks.

Permits are currently being issued by various departments such as Culture and Parks Planning staff for items such as food trucks, and scooter rentals along the waterfront. Some of these activities permitted under the by-law are still in their infancy but related policies and permits have been successful in regulating these activities. Should an operator fail to adhere to the permit conditions, penalties are already in place under the Parks Use By-law to address the violations if necessary.

For the 2025 boating season, staff recommend implementing a pilot program categorizing operators and defining the limit of vessels. Staff recommend the implementation of a Commercial Motorized Watercraft Operators pilot program that includes a maximum of five (5) vendor permits, with limits on the number of vessels each may use as follows:

1. Personal watercraft (PWC) rental (maximum 10 watercraft)
2. Chartered cruiser boat rental over 25 feet (maximum 1 vessel)
3. Boat rental under 25 feet, chartered or not (maximum 5 vessels)
4. Wake sport lessons (maximum 1 vessel)
5. Co-Ownership boat club (maximum 5 vessels)

City of Barrie Marina staff would be responsible for evaluating, issuing and regulating the activities of all permit holders. Should the permit holder fail to adhere to the permit conditions or restrictions, penalties under the Parks Use By-law could be applied by Enforcement Services.

At the end of the 2025 boating season, staff will report back to General Committee with the results of the pilot program.

Staff will provide the results of the pilot program and any recommended changes to the lineup of services or number of vessels permitted by each vendor based on operator and public feedback.

While a licensing process can be implemented to regulate the operation of Commercial activities along the waterfront or within Kempenfelt Bay, a licensing process under the *Municipal Act* does not serve what staff believe is the intended purpose of Council’s request. Under the Act, a licensing process can implement certain restrictions or conditions by way of the operating criteria, however, it is not meant to limit the number of operators, etc.

Financial Implications:

City staff recommend moving forward with the pilot program for 2025 by engaging vendors that have previously expressed interest in working with the City of Barrie, and who are willing and able to meet the program requirements as set out in Appendix A to this report. Interested parties will be asked to submit a permit application request by May 8, 2025, including an outline of their proposed operation, their established safety program and other information required to confirm their ability to meet the permit requirements. A maximum of five (5) commercial operator permits will be issued for the 2025 pilot season.

The City of Barrie Marina staff will provide the upfront manpower and licensed boat operators to manage the contracts. Waterfront motorized recreational permitting will require cross-functional management of water resources with the city vessel, safety management, documentation, future negotiations, program management, and scheduling of city event impacts.

As part of their application, operators will acknowledge that the following fees are required to be paid prior to a permit being issued:

- Commercial Motorized Watercraft Operator Permit - \$2000 (maximum 5 operators)
- Individual vessels registered under each permit - \$500 each to the maximum number of vessels permitted per category.

The City of Barrie Marina will provide \$2,500 to develop and install passive transportation safety zone signage, and “What to know when renting a boat” signage for community awareness of the Small Vessel Compliance Program (SVCP), see Appendix D.

If an operator requires the use of a transient or seasonal boat slip from which to operate their business, applicable slip fees must be paid in full prior to starting. Rates will be per Fee Schedule L, as approved by Council annually.

Alternatives:

The following alternatives are available for consideration by General Committee:

- Alternative #1 – General Committee may choose to uphold the existing policy, procedure, or by-law, which permits licensing only for non-motorized operations (i.e., maintaining the status quo).

However, this alternative is not recommended, as it would allow an operator to provide services on the water without oversight or authority from the City.

Alternative #2 – General Committee may modify the proposed recommendation by following the city’s standard Request for Proposal (RFP) process.

This approach is not recommended due to time constraints involved in preparing an RFP prior to the start of the operating season. Additionally, the new commercial motorized watercraft operations are prototype in nature and require development prior to offering multi-year contracts. Should council choose this option, staff recommend that any vendor(s) selected must adhere to all terms and conditions defined in Appendix A.

Strategic Plan Alignment:

The recommendation(s) included in this Staff Report relate to one key goal identified in the 2022-2026 Strategic Plan.

Thriving Community	X	<p>The commercial motorized waterfront operations proposed are aligned with the Council-approved Waterfront Strategic Plan Update (2023), specifically the pillars, goals and actions related to:</p> <ul style="list-style-type: none"> - Creating and programming activated public spaces, - Implementing and supporting seasonal programming, - Assisting community-based organizations to develop programming for our residents and visitors, - Revitalize focus destinations, and - Achieve large economic and tourism goals.
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Additional Background Information and Analysis:

A Harbour Master as recognized by Transport Canada is the individual responsible for safe and effective harbour operations. Within the City of Barrie, the Harbour Master in coordination with Barrie Police, City By-law staff, and other waterfront stakeholders would set and manage regulations, maintain navigational aid, and coordinate emergency response to ensure port safety.

Currently the City of Barrie Marina is operating to support all aspects of port safety without the Harbour Master designation. Within Kempenfelt Bay and Barrie city limits for recreational use, the City of Barrie Marina currently maintains all navigation buoys that are registered with Transport Canada (qty 29), provides safety information and notice to mariners, supports emergency response, attends complaints and non-emergency calls from citizens and tourists, and promotes safety within all aspects of the waterway, either passive or active transportation.

Requesting the appointment of Harbour Master by City Council to support one point of contact for all permit water-based activities. Appointing the City of Barrie Marina Supervisor as Harbour Master would create a single point of contact for all water-based regulations, ensuring consistency of communications and the appropriate coordination and safe separation of permitted water-based activities.

Previous marina supervisors have performed many of the functions of a Harbour Master within city limits, and while they had no explicit authority over Kempenfelt Bay activities and unsafe behaviours, their observations were respected by boaters who tended to be better educated in the safe use of their vessels, and more aware of their surroundings. However, the more recent proliferation of inexpensive personal watercraft to the market with limited required training has led to a significant increase in the number of unsafe activities witnessed on the Bay in recent years, and staff recommend formalizing the Harbour Master function. Other local municipal marinas such as Midland, Penetanguishene, and the Port of Orillia already have Harbour Masters that perform similar functions.

The recommended limits of the Harbour Master's authority coincide with the city's geographical limits along Kempenfelt Bay and are shown in Appendix C: Proposed Harbour Master Authority boundary.

Consultation and Engagement:

In consultation with Transport Canada, it has been confirmed that City Council has the authority to appoint a Harbour Master to act as a safety officer promoting safety through the *Canada Shipping Act, 2001*, and Transport Canada Boating Safety Regulations, within city limits on Kempenfelt Bay.

As the city's primary public contact for boaters, the City's Supervisor of Facilities – Marina and Waterfront is ideally suited for this role with direct boat access to the water, oversight of marina staff who have eyes on the bay, radio communications with boat operators on the bay, and non-emergency response.

The following waterfront businesses that use Kempenfelt Bay within the city limits have been consulted regarding the value of the city appointing a Harbour Master to manage water-based activities on Kempenfelt Bay, within the City's physical boundaries. All see value in continuing to provide one point of contact with the Harbour Master Designation that matches the boating industry standard terminology that all boaters understand and respect.

Waterfront Business	Individual Contacted	Response
Brentwood Marina	Owner	In Favour
Navy League of Canada Sea Cadets	President	In Favour
Barrie Yacht Club	Commodore	In Favour
Barrie Canoe and Kayak	President	In Favour
Barrie Rowing Club	President	In Favour

Environmental and Climate Change Impact Matters:

The environmental risks related to gasoline and oil used in internal combustion engines will be reduced by limiting gasoline refueling within the City of Barrie’s jurisdictional area to licensed fuel stations. Specific to the City of Barrie Marina fueling station, city staff have access to petroleum spill booms and are trained in their use to minimize environmental spill risks. Should gasoline or oil be spilled into the water when fueling, petroleum booms can safely limit its spread while the safe removal and cleanup is completed. All vendors must use a licensed fueling station on Kempenfelt Bay such as the City of Barrie Marina or Brentwood Marina for refueling within city limits to minimize environmental risks.

Appendices:

Appendix A – Proposed Permit Conditions and Restrictions for Commercial Motorized Watercraft Operators

Appendix B – Parks Use By-law – included for reference purposes only

Appendix C – Proposed Harbour Master Authority Boundary

Appendix D – Supporting Signage to inform Citizens and Tourists

Report Author:

Joel Giles, Supervisor of Corporate Facilities – Marina and Waterfront Operations, Corporate Facilities Department

Pending #: P7/25

APPENDIX “A”

Proposed Permit Conditions and Restrictions

Commercial Motorized Watercraft Operators

City of Barrie Commercial Motorized Watercraft Operator permit holders will be required to adhere to the following conditions:

1. The City of Barrie’s waterfront boat and swim buoy restricted areas must be respected. Safety zone maps to be reviewed with each contract agreement.
2. Speed control in marina zones will be enforced.
3. Care and control of rental vessels is mandatory. Dangerous driving of rental PWC or boats is strictly prohibited, and repeated violations may result in operator’s permits being terminated.
4. No party boats, excessive noise & drinking will be permitted.
5. Refueling in Kempenfelt Bay must occur at a licensed fueling station, such as those found at the City of Barrie Marina or Brentwood Marina. The use of portable fuel containers (i.e., Jerry cans) is prohibited.
6. Use of city lands and locations to be defined within each contract agreement.
7. Advertising will follow city By-Law regulations.
8. Navigational lights at night are required and must fall within Transport Canada (TC) guidelines.
9. Personal Flootation Devices (PFD) are required for all passengers and must fall within TC guidelines.
10. First Aid responder training required within the operator’s daily operational staff, and must fall within TC guidelines.
11. Operators must adhere to all Transport Canada Small Commercial Vessel regulations, and the *Canada Shipping Act, 2001*.
12. Operators must adhere to small Commercial Vessel Safety Guidelines. Small Commercial Vessel Safety Guide - TP 14070 E (2010) (Canada.ca)
13. All vessels that accept a fare are required to be commercially licensed as per TC Guidelines.
14. \$5,000,000 liability insurance or \$350,000 per passenger (TC) whichever is greater.
15. Boat renters require a Pleasure Craft Operator Card (PCOC).

Personal Watercraft (PWC) Specific Contract Agreements:

- 1) PWC (Personal Watercraft) must be two or three seat vessels ONLY. No single unit PWC to control the demographic of the users. Single seat PWC are not considered family friendly and are therefore deemed to be out of scope as a family friendly activity.
- 2) PWC renters require a Pleasure Craft Operator Card (PCOC) – If they do not have one the operator can provide a safety check list to provide a temporary PCOC. If the rental is over 8 hours long the temporary card is not acceptable.
- 3) PWC emergency vessel must be present for rental groups with over 3 PWC rentals at once. The rental company is responsible for clearly understanding the trip plan and experience of the renter thus understanding the scope of the voyage.
- 4) Understanding the trip plan and experience of the rider will define the Play Zone. If experienced and with a buddy system in effect, geo fencing can be removed and longer distance travel allowed.
- 5) GPS & Geo Tracking requirements: PWC must have geo trackers on each vessel. Geo fencing creates areas that will limit the power of the unit down to an idle which is ideal for inside the marinas as well as close to the shorelines and beaches for public safety. GPS control will also prevent PWC colliding with each other for renter safety. (GPS/Geo Trackers are common in the PWC rental industry). Geo tracking also provides safety alerts if the rider is in distress, the PWC is not starting, and reports data back to the operator if help is needed.
- 6) PWC must have Intelligent Brake and Reverse (IBR). IBR is required to promote safe handling, and care and control. Without IBR the PWC can be unpredictable and dangerous if inexperienced operators only have throttle control with no brakes.
- 7) To support a PWC vendor and place them in the correct location to operate free of obstruction in Lake Simcoe and provide safe harbour, the Transient Marina Heritage Park docks will be provided. No shuttling of the public by boat is necessary, and adequate land for the operation and equipment storage is available.

Operator Documentation to be submitted as part of the application process:

- 1) Certificate of Registry (Small Vessel Register, applies to chartered boats only).
- 2) Transport Canada (TC) Marine Technical Review Board Decision if the vessel is over 8 meters, (25 feet).
- 3) TC Training certificate for Small Non-Pleasure domestic vessel Basic Safety (SDV-BS).
- 4) Transport Canada Training Certificate for Small Vessel Operator Proficiency – (SVOP).
- 5) Transport Canada enrollment in the Small Vessel Compliance Program, (SVCP) is required. Certification to be submitted. (Commercial boats, and Fishing boats ONLY) PWC operators are not required at this time per TC requirements.
- 6) Ontario Boating Pleasure Craft Operator Card – PVOC (all employees operating boats).
- 7) Insurance Certificate
- 8) Police Background check, (Operator only)
- 9) Police Background check – with vulnerable sector check, (When alone with youth under 16 years of age)
- 10) WSIB certificate
- 11) Operator's Safety Plan.

APPENDIX “B”

For Reference Only

Parks Use By-law 2019-059, Sections 2.0.0.0.0 – 6.2.0.0.0

2.0.0.0.0 REQUIREMENT FOR A PERMIT OR AUTHORIZATION

2.1.0.0.0 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business, event or activity within a park, where a permit or authorization is required by way of a by-law, Special Event Policy or other City Policy, as amended from time to time, shall be required to obtain a permit or authorization prior to the commencement of any such activity.

2.1.1.0.0 No person shall carry on, conduct, operate, maintain, keep or engage in any business, event or activity within a park without a permit or authorization to do so.

2.1.2.0.0 Such permit or authorization shall be obtained prior to the commencement of any such event, business or activity held within a park.

2.1.3.0.0 The person for which the permit or authorization was issued shall ensure that such permit or authorization is displayed and visible at all times.

2.1.4.0.0 No person shall fail to display or keep visible their permit or authorization to conduct the event, business or activity within the park.

2.1.5.0.0 No person shall fail to adhere to or comply with any conditions or restrictions set out in the permit or authorization.

3.0.0.0.0 APPLICATION FOR PERMIT OR AUTHORIZATION

3.1.0.0.0. Any person required to obtain a permit or authorization pursuant to this by-law, Special Events Policy or other City Policy, shall apply in writing or on the appropriate application form as provided by the corporation and shall deposit, at the time of application, all required Fees as set out in the City of Barrie Fee's By-law for each business, event or activity as well as submit any required approvals, inspections or documentation required or as deemed necessary by the corporation.

3.1.1.0.0 Upon being satisfied that the applicant is entitled to obtain a permit or authorization under the applicable provisions, the Issuer shall prepare and issue the appropriate documentation to the said applicant.

3.1.2.0.0 Every permit or authorization shall note the dates and times for which the permit or authorization is considered to be valid for such business, event or activity taking place within the park.

3.1.3.0.0 Permits or authorizations are not transferable.

4.0.0.0.0 NUISANCE ABATEMENT

4.1.0.0.0 Every person required to obtain a permit or authorization under any provision set out by the Corporation, in addition to any other provisions or requirements expressed elsewhere in this by-law or policy, shall:

a) at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place, public park or premise for which the permit or authorization is

issued;

b) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business, event or activity for, or in relation to which such permit or authorization was issued;

c) not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued;

d) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the permit holder or authorized person shall immediately take steps to cause the same to be abated;

e) not cause, suffer, or permit any obstruction on any highway, lane or public place in front of, or adjoining the place or premise for which the permit or authorization was issued; or,

f) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or activity for which the permit or authorization was issued.

4.1.1.0.0 Every person who acquires a permit or authorization that is issued under any provision set out by the Corporation is responsible for the due performance and observance of all the provisions of this by-law or policy by himself and by his employees and all other persons in or upon the location which is permitted or authorized.

5.0.0.0.0 INSPECTION

5.1.0.0.0 The Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the premise, facilities, equipment, vehicles, and other property used or kept for hire in connection with the carrying on of a business, event or activity which is permitted or authorized pursuant to the applicable provisions, policies or by-law.

6.0.0.0.0 ENFORCEMENT

6.1.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

6.2.0.0.0 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

APPENDIX "C"

Proposed Harbour Master Authority boundary: Shown in Blue



APPENDIX “D”

Supporting Signage to inform Citizens and Tourists:

1) Improve Passive and Active Transportation Zone Awareness:

Signage to inform citizens, tourists, and vendors of passive, active transportation, and swim areas will be posted at all boat launches, Marina's, at the vendors kiosk, and a part of the vendors safety plan.

The City of Barrie Marina currently controls all registered buoy locations with Transport Canada to promote safe passive and active boating and swimming. Currently 29 'No Boats Allowed' buoys are registered.



2) Commercial Operated Vessel Warning Signage

Transport Canada advises caution when deciding to hire and charter a vessel. To ensure a vessel is operating legally as a small commercial enterprise and has the appropriate safety measures in place, potential renters should be looking for a [Blue Decal](#).

To promote safety and inform citizens and tourists that commercial boat operators are legitimate, signage will be posted on the waterfront for community awareness, "What to know when renting a boat." The signage will explain that commercial boat operators require Small Vessel Compliance Program Certification. This Blue Decal must be posted in plain sight or in the windshield of commercially operated boats.

The Blue Decal also signifies the operator has achieved:

- Adequate insurance,
- Commercially licensed,
- Regulated safety measures are in place,
- Trained staff,
- City approved vendor.



Transport
Canada

Transports
Canada



**SMALL VESSEL
COMPLIANCE PROGRAM (SVCP)
NON-PLEASURE CRAFT**

Passenger Vessel & Workboat

2504599

**PROGRAMME DE CONFORMITÉ
DES PETITS BÂTIMENTS (PCPB)
AUTRE QU'UNE EMBARCATION DE PLAISANCE**
Bâtiment à passager et bateau de travail

The owner of this vessel is a participant in the Small Vessel Compliance Program
(Passenger vessel & workboat)

Le propriétaire de ce bâtiment participe au programme de conformité des petits bâtiments
(Bâtiment à passager et bateau de travail)

EXPIRY DATE | DATE D'EXPIRATION : 2025

Valid only if accompanied by a letter of Confirmation of Participation in the Program.

Valide seulement si accompagné par une Lettre de confirmation de participation au programme.

Marine Safety & Security | Sécurité et sûreté maritimes

Canada

The Small Vessel Compliance Program (SVCP) required to be posted in plain sight or in the windshield of commercially operated boats.