

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1191

A by-law to repeal By-Law No. 772, and being a by-law to provide for the licensing, registration and regulation of dogs in the Town of Marathon.

WHEREAS Section 210, Subsection 1 thru 13, The Municipal Act, R.S.O. 1990, Chap. M.45, as amended, provides that the Councils of local municipalities may pass by-laws for licensing, leashing, dog waste, muzzling and requiring the registration of dogs and for imposing a license fee on the owners of said dogs;

AND WHEREAS Section 210, Subsections 1 thru 13, The Municipal Act, R.S.O. 1990, Chap. M.45, as amended, provides that the Councils of local municipalities may pass by-laws for prohibiting and regulating the number of dogs to be kept by an owner and for the running at large of dogs within the Municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

- 1. DEFINITIONS:
 - a. "Dog" means a male, neutered male, female or spayed female dog;
 - b. "Owner" of a dog includes a person who possesses, harbours or has control of a dog and, where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner;
 - c. "Council" shall mean the Council of The Corporation of the Town of Marathon;
 - d. "Town" shall mean The Corporation of the Town of Marathon;
 - e. "Police Officer" shall mean any Police Officer, Police Cadet or Special Constable under the employ of The Corporation of the Town of Marathon;
 - f. "Municipal Law Enforcement Officer" shall mean any person under the employ of The Corporation of the Town of Marathon authorized to enforce this by-law;
 - g. "Guide Dog" means a registered guide dog used for the purpose of aiding persons with a sight or hearing impairment;
 - h. "Public Property" means any land owned by The Corporation of the Town of Marathon including public highways, public lanes, public sidewalks, pedestrian ways and public parks;
 - i. "Kennel" means any building, pen or other structure, other than a dwelling, used for the keeping of dogs that are registered or eligible for registration with an Association incorporated under The Animal Pedigree Act (Canada);
 - j. "Boarding Kennel" means any building, pen or other structure, other than a dwelling, used for the temporary keeping of dogs for gain;
 - k. "Veterinary Hospital" means a "Veterinary Hospital" as defined and licensed

by The Ontario Veterinary Association.

2. Every person being the owner of a dog which exceeds the age of six (6) months shall:
 - a. Annually on or before the 31st day of January in each year; or
 - b. Forthwith upon a dog having passed the age of six (6) months, or within forty-eight (48) hours of becoming the owner of a dog, the age of which exceeds six (6) months, cause such dog to be registered, numbered, described and licensed in the office of the Clerk of the Town of Marathon, or at such other location as the Clerk may from time to time designate.
3. Every person being the owner of a dog which is over the age of six (6) months shall pay to The Corporation of the Town of Marathon for the license required under Section 2 an annual license fee as indicated in Schedule "A" attached.
4. Every person being a dog owner and being over the age of 65 shall not be required to pay any license fees required under Section 3, but shall be required to register said dog with The Corporation of the Town of Marathon, in accordance with Section 2.
5. Every person being a dog owner, on payment of the required license fee shall be furnished by The Corporation of the Town of Marathon with a dog tag bearing the name of the Town, the current year, and a serial number.
6. Every person being the owner of a dog furnished with a dog tag under Section 5 shall keep the tag securely fixed on said dog at all times until such time as the tag is renewed or replaced.
7. Every person being the owner of a dog for which a tag was issued under the provisions of this by-law shall immediately upon losing said tag make application to the Clerk for a replacement tag and pay a replacement fee as indicated in Schedule "A" attached.
8. Every person being the owner and/or operator of a kennel or boarding kennel, not including a veterinary clinic, shall annually on or before the 31st day of January, make application to The Corporation of the Town of Marathon for a kennel license and "upon approval" pay such license fees as indicated in Schedule "A".
9. Every person making an application under Section 8 shall have all buildings, structures and pens used in the operation of said kennel inspected and approved by the Municipal Law Enforcement/Property Standards Officer.
10. No person shall operate a kennel or boarding kennel within The Corporation of the Town of Marathon without the benefit of an approved license issued under the provisions of this by-law.
11. Every person being the owner and/or operator of a kennel or boarding kennel shall maintain such kennel within the provisions of the Maintenance & Occupancy Standards By-Law for the Corporation of the Town of Marathon as amended.
12. Subject to Section 10, no person shall keep in or upon any lands or premises including a dwelling within The Corporation of the Town of Marathon more than three (3) dogs, provided that any young born in or upon such lands, premises or dwelling may be kept there for a period not exceeding twelve (12) weeks after birth.
13. The running at large of dogs is prohibited within the Town, and no owner of a dog shall permit, or cause to permit a dog to run at large, and for the purposes of this by-law, a dog shall be deemed to be running at large if it is found in any place other than the premises of the owner of the dog, and not under the control of any person.

- 14. Any dog running at large may be impounded by any Police Officer or Municipal Law Enforcement Officer and such dog shall be kept within the Municipal Pound for a period of three (3) days exclusive of the day or part thereof of impounding and statutory holidays.
- 15. Any dog kept in the Municipal Pound that is not redeemed within the time period set out in Section 14 shall be disposed of in accordance with the provisions of The Animals for Research Act.
- 16. Any Police Officer or Municipal Law Enforcement Officer may kill any dog found running at large that cannot be impounded and where it is deemed necessary to do so in the interest of public safety. No damages or compensation shall be recoverable on account of the killing of a dog in accordance with this provision.
- 17. Every person being the owner of or having control of a dog which defecates in or upon any public property or any other property, other than the property of the owner or person having control of a dog, shall immediately cause such excrement to be removed and disposed of in a lawful manner.
- 18. Sections 2 and 17 shall not apply to a person assisted by a registered guide dog.
- 19. Except where the owner of the land upon which a dog is found has given prior consent, every owner of a dog shall be required to keep the dog on a leash and under the control of some person when the dog is on any lands within the Corporation of the Town of Marathon except those lands zoned (RU) Rural and (OS) Open Space with the exception of any public parks, as defined in the Comprehensive Zoning By-Law for the Town of Marathon.
- 20. For the purposes of Section 19 above, no leash shall exceed 2.74 metres (9 feet).
- 21. Every person who is convicted of an offence under this by-law, is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990, ch. P.33 as amended.
- 22. That this by-law shall come into force and take effect on the final day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS

_____ DAY OF _____, A.D., 1998.

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Mayor

(Seal)

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Clerk