

**THE CORPORATION OF THE TOWN OF MARATHON**

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**BY-LAW NO. 1788**

Being a by-law to regulate and govern animals including exotic animals within The Corporation of the Town of Marathon and to repeal By-Laws 964, 1191, and 1197.

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, C.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8(1), of the said Act, 2001, R.S.O. 2001, states the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 10(2), of the said Act, 2001, S.O. 2001, C.25 provides that a single-tier municipality may pass by-laws respecting matters including animals;

AND WHEREAS this by-law and any other by-laws thereafter passed with respect to rates or fees to be charged will be established in the current municipal "Fees and Charges" by-law.

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

1.0 Short Title

1.1 This by-law may be cited as the "Animal Care and Control By-Law".

2.0 Interpretation

2.1 In this by-law:

- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.2 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3.0 Definitions

For the purpose of this by-law:

Aggressive Dog – means a dog which, in the opinion of the Town Clerk or his/her designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition.

Animal – means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit an urban centre, a park, environmentally protected land or open space.

Animal Control Officer – means any person appointed by the municipality whose duties include the enforcement of this by-law and shall include any person who has entered into a contract with the Corporation of the Town of Marathon to control animals and any delegate or agent of such person.

Animal Shelter – is a facility which houses homeless, lost or abandoned animals, primarily dogs or cats, running at large.

Competent Person – means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

Dog – means any member of the species *Canis Familiaris*.

Domestic Cat – shall mean a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.

Domestic Fowl – means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, song birds or vertebrates commonly kept at domestic pets such as parrots, budgies, cockatiels etc.

Grandfathered – means the lawful keeping of any animal, currently prohibited under the provisions of this by-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.

Guide Dog – means an assistance dog trained to lead persons with sight or hearing impairment.

Impound – means to confiscate, confine, hold or take possession.

Neutered Male – means a dog or cat which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered.

Licence – means a dog tag issued pursuant to the requirements of this by-law.

Municipal By-Law Enforcement Officer – means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws.

Municipality – means The Corporation of the Town of Marathon.

O.S.P.C.A – means the Ontario Society for the Prevention of Cruelty to Animals.

O.S.P.C.A Order – means a control and muzzle order.

Owner – means any person who owns, possesses, harbours or has custody of an animal and, where the owners is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal.

Physically Disabled Person – means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device including but not limited to crutches or braces.

Police Work Dog – means a dog trained to aid law enforcement officers and is actually being used for police work purposes.

Pound – means premises which are used for the temporary housing and care of animals that have been impounded pursuant to this by-law.

Premises – means a building or part of a building or a place.

Proof – means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the City at such time.

Purebred Dog – means a dog bred from stock having no admixture as certified by the Canadian Kennel Club or other competent authority.

Residential Dwelling Unit – means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Running at Large – means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash having maximum length of 6 feet, and not under the control of a competent person.

Senior Citizen – Means a person that has reached an age of sixty (60) years or older at the time of application.

Service Dog – means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person by means of, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

Society – means the Ontario Society for the Prevention of Cruelty to Animals.

Spayed Female – means any female dog or cat which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed.

Town – means the municipal corporation known as the Town of Marathon or the geographic area of the Town of Marathon as the context requires.

Tether – means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a similar meaning.

Visually Impaired – means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

## **CARE OF ANIMALS**

### **4.0 Responsibility to Care for Animals**

4.1 Every person who keeps an animal within the Town shall ensure that such animal is provided with:

- (a) a clean and sanitary environment free from an accumulation of fecal matter;
- (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity; and
- (c) an environment free of physical, emotional abuse or neglect.

4.2 Subsection (1) shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of The Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, as amended.

### **5.0 Tethers**

5.1 No person shall keep an animal tethered on a rope, chain or similar restraining device unless:

- (a) the tether is of appropriate length for the species tethered,
- (b) the animal has unrestricted movement within the range of such tether, and
- (c) the animal cannot injure itself as a result of the tethering.

5.2 Despite clause (a) of subsection (1), in the case of dogs, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person’s property.

5.3 Despite subsection (1), no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

### **6.0 Restraint in Moving Motor Vehicle**

6.1 No person shall allow a dog to be in a moving motor vehicle in an area that is not enclosed, including the back of a pickup truck or a flatbed truck, unless the dog is:

- (a) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck, or
- (b) Securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.

#### 7.0 Keeping Animals Under Sanitary Conditions

- 7.1 Every person who keeps an animal within the Town shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
- 7.2 Subsection (1) does not apply to livestock kept in accordance with the provisions of Section 74 of this by-law.
- 7.3 Subsection (1) shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of the OSPCA Act, R.S.O. 1990, c. O.36, as amended.

#### 8.0 Noise From Animals

- 8.1 No person shall keep, own, or harbour in the Town any animal which makes or causes noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
  - (a) any person in any dwelling, apartment, or other type of residence in the neighbourhood;
  - (b) any person in the vicinity; or
  - (c) the neighbourhood.

### **DOGS**

#### 9.0 Registration

- 9.1 Every owner of a dog shall:
  - (a) register the dog with the Town in accordance with Section 8 and pay an annual tag and registration fee, as set out in the "Fees and Charges" By-Law,
  - (b) obtain and renew such registration annually,
  - (c) keep the dog identification tag, issued by the Town as part of the registration, securely affixed on the collar or harness on the dog at all times, and
  - (d) obtain a replacement tag, and pay the fee as set out in the "Fees and Charges" By-Law
- 9.2 Every applicant for dog registration shall provide to the Town the following information:
  - (a) name, address, telephone number of the dog owner,

- (b) name, age, gender, breed, and colour of the dog,
  - (c) proof of sterilization from a qualified veterinarian, if applicable, and
  - (d) proof of a microchip implant, if applicable.
- 9.3 Despite subsection (1), where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilization procedure, the Town may issue a tag and register the dog at the same fee as that for a sterilized dog.
- 9.4 The owner of a dog shall notify the Town of any change in information provided in subsection (1) or of the sale or death of the dog, as applicable.
- 9.5 The Town shall:
- (a) keep a complete registry of all dogs in respect of which tags are issued, and
  - (b) provide each registrant with a numbered tag, and
  - (c) every dog tag shall be consecutively numbered and bear the name of the municipality and the year of issuance.
- 9.6 The identification tag issued by the Town in respect of a dog is not transferable.
- 9.7 No owner of a dog shall fail to ensure that the dog has been inoculated with an anti-rabies vaccine within the previous twenty-four (24) months.
- 9.8 No owner of an animal shall fail to produce a Certificate of Proof issued by a qualified veterinarian attesting to an up-to-date anti-rabies vaccine if requested to do so by the Animal Control Officer or Peace Officer.
- 10.0 Replacement Dog Licence Tag
- 10.1 Every owner of a dog, having lost the dog licence tag for the current year, shall immediately make application to the Town for the replacement of such tag, and shall, upon request provide any information as may be required by the Town. The replacement fee for a replacement licence tag shall be in accordance with the fees established and set out in the Town of Marathon "Fees and Charges" By-Law.
- 11.0 Number of Dogs
- 11.1 No owner shall have more than three (3) dogs in or about any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the Town.
- 11.2 Section does not apply to:
- (a) the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals;
  - (b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;

- (c) a pet store licensed in accordance with the provisions of municipal by-laws;
- (d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or
- (e) the Marathon Humane Society; or
- (f) dogs under the age of six (6) months.

## 12.0 Control of Dogs

- 12.1 For the purposes of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under control of any person.
- 12.2 No owner of a dog shall permit the dog to run at large in the Town.
- 12.3 Every owner of a dog shall ensure that the dog is kept on a leash and under the control of a competent person when the dog is on any land in the Town unless:
  - (a) the land is the premises of the owner of the dog,
  - (b) the land is owned by a person who has given prior consent to the dog being off the leash.
- 12.4 No owner of a dog shall allow his dog to trespass on private property even when on a leash.
- 12.5 No person shall allow a leash to extend beyond a length of 3 metres and such leash must be held or restrained by a competent person who can reasonably control the dog.
- 12.6 No person shall leave a dog unattended within any permitted public park area.
- 12.7 A dog shall not be considered to be running at large if it is a police work dog as defined in this by-law.
- 12.8 Any dog found running at large pursuant to the provisions of this by-law may be impounded by a Municipal By-Law Officer or other duly appointed officer and delivered to the Pound.
- 12.9 Any person may capture any dog running at large on his property and deliver same to a Municipal By-Law Officer or other duly appointed officer, who may impound the said dog.
- 12.10 A Municipal By-Law officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this by-law.
- 12.11 Where an animal seized under this By-law is injured, or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer is given discretion to euthanize the animal in a humane manner at the Officer's discretion

and no damages or compensation shall be recovered by the owner of the animal for such action.

- 12.12 Where an injured animal is impounded or other wise detained and requires the immediate attention of a Veterinarian, the Animal Control Officer or Peace Officer may deliver the injured animal to a Veterinarian for treatment or to be euthanized and the owner, if known, shall be responsible for all costs incurred. No damages or compensation shall be recoverable by the owner or any other person.
- 12.13 Where an animal is captured, seized, impounded or taken into custody by the Animal Control Officer or designated agents, including by court order, the owner shall pay to the Town of Marathon all fees and charges payable under this by-law or any other applicable by-law, including the cost of the services of a veterinarian, whether the animal is alive, dies or is euthanized.

### 13.0 Impoundment

- 13.1 A dog seized pursuant to Section 12.8 or 12.9 shall be considered impounded at the time and place it comes under the control of the Municipality, or its designated agents.
- 13.2 The Municipality following the impoundment of a dog shall make reasonable efforts to determine the identity of such dog and its owner to inform such person the dog has been impounded.
- 13.3 The Municipality shall keep any impounded dog for a redemption period of three (3) days, excluding:
- (a) the day on which the dog is impounded,
  - (b) statutory holidays, and
  - (c) days on which the municipal offices are not open.
- 13.4 During the redemption period, the operator of the pound shall provide such care towards the dog so as to maintain its health and well being.
- 13.5 During the redemption period, the owners of a dog impounded pursuant to this by-law may obtain release of such dog provided the owner;
- (a) pays the redemption fee, as set out in the "Fees and Charges" By-Law, and
  - (b) provides evidence the dog is registered with the Town pursuant to Section 9.1 of this by-law or, if not, obtains such registration and pays the registration fee, as set out in the "Fees and Charges" By-Law prior to release of the dog, and
  - (c) takes such other action as the Municipality or its designated agents may direct
- 13.6 Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the animal shall become the property of the Animal Shelter and the Animal Control Officer may retain the animal for such further time as the officer may consider proper and during that time the officer may:



- (a) keep, sell or dispose of the dog, subject to the provisions of the Animal for Research Act, R.S.O. 1990, Chap. A.22, as amended,
- (b) release the dog to the Marathon Humane Society, or
- (c) dispose of the animal as the officer deems appropriate.

13.7 Whenever a dog impounded pursuant to this by-law is released to its owner pursuant to Section 13.2 or Section 13.5 a record of such release shall be kept by the Municipality.

#### 14.0 Stoop and Scoop

14.1 Every owner of a dog shall immediately remove any feces left by the dog in the Town:

- (a) on a highway or roadway,
- (b) in a public park,
- (c) on any public property other than a public park, or
- (d) on any private property other than the property of,
  - (i) the owner of the dog, or
  - (ii) the person having care, custody or control of the dog.

14.2 Every owner of a dog shall dispose of any feces removed pursuant to Section 14.1 in a sanitary manner.

14.3 Every owner of a dog shall remove from his or her premises, in a timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any such person in the vicinity of the premises.

14.4 Section 14.3 does not apply to a handler of a service dog, where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.

14.5 Section 14.1 does not apply to blind or visually impaired handler of a service dog if the feces was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

#### 15.0 Dogs In Parks

15.1 No owner of a dog shall have a dog on parkland, or any part thereof, that is designated by sign as an area where dogs are prohibited.

15.2 No owner of a dog shall have a dog on parkland, or any part thereof, where the dog is within five (5) metres of:

- (a) a play structure,
- (b) a beach area used commonly for swimming, or
- (c) a beach volleyball court.

15.3 A dog may be kept off leash on parkland where the activity is not prohibited by this or any other by-law, providing the person in control of such dog shall keep such dog in sight and under voice control at all

times, and shall promptly leash such dog when confrontations with humans or other animals may potentially develop.

- 15.4 Every owner of a dog that takes a dog onto parkland or a part thereof or has a dog on parkland or a part thereof that is not designated by sign as an area where dogs are prohibited shall comply with the by-laws of the Town including this by-law.
- 15.5 No person shall, without authority from the Municipality erect, alter, move, remove or deface or in any manner interfere with any sign designating an area where dogs are prohibited.
- 15.6 Sections 15.1 to 15.5 inclusive shall not apply to a service dog or police work dog when accompanied by its handler.

#### 16.0 Control of Aggressive Dogs

- 16.1 Where a dog has been declared an aggressive dog by the Animal Control Officer, Clerk of the Corporation or a Court of a competent jurisdiction the owner of the dog shall restrain the dog at all time.
- 16.2 Where an aggressive dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
  - (a) the dog is secured so as to meet its environmental needs and in such a manner as to prevent the dog from leaving the owners property; and,
  - (b) such restraint prevents the dog from having contact with any person who has not consented to being in contact with the dog.
- 16.3 Where an aggressive dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
  - (a) the dog is leashed on a leash of not more than one (1) metre in length.
  - (b) the dog is under control of an adult at all times so as to prevent the dog from having any contact with any person who has not consented to being in contact with the dog.

#### 17.0 Dog Bites or Attacks

- 17.1 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal By-Law Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal By-Law Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.
- 17.2 Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Town against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 and any amendments thereto.

## 18.0 Control and Muzzle Order – Appeal

- 18.1 The owner of a dog to which a Control and Muzzle Order has been issued may request and is entitled to a hearing by a committee of the Municipal Council which may exempt the owner from the muzzling or leashing requirement or both.
- 18.2 An owner who wishes to have a hearing as a result of a Control and Muzzle Order has 7 days from the day of the receipt of the Order to file a request for a hearing with the Clerk of the Municipality. The Clerk shall provide a copy of the notice to the Animal Control Officer.
- 18.3 Upon determination of the hearing date the committee shall give notice in writing to the owner that:
- (a) includes a statement of the time, date, place and purpose of the hearing, and:
  - (b) includes a statement that if the owner of the dog does not attend the hearing, the committee may proceed in the absence of the owner and the owner will not be entitled to any further notice.
- 18.4 The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the owner at the owner's last known address on file with the Municipality. When service is made by registered mail, the service shall be deemed to be made on the third (3<sup>rd</sup>) day after the day of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive the written notice until a later date.
- 18.5 The committee shall hold a hearing with the date and place set out in the notice referred to in this section and the committee may:
- i) exempt the owner from the muzzling and/or leashing requirements,
  - ii) confirm the muzzling and/or leashing requirements,
  - iii) vary the muzzling and/or leashing requirements and other requirements of the Order, or
  - iv) combine any exemption confirmation or variance as it sees fit.

## 19.0 Surrendering of Animals

- 19.1 An owner of a dog may give up ownership of the animal by surrendering the canine to the Marathon Humane Society.
- 19.2 Where an owner has surrendered a dog to the Marathon Humane Society, the owner is deemed to have relinquished all rights of ownership and possession of the animal.
- 19.3 To surrender a dog to the Marathon Humane Society, the owner, at the discretion of the Society, shall pay the appropriate fee as required by the Society.

- 19.4 A dog that has been surrendered to the Society shall become the property of the Marathon Humane Society and may be kept or disposed of as the Marathon Humane Society deems appropriate.

## **CATS**

### 20.0 Number of Domestic Cats

- 20.1 No person shall keep in or about a residential dwelling more than six (6) cats over twenty (20) weeks of age.
- 20.2 The total number of both dogs and cats being kept in or about a residential dwelling shall not exceed six (6), with a maximum number of three (3) dogs permitted.
- 20.3 Sections 20.1 and 20.2 do not apply to:
- a) a premises licensed under the provisions of municipal by-law and operated for the purpose of breeding or boarding;
  - b) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended;
  - c) a pet store licensed in accordance with the provisions of municipal by-laws;
  - d) a shelter or pound of the Marathon Humane Society or of the Ontario Society for the Prevention of Cruelty to Animals;
  - e) premises registered with the Municipality as premises where cats and/or dogs are receiving temporary foster care; and
  - f) cats under the age of six (6) months.
- 20.4 Despite Section 20.1, any person who owns more than the permitted number of cats on the date this by-law comes into force shall be permitted to keep those cats provided the owner has advised the Town in writing of the number of cats and his or her name, address and phone number within ninety (90) days of the date this by-law comes into force.
- 20.5 The burden of proving the exemption from Section 20.4 is upon the person making assertion, of which written notice to the Municipality provided in subsection (1) shall be sufficient proof thereof.
- 20.6 The exemption provided for in subsection (1) shall be for the life of the cat.
- 20.7 The Municipal By-Law Officer shall maintain a list of all cats for which notice has been received in accordance with Section 20.4.

### 21.0 Rabbits

- 21.1 No person shall keep rabbits in an area of the Town where the zoning permits residential land use unless:
- (a) no more than five (5) rabbits over the age of seven (7) weeks are kept on the property of any dwelling unit,

- (b) the rabbits are kept as pets only,
- (c) the rabbits, if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape by the rabbit, and
- (d) all lands and premises where rabbits are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.

## 22.0 Exotic Animals

22.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed in Schedule "B" as a pet or for any other purpose or for any period of time.

22.1.1 Notwithstanding Section 22.1, the prohibition shall not apply to:

- (a) circuses;
- (b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals;
- (c) a veterinary hospital under the control of a licensed veterinarian;
- (d) anyone holding a licence under any statute of the Legislature of Ontario of the Government of Canada, which permits the keeping of animals under stated conditions;
- (e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all by-laws of the municipality;
- (f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended; or,
- (g) the Marathon Humane Society.

## 23.0 Animals – Other

23.1 No person shall keep any fox(es) within the limits of the Town, except in a licensed zoological park or menagerie.

23.2 No person shall keep any mink within the limits of the Town, except in a licensed zoological park or menagerie.

23.3 No person shall keep any domestic fowl as defined by the by-law, on any residential lot or in any residential dwelling unit within the Town.

23.4 Domestic fowl, cattle, goats, sheep or swine may be kept pursuant to the "Zoning By-Law" of the Corporation of the Town of Marathon.

23.5 Domestic animals, not including dogs and cats and domestic fowl as defined by this by-law, must be contained, when not kept indoors, within the owner's property by means of fencing or other reasonable method including but not limited to pens and flight cages so as to not disturb or

hinder any neighbouring properties from the enjoyment of such property.

24.0 Registry of Grandfathered Animals

24.1 Any person, may seek “grandfathered” status for such prohibited animal within 12 months of a prohibition of the keeping of an animal by making application and providing to the Town, proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the Town Clerk or his designate may deem the animal to be ‘grandfathered’ and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.

24.2 Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the Town Clerk or designate.

24.3 The Town may, at the discretion of the Town Clerk or his designate impose special conditions on the keeping of any grandfathered animal (e.g. housing).

25.0 Schedules

25.1 Schedule “A” and Schedule “B” attached hereto form part of this by-law.

26.0 Enforcement

26.1 Any person who contravened any of the provisions of this by-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990 c. P.33 as amended.

27.0 Continuation – Repetition – Prohibited – By Order

27.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

28.0 By-Laws Repealed

28.1 By-laws 964, 1191 and 1197, as amended, of the Corporation of the Town of Marathon are hereby repealed.

Effective Date

This by-law shall come into force on the date of its final passing.

READ A FIRST AND SECOND TIME THIS 8<sup>TH</sup> DAY OF APRIL, A.D., 2013.

.....  
Mayor

(SEAL)

.....  
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 8TH<sup>TH</sup> DAY OF APRIL,  
A.D. 2013.

.....  
Mayor

(SEAL)

.....  
Clerk

Schedule "A"



**DECLARATION REGARDING A VICIOUS DOG**

**Owner of Dog:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Dog: \_\_\_\_\_ Dog Tag Number: \_\_\_\_\_

**Description of Dog:**

Breed: \_\_\_\_\_

Colour: \_\_\_\_\_

Other: \_\_\_\_\_

Rabies Tag Number: \_\_\_\_\_ Other Identification: \_\_\_\_\_

**Location of Incident:**

Address: \_\_\_\_\_

Location on  
Property: \_\_\_\_\_

Location on  
Street: \_\_\_\_\_

**Description of Incident:**

\_\_\_\_\_  
\_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness who actually saw the alleged  
vicious dog bite a person or domestic animal

\_\_\_\_\_  
Signature of By-law Enforcement Officer

Name of witness: \_\_\_\_\_  
(Please Print)

Address of witness: \_\_\_\_\_

Telephone number of witness: \_\_\_\_\_

Personal information contained in this form is collected under the authority of the Municipal Act, R.S.O., 1990, c. M.45, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the By-law Officer of the Town of Marathon, 4 Hemlo Drive, Marathon, Ontario P0T 2E0, (807) 229-1340 ext.2250.



Schedule "A-1"



ORDER TO MUZZLE

Issued pursuant to Municipality of Marathon By-Law No. \_\_\_\_

To (Name of Owner): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

I, \_\_\_\_\_, Animal Control Officer, or By-Law Enforcement Officer of The Municipality of Marathon, have reasonable grounds to believe that the dog residing at \_\_\_\_\_ has bitten or attacked a person or another domestic animal, as per the provisions of the Animal Care and Control By-law No. \_\_\_\_\_.

You are hereby ordered:

- (a) To keep the dog, when on the owner's premises, confined to within the dwelling and under effective control of an adult person, or enclosed in a pen constructed with a secure top, bottom and sides. The pen shall provide humane shelter for the dog, while preventing escaping there from and preventing any entry therein of unsupervised persons.
- (b) To keep the dog under effective control of an adult person and on a leash of not more than 1 metre in length when it is not confined in accordance with paragraph (a).
- (c) To securely attach a muzzle to the dog at all times when it is not confined in accordance with paragraph (a).
- (d) To provide the Animal Control Officer, or By-Law Officer with a new address and telephone number within two working days of moving, selling, or giving the dog away.
- (e) To advise the Animal Control Officer, or By-Law Officer within two days of the death of the dog.
- (f) To advise the Animal Control Officer, or By-Law Officer forthwith if the dog is running at large, or has bitten or attacked a person or a domestic animal.
- (g) To display at the front of the house where it can be easily removed, but is visible to any person who may enter onto the property a sign warning of the presence of the dog. The Animal Control Officer or the By-Law Officer must approve such sign.
- (h) \_\_\_\_\_

This **CONTROL AND MUZZLE ORDER** takes effect immediately.

If you wish to **APPEAL** this Control and Muzzle Order you must apply to the Clerk of the Municipality of Marathon within seven (7) days from the date this Control and Muzzle Order is received by you setting out your request for a hearing by a committee of the Municipal Council which shall include the reasons for appealing this Control and Muzzle Order, and the payment of the hearing fee, failing which this Control and Muzzle Order is final and binding.

Please be advised that notwithstanding the making of an application for a hearing by a committee of Council regarding this Control and Muzzle Order, this Control and Muzzle Order takes effect immediately upon its receipt by you and remains in effect for so long as the dog shall live or until the committee makes a decision on an appeal to rescind this Control and Muzzle Order or until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal By-Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such bite or attack.

A full copy of By-law No. \_\_, being a by-law of the Corporation of the Town of Marathon for the licensing and registration of dogs and for the regulation of dogs within the Town of Marathon, is available from the Municipal Clerk during normal business hours or on the Town of Marathon website at [www.marathon.ca](http://www.marathon.ca). It is RECOMMENDED that you obtain a copy of the By-law in order to be more fully aware of your rights and obligations in this matter and the basis for the issuing of this Control and Muzzle Order.

**DATED** at the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

i. **Animal Control Officer for the** Town of Marathon for purposes of By-law No. \_\_\_\_\_

ii. **Signature** \_\_\_\_\_

### Schedule "A-2"



### CONDITIONS OF MUZZLING DOG

1. While the dog is on the property of the owner or harbourer as described above, the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device is to be designed in such manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.
2. While a dog is off the property of the owner, as described above, the owner shall ensure that:
  - i) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
  - ii) a muzzle is fastened humanely over the mouth of the dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of the dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal;
  - iii) it is under the control of a person sixteen (16) years of age or older;
  - iv) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the dog;
  - v) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the dog is transferred to another person;
  - vi) the Animal Control Officer is notified should the dog die of natural causes or be euthanized.

\_\_\_\_\_  
Initials of the Animal Control Officer

## Schedule "B"

**PROHIBITED ANIMALS**

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.
2. All dogs, other than domesticated dogs (*Canis familiaris*) including but not limited to: wolf, fox, coyote, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
3. All cats other than domesticated cats (*Felis catus*) including but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat
4. All bears, including polar, grizzly, brown and black bear.
5. All fur bearing animals of the family Mustelidae including, but not limited to weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
6. All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.
7. All carnivorous mammals of the family Viverridae including, but not limited to, civet, mongoose, and genet.
8. All bats (Chiroptera).
9. All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
10. All squirrels (Sciuridae).
11. Reptiles (Reptilia)
  - (a) all Helodermatidae (gila monster and Mexican bearded lizard);
  - (b) all front-fanged venomous snakes, even if de venomized, including, but not limited to,
    - i) all Viperidae (viper, pit viper),
    - ii) all Elapidae (cobra, mamba, krait, coral snake),
    - iii) all Atractaspididae (African burrowing asp),
    - iv) all Hydrophiidae (sea snake), and
    - v) all Laticaudidae (sea krait).

- (c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de-venomized,
  - (d) any member or hybrid offspring of the family Boidae, including but, not limited to the common or green anaconda and yellow anaconda, save and except members of the family Boidae reaching an adult length of no greater than two (2) meters,
  - (e) any member of the family Pythonidae, including but, not limited to the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family Pythonidae reaching an adult length of no greater than two (2) meters.
  - (f) any member of the family Varanidae, including but, not limited to the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family Varanidae reaching an adult length of no greater than one (1) meter,
  - (g) any member of the family Iguanidae, including the green or common iguana,
  - (h) any member of the family Teiidae, including but not limited to the golden, common or black and white tegu,
  - (i) all members of the family Chelydridae, including snapping turtle and alligator snapping turtle,
  - (j) all members of the family Crocodylia, including, but not limited to alligator, caiman and crocodile,
  - (k) all other snakes that reach an adult length larger than three (3) meters, and
  - (l) all other lizards that reach an adult length larger than two (2) meters.
12. (1) Birds (Aves)
- (a) all predatory or large birds (Accipitrids, Cathartids), including but not limited to eagle, hawk, falcon, owl, vulture and condor,
  - (b) anseriformes including but not limited to ducks, geese and swans,
  - (c) galliformes including but not limited to pheasants, grouse, guinea fowl and turkeys, and
  - (d) struthioniformes including but not limited to flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.
- (2) Paragraphs (a) to (d) inclusive in subsection (1) do not apply if the birds are kept as livestock pursuant to Section \_\_ of this by-law.
13. Arachnida and Chilopoda
- (a) all venomous spiders including, but not limited to tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*), Pink-Toed (*Avicularia avicularia*), and

- (b) all venomous arthropods including, but not limited to centipede.
14. All large rodents (Rodentia), including, but not limited to gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
  15. All even-toed ungulates (Artiodactyla) other than domestic sheep, including but not limited to antelope, giraffe and hippopotamus.
  16. All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including but not limited to zebra, rhinoceros and tapir.
  17. All marsupials, including but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.
  18. Sea mammals (Cetacea, Pinnipedia and Sirenia), including but not limited to, dolphin, whale, seal, sea lion and walrus.
  19. All elephants (Proboscidea).
  20. All hyrax (Hyracoidea).
  21. All pangolin (Pholidota).
  22. All sloth and armadillo (Edentata).
  23. All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater, shrew, otter shrew, mole and hedge hog.
  24. Gliding lemur (Dermoptera).
  25. All other venomous or poisonous animals.