

**THE CORPORATION OF THE TOWN OF MARATHON**  
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**BY-LAW NO. 2121**

Being a by-law to regulate the feeding of  
wildlife within the Corporation of the Town  
of Marathon.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001 c. 25 (hereinafter referred to as the "Act"), provides that the powers of the Municipality under this or any other Act shall be interpreted broadly to enable municipalities to govern their affairs as they consider appropriate and to respond to municipal issues;

AND WHEREAS Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the Act provides that a municipality may regulate matters involving the health, safety, and well-being of others;

AND WHEREAS Section 128 of the Act provides that a municipality may regulate matters causing public nuisances, including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS Section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 426 of the Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under a by-law passed under this Act;

AND WHEREAS Section 429 of the Act permits a municipality to establish a system of fines for offences under a by-law of the municipality passed under this Act and designates an offence as a continuing offence;

AND WHEREAS Section 436 of the Act provides that a municipality has the power to pass by-laws allowing the municipality to enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance;

AND WHEREAS the Council of The Corporation of the Town of Marathon deems it expedient to pass such a by-law;

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

**1. DEFINITIONS**

- 1.1 **Bird Feeding Device** means any instrument, tool, appliance, or thing meant or intended to hold food for birds.
- 1.2 **Council** means the Council of The Corporation of the Town of Marathon.
- 1.3 **Domestic Animal** means an animal, such as the horse, dog, or cat, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
- 1.4 **Feed or Feeding** means leaving food or wildlife attractants on property, or permitting food or wildlife attractants to be left on property, for consumption by Wildlife, but does not include:
  - 1.4.1 compost;
  - 1.4.2 food or pet food kept in a Bird Feeding Device in compliance with this by-law;
  - 1.4.3 water provided to a Domestic Animal;
  - 1.4.4 growing fruits and vegetables in gardens.

- 1.5 **Nuisance Feeding of Wildlife** means Feeding or permitting the Feeding of Wildlife, or leaving food or Wildlife Attractants that are accessible by Wildlife, which results in one or more of the following occurring to constitute a public nuisance whether occurring on public or private property:
- 1.5.1 excessive accumulation of food, including bird seed and seed casing;
  - 1.5.2 excessive accumulation of Wildlife feces;
  - 1.5.3 unreasonable interference with the normal use and enjoyment of nearby property;
  - 1.5.4 unreasonable interference causing risk to public safety due to animal behaviour;
  - 1.5.5 excessive attraction of rodents (including rats) or predatory Wildlife (including coyotes and bears) to the premises.
- 1.6 **Officer** means a By-law Enforcement Officer, a Police Officer, or other person appointed by Town Council to enforce this by-law.
- 1.7 **Town** means the geographic limits of the Town of Marathon.
- 1.8 **Wildlife** means an animal that belongs to a species that is wild by nature.
- 1.9 **Wildlife Attractant** means any substance, including but not limited to food, food waste, garbage, pet food, bird seed, grease, or other edible material that may attract Wildlife, including bears.

## 2. SHORT TITLE

- 2.1 This By-law may be referred to as the Feeding of Wildlife By-law.

## 3. GENERAL PROVISIONS

- 3.1 No person shall feed or permit the Nuisance Feeding of any Wildlife or wild animal on public or private property within the Town.
- 3.2 No person shall leave or store food or Wildlife Attractants on any property in a manner that is accessible to Wildlife and that may attract Wildlife, including bears, to the property.
- 3.3 Bird Feeding Devices shall be maintained in a manner that minimizes the accumulation of bird seed on the ground and does not attract Wildlife.
- 3.4 **Garbage, Compost, and Food Waste**
- 3.4.1 No person shall place or leave garbage, compost, food waste, or other Wildlife Attractants in a location that is accessible to Wildlife, including bears.
  - 3.4.2 Garbage, compost, and other food waste must be secured, covered, or contained in a manner that prevents access by Wildlife.
  - 3.4.3 This section applies to both private and public property.
  - 3.4.4 Failure to comply with this section constitutes Nuisance Feeding of Wildlife under Section 3.1.

## 4. EXEMPTIONS

- 4.1 This By-law shall not apply to:
- 4.1.1 An Officer, licensed trapper, authorized Wildlife rehabilitator, or employee of a licensed pest management operator leaving food as bait to catch Wildlife as part of their professional duties.
  - 4.1.2 A person feeding Wildlife as part of a research program undertaken by a university, college, government research body, or Wildlife research institution.

- 4.1.3 A person feeding Wildlife using a trap or capturing device for the purpose of removing animals causing nuisance to personal property.
- 4.1.4 A person fishing in accordance with a valid provincial licence.
- 4.1.5 A person participating in a cultural, religious, or spiritual practice outdoors, provided the person cleans all food from the outdoor location at the conclusion of the practice.

**5. ADMINISTRATION AND ENFORCEMENT**

**5.1 Entry and Inspection**

- 5.1.1 An Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection to determine compliance with this by-law.

**5.2 Obstruction**

- 5.2.1 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 identify upon request shall be deemed as obstruction of the Officer.

**5.3 Offences and Penalties**

- 5.3.1 Any person who contravenes any provision of this by-law is guilty of an offence and is, upon conviction, liable to any penalty provided under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 5.3.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine; and the Chief Justice of the Ontario Court of Justice shall be requested to establish set fines in accordance with Schedule "A" of this by-law.
- 5.3.3 For the purpose of this by-law, each day of a continuing offence shall be deemed to be a separate offence.
- 5.3.4 For enforcement purposes, Wildlife Attractants include unsecured garbage, compost, bird seed accumulation, pet food, and any other substance reasonably likely to attract Wildlife, including bears.

**5.4 Validity and Severability**

- 5.4.1 If any provision or provisions of this by-law is held to be invalid, illegal, unenforceable, or in conflict with the law of any jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

**6. FORCE AND EFFECT**

- 6.1 This By-law shall come into force and effect on the final date of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF March 2026.

(SEAL)

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Mayor

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Clerk

**SCHEDULE "A"**  
**Town of Marathon**  
**Part 1 Provincial Offences Act**  
**By-Law No. 2121 – Feeding Wildlife**

<b>Item</b>	<b>Short Form Wording</b>	<b>Section</b>	<b>Set Fine</b>
1.	Feed/permit nuisance feeding of wildlife on public or private property	Section 3.1	\$200.00
2.	Obstruct officer performing duty under by-law	Section 5.2	\$300.00

“ NOTE: The general penalty provision for the offences indicated above is Section 5.3.1 of By-Law No. 2121, a certified copy of which has been filed.”