

Authority: Item 12, Planning Committee
Report 14-010 (LS14024)
CM: June 25, 2014

Bill No. 164

CITY OF HAMILTON

BY-LAW NO. 14-164

To Enact a By-law to Protect Police Animals and Persons Who May be Affected by the Use of Police Animals

WHEREAS Council deems it necessary to provide for the protection of animals used by police officers in the carrying out of their duties, such as search and rescues, patrols, community relations and crime investigation and prevention, so as to ensure the safety and well-being of members of the public, police officers and the animals;

AND WHEREAS police animals work in close proximity to persons, and interference with the animal creates the risk of personal harm;

AND WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the City; the health, safety and well-being of persons; the protection of persons and property; and animals;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Definitions

1. In this By-law;

“**authorized person**” means a person who is authorized by a police officer to assist police officers in the carrying out of their duties;

“**interfere with a police animal**” includes but is not limited to:

- (a) hitting, startling, harassing, touching, feeding or taunting a police animal;
- (b) throwing an object or substance at or on a police animal;
- (c) failing to control an animal in one's keeping from menacing or attacking a police animal; or
- (d) attempting any of the above or otherwise doing anything to:
 - (i) remove a police animal from the control of its handler; or
 - (ii) prevent such handler from obtaining control of their police animal.

“police animal” means an animal that is used by:

- (a) a police officer in the carrying out of his or her duties; or
- (b) an authorized person who is assisting a police officer in the carrying out of his or her duties, and

includes but is not limited to police horses and police dogs.

Prohibition

- 2. (1) No person shall interfere with a police animal.
- (2) Subsection (1) does not apply if the person is acting in accordance with permission given by:
 - (a) a police officer; or
 - (b) an authorized person.

Enforcement

- 3. A police officer has authority to enforce this By-law.

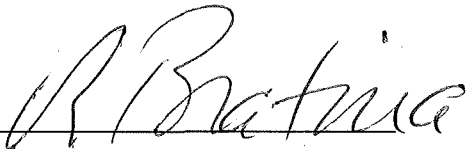
Penalties

- 4. Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable:
 - (a) on a first conviction, to a fine of not more \$10,000; and
 - (b) on any subsequent conviction, to a fine of not more than \$25,000.

General Provisions

5. This By-law may be referred to as the Police Animal Protection By-law.
6. If a court of competent jurisdiction declares any provision of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.
7. This By-law comes into force on the date of its passing.

PASSED this 25th day of June, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk