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City Solicitor

Became inactive after state legislature
passed a preemption law in 2012



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*In CC
jackets
12/19/08*
** Ordinance passed on
1/13/09 by the City Council*
"A"

December 19, 2008

Bernard F. Lynch, City Manager
Mayor Edward "Bud" Caulfield
Members of the City Council

Re: Proposed Ordinance "Pit Bulls" regulation and ownership requirements

Dear Manager Lynch, Mayor Caulfield and Members of the City Council:

Enclosed is amended proposed Ordinance regarding "Pit Bulls" and the regulations pertaining thereto as well as ownership requirements. This Ordinance was requested by the City Council based on the recent incidents involving Pit Bull attacks.

This Ordinance was drafted based on a similar City of Boston Ordinance addressing Pit Bulls. It is in addition to the "Dangerous and Vicious Dog" Ordinance as amended presently pending before the Council.

Like all other proposed Ordinances, this Pit Bull Ordinance should be referred to a public hearing and to the Public Safety subcommittee if that is the wish of the Council.

Yours very truly,

David J. Renton
Assistant City Solicitor

cc: Supt of Police - K. Lavallee
Animal Control Officer - E. Potter

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

"A"

In City Council

ORDINANCE

An Ordinance Amending the new "Code of Ordinances for the City of Lowell, Massachusetts", (the "Code") by adding to Chapter 104 a new Article IV regarding Pit Bulls.

PREAMBLE

WHEREAS, the breeds of dogs known as "pit bulls" include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds ("Pit Bulls"); and

WHEREAS, Pit Bulls, as a breed/category of dog, have characteristics that have been selectively bred into or are otherwise commonly found, and these characteristics may be intensified by improper treatment and/or training; these generally-exhibited traits include, but are not limited to, (i) powerful instincts for dominance which naturally results in a proclivity for fighting, (ii) a strong prey drive, which, inspires a natural chase instinct that often results in their aggressive pursuit of cats, rabbits, other dogs, and human children; (iii) a stubbornness that results in sustained, unyielding aggressiveness once an attack begins; (iv) powerful jaws capable of crushing bones and hanging on to victims even while the animal withstands infliction of injury or pain; and (v) a combination of stamina, agility, strength, and "gameness" (the will to successfully complete a task); and

WHEREAS, the combination and evolution of these characteristics in Pit Bulls and the exhibition of these characteristics in encounters injurious to humans and other mammals have served to evidence the breed's dangerousness; judicial and legislative bodies have reacted by noting that the classification of Pit Bulls as dangerous animals has a rational basis in fact and that adopting controlling measures in order to reduce the likelihood of human injury bears a rational relationship to the governmental objective of preserving public health, public safety, and public welfare; and

WHEREAS, other cities, counties, states and countries have found that Pit Bulls are so dangerous to humans and other animals that restrictions on them are warranted: in 1991, England classified Pit Bulls as dangerous dogs under its nation-wide Dangerous Dog Act; in 2001, the Czech Republic also considered nation-wide legislation regarding

Pit Bulls; Lynn, Massachusetts outlawed Pit Bulls but the ordinance was struck down due to specific unconstitutional vagueness by the Supreme Judicial Court in 1989 (several other state and federal jurisdictions have upheld pit bull ordinances, including the states of Washing (Supreme Court of Washington, 1989), Florida (Federal District Court, S.D. Fla., 1989), Ohio (Supreme Court of Ohio, 1991, *cert denied*, 1991), Wisconsin (Court of Appeals of Wisconsin, 1993), and New Mexico (Supreme Court of New Mexico, 1988; Winthrop, Massachusetts banned Pit Bulls in 1988, Pawtucket, Rhode Island outlawed Pit Bulls in 2003; and

WHEREAS, the mere presence of Pit Bulls poses a significant threat to the health, welfare, and safety of the residents of and visitors to the City of Lowell; and

WHEREAS, the Massachusetts Bureau of Health documented more bites from Pit Bulls (243) than from any other breed of dog in 2002-2003; and

WHEREAS, the Centers for Disease Control of the United States Department of Health and Human Services have identified that Pit Bull attacks on humans resulted in more than twice as many deaths as their nearest statistical competitor over a 27-year period; and

WHEREAS, among other documented events around the United States: in Rhode Island, a Pit Bull mauling was recorded on July 18, 2003; in Colorado, a woman was mauled to death and two men were attacked by Pit Bulls in December 2003; in December, a man and his sister were viciously attacked by their own Pit Bulls on December 21, 2003; and

WHEREAS, in the City of Lowell, based on reports from the Animal Control Office and the Police Department the number of bites and attacks and those that are Pit Bull related, in 2007 and 2008 are as follows:

Bites and attacks on humans in 2007 and 2008 total 75 (of which 21 are Pit Bull related);

Bites and attacks on domestic animals in 2007 and 2008 total 28 (of which 10 are Pit Bull related); and

WHEREAS, in the City of Lowell, the following Pit Bull incidents have occurred, based on the police call logs:

07-03-07	Pit Bull knocks victim to ground no bite reported. Salem St.
07-04-07	Homestead St. child bitten by pit bull that was tied in owners yard.
09-05-07	Epping St. Loose pit bull kills cat.
10-04-07	Delard St. Loose pit bull bites resident on sidewalk.
01-23-08	Barrington St. loose pit bull attacks small dog.
04-23-08	Central St. pit bull knocks resident to sidewalk.
07-03-08	Pit Bull bites resident in owner's home while with her puppies.

07-03-08	Gorham St. pit bull bites intoxicated uninvited resident while fighting with owner.
07-07-07	Gershom Ave. person bitten by friends pit bull that his walking.
08-17-08	Foster St. 2 loose pit bulls attack small dog.
08-24-08	Linden St. pit bull breaks chain and attacks another dog.
08-25-08	Woburn St. loose pit bull attacks 2 small dogs.
08-28-08	Bridge St. stranger enters home to purchase dog and is bitten by pit bull.
09-01-08	Loose pit bull unleashed bites neighbor in driveway.
09-03-08	Salem St. pit bull jumps on and scratches resident on sidewalk.
09-07-08	Riverside St. off leashed pit bull attacks ULowell student at track field.
09-11-08	Middle St. pit bull gets loose from owner attacks a leashed service dog.
09-21-08	Walnut St. loose pit bulls attack neighbor's small dog.
10-01-08	Hundredth St. loose pit bull bites small dog on leash.
10-08-08	Aiken Ave. small dog enters pit bull yard and is attacked by pit bull.
10-14-08	Fisher St. resident bitten by pit bull while breaking into home.
10-31-08	Hurd St. loose pit bull attacks dog on leash; and

WHEREAS, judging by the large number of reported incidents involving Pit Bulls in the City of Lowell in 2007 and 2008, listed the preceding paragraphs, current methods of control by Pit Bull owners or keepers, under existing laws and ordinances, have proved to be insufficient to protect the public; and

WHEREAS, the City Council of the City of Lowell believes it is necessary to regulate, subject to certain exceptions with certain restrictions, Pit Bulls in order to fulfill its primary mandate to protect human health, safety and welfare within the City of Lowell.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

1. The new "Code for the City of Lowell," (the "Code") adopted by the City Council on _____ as thereafter amended, with respect to Chapter 104, hereby amended by adding a new Article IV "Pit Bulls" as follows:

“ARTICLE IV
PIT BULLS AND
RESPONSIBLE PIT BULL OWNERSHIP

§104-43 PURPOSE.

Dogs known as Pit Bulls have generally-exhibited traits such as (i) powerful instincts for dominance which naturally results in a proclivity for fighting; (ii) a strong prey drive, which, inspires a natural chase instinct that often results in their aggressive pursuit of cats, rabbits, other dogs, and human children; (iii) a stubbornness that results in sustained, unyielding aggressiveness once an attack begins; (iv) powerful jaws capable of crushing bones and hanging on to victims even while the animal withstands infliction of injury or pain; and (v) a combination of stamina, agility, strength, and “gameness” (the will to successfully complete a task). Judicial and legislative bodies have reacted by noting that the classification of Pit Bulls as dangerous animals has a rational basis in fact and that adopting controlling measures in order to reduce the likelihood of human injury bears a rational relationship to the governmental objective of preserving public health, public safety, and public welfare.

The City of Lowell has experienced its share of violent Pit Bull attacks through numerous recent incidents as set forth in the Preamble to this Ordinance.

The City Council of Lowell believes it is necessary to encourage responsible Pit Bull ownership by regulating, subject to certain exceptions with certain restrictions, Pit Bulls in order to fulfill its primary mandate to protect human health, safety, and welfare within the City of Lowell.

§104-44 DEFINITIONS.

Unless specifically indicated otherwise, these definitions shall apply and control in this Article IV.

- (a) “City” means the City of Lowell, Massachusetts;
- (b) “Code” means the Code for the City of Lowell, Massachusetts
- (c) “Article I” means Article I of Chapter 104 of the Code
- (d) “Article IV” means Article IV of the Chapter 104 of the Code.
- (e) “Animal Control Officer” means Animal Control Officer of the City of Lowell
- (f) “LPD” means the Lowell Police Department
- (g) “ISD” means the Inspectional Services Department of the City of Lowell.
- (h) “Superintendent of Police” means the Superintendent of Police or his/her designee
- (i) “Keeper” means any person who possesses keeps, exercises control over, maintains, harbors, transports or sells a pit bull whether or not that person is an owner.
- (j) “Muzzle” means a restraining appliance made of metal, plastic leather, cloth, or a combination of these materials that when fitted and fastened over a pit bulls

snout/mouth/head, prevents the pit bull from biting but allows room for the pit bull to breathe/pant.

(k) "Owner" means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a Pit Bull.

(l) "Pit Bull" includes, but is not limited to, any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog of mixed breed displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, such characteristics being identifiable even if there are technical deficiencies in any particular dog's conformance thereto; or any dog identifiable by a licensed veterinarian, animal control officer or any other knowledgeable person whose identification is deemed credible by the Lowell Police Department or the Animal Control Officer as having American Pit Bull Terrier, American Staffordshire Terrier and/or Staffordshire Bull Terrier as any element of its breeding, or any dog registered or licensed as a Pit Bull. Specifically, excepted from this definition is any dog with proof by American Kennel Club or United Kennel Club papers or by a written certification or written notice from a veterinarian licensed in the Commonwealth of Massachusetts that the dog does not contain in its lineage any American Pit Bull Terrier, American Staffordshire Terrier or Staffordshire Bull Terrier.

(m) "Secure Temporary Enclosure" includes, but is not limited to, a secure enclosure used for purposes of transporting a Pit Bull and which includes a top and bottom permanently attached to the sides except for a securable door used for the ingress and egress of a Pit Bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the Pit Bull cannot exit the enclosure without human assistance.

§104-45 PROHIBITION.

No person may own, possess, keep exercise control over, maintain, harbor, transport, or sell within the City any Pit Bull while in violation of any of the provisions of this Article IV.

§104-46 REGISTRATION AND LICENSE.

All dogs shall be registered and licensed pursuant to Section 104-2 of the Code and all Pit Bulls shall be additionally registered and licensed pursuant to Section 104-46. In no event, however, may more than two (2) Pit Bulls may be registered, licensed, stored, housed, sheltered, or in any way located at a single household, except that puppy Pit Bulls less than nine (9) weeks old shall not be included for the sole purpose of this two-animal restriction.

(a) Any Owner or Keeper having the ownership, custody, or control of a Pit Bull, as defined in Section 104-44, must annually register such Pit Bull with the City Clerk with a copy of the registration form filed with the Animal Control Officer on a form to be available at the Office of the City Clerk. The registration form shall require (i) the complete legal name of the Pit Bull's Owner and/or Keeper and presentation of a positive form of government-issued picture identification (no photocopies) for the Owner and/or Keeper, and the Animal Control Officer shall make a copy of such identification and attach it to the application; (ii) the complete residential address of the Pit Bull's Owner and/or Keeper; (iii) the complete address where the Pit Bull will be primarily housed/sheltered; and (iv) the telephone number of the Pit Bull's Owner or Keeper; (v) the complete details of the Pit Bull's physical identification, including but not limited to

breed, sex, weight, color, markings, and any other distinguishing physical characteristics, all provided by the Owner and/or Keeper; (vi) a photograph of the Pit Bull that is not more than thirty (30) calendar days old; and (vii) the complete details of the Pit Bull's documented identification, including but not limited to the Pit Bull's registration and/or license number as issued by the City Clerk and true and accurate copies of the Pit Bull's rabies vaccination and a copy of the Pit Bull's health record as prepared by a veterinarian which shall not be dated more than thirty (30) calendar days from the application for registration of the Pit Bull under this section.

(b) The Owner or Keeper shall separately acknowledge by signing or initializing a statement on the registration form acknowledging the spay/neuter restriction in this sub-section. The Owner or Keeper, at the expense of the Owner or Keeper shall have the Pit Bull spayed or neutered and, unless previously submitted, shall submit to the City Clerk and the Animal Control Officer original or certified copy of documentary proof thereof from a licensed veterinarian. This requirement shall be waived upon a written statement from a licensed veterinarian that the procedure cannot or should not be performed for reasons of the health or age of the Pit Bull.

(c) The Owner or Keeper shall separately acknowledge by signing or initializing a statement on the registration form acknowledging the permission requirement in this sub-section. If the Owner or Keeper is not the owner of the premises at which the Pit Bull will be primarily housed/sheltered then the Owner or Keeper shall obtain the written permission of the landlord, lessor, property owner, or the duly authorized agent thereof for the presence and housing of the Pit Bull, and unless previously submitted, shall submit the original written permission to the Animal Control Officer. A landlord, lessor, property owner, or the duly authorized agent thereof must approve in writing or deny in writing a request for permission with ten (10) business days; upon a showing that ten (10) business days have passed, the failure of a landlord, lessor, property owner, or the duly authorized agent thereof to respond shall be deemed to be approval.

(d) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the specific requirements of § and attesting that whenever the Pit Bull is away from the private property of the Owner or Keeper, specifically including but in no way limited to the streets, sidewalks, parks, and playgrounds of the City, that the Owner or Keeper will ensure that the Pit Bull is either (i) adequately and securely led and leashed by a person with the clear ability to physically control/restrain the leashed Pit Bull with the Pit Bull wearing a Muzzle or (ii) in a Secure Temporary enclosure.

(e) The Owner or Keeper shall separately acknowledge by signing or initializing a statement on the registration form acknowledging the two-animal restriction in this section.

(f) The Owner or Keeper shall separately acknowledge by signing or initializing a statement on the registration form acknowledging the signage requirement in §104-48.

(g) No Owner or Keeper registering a pit Bull may be less than eighteen (18) years old.

(h) The registration and license under this section is not transferable and shall be annually renewable only by the holder of the license.

(i) The fee for the registration and license shall be fifty dollars and no cents (\$50.00).

(j) Upon an Owner's or Keeper's successful application, the Animal Control Officer shall provide to the successful Owner or Keeper registering a Pit Bull (i) a Pit Bull license tag; (ii) a complete copy of the application for registration and license as submitted by the Owner or Keeper; (iii) a written summary of all methods for contacting the Animal Control Officer including but not limited to the Animal Control Officer's telephone number during business hours, the Animal Control Officer's telephone number during non-business hours, the telephone numbers for the Lowell Police Department, and (iv) a legible copy of Article IV of the Code for the City of Lowell entitled Pit Bulls and Responsible Pit Bull Ownership.

(k) The license tag issued by the Animal Control Officer pursuant to this section shall be attached to the Pit Bull by means of a collar or harness and shall not be attached to any Pit Bull other than the Pit Bull for which the license tag was issued. If the Pit Bull license tag is lost or destroyed, a duplicate may be issued by the Animal Control Officer upon the Owner or Keeper's application and payment of a fee in the amount of twenty-five dollars and no cents (\$25.00).

§104-47 ADEQUATE CONTROL.

Supplementing the requirement regarding the general restraint of dogs, at all times when a Pit Bull is away from the private property of the Owner or Keeper, specifically including but in no way limited to the streets, sidewalks, parks, and playgrounds of the City of Lowell, the Owner or Keeper shall ensure that the Pit Bull is either (a) adequately and securely led and leashed by a person with the clear ability to physically control/restrain the leashed Pit Bull with the Pit Bull wearing a Muzzle or (b) in a secure Temporary Enclosure.

§104-48 SIGNAGE AND ENCLOSURE.

An Owner or Keeper shall, whenever a Pit Bull is on the premises, display a sign advising all persons that a Pit Bull is located on the premises, and such sign shall be visible and legible from the further of (i) the nearest public or private way or (ii) one hundred feet (100'). In no event may the Pit Bull sign be less than eight and one half inches (8.5") by eleven inches (11") in rectangular dimensions nor eleven inches (11") by eleven inches (11") in square dimensions. The sign shall announce "BEWARE OF PIT BULL DOG" in lettering not less than two inches (2") in height and in lettering that sharply contrasts with the background of the sign. The size of the lettering may be reduced with the written approval of the Animal Control Officer, but in no event shall the lettering be less than one and one half inches (1.5") in height.

§104-49 TRANSFER/SALE.

No Owner or Keeper shall sell or otherwise transfer a Pit Bull to any person except a member of the Owner's or Keeper's immediate family. No Owner or Keeper shall sell or otherwise transfer a Pit Bull to any person except a member of the Owner's or Keeper's immediate family without obtaining the approval of the Animal Control Officer who shall transfer the registration and license. Nothing in these sections shall be deemed to prevent the Animal Control Officer from requiring the transferee Owner or Keeper to apply for

registration and license at the time of transfer or sale of the Pit Bull which will ensure that the transferee Owner or Keeper is exposed to the requirements and restrictions of this Article IV.

§104-50 ANIMAL CONTROL OFFICER.

Since the provisions of §104-46 restrict to two (2) the number of Pit Bulls that may be registered, stored, housed, sheltered, or in any way located at a single household, except that puppy Pit Bulls less than nine (9) weeks old shall not be included for the sole purpose of this restriction and any Pit Bulls (including puppies) kept contrary to the provisions of these sections are subject to immediate impoundment, then the Owner or Keeper shall notify the Animal Control Officer as follows:

- (a) within twenty-four (24) hours if a Pit Bull is on the loose, at large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal, or has mauled, bitten, attacked, threatened, or in any way menaced a human;
- (b) within seven (7) calendar days if a Pit Bull has died or has in any way permanently relocated;
- (c) within fourteen (14) calendar days if a Pit Bull becomes pregnant; and
- (d) within seven (7) calendar days if a Pit Bull has a litter of puppies.

Although such notifications may be made in writing, the Owner or Keeper may make such notifications by telephone during normal business hours in the event of a non-emergency, wherein the Animal Control Officer shall make a written record thereof and the Owner or Keeper shall make his/her own written record thereof.

§104-51 EXCEPTIONS.

Two exceptions to the provisions of Article IV are as follows:

(a) *Contest, Show, or Exhibition.* An Owner or Keeper may transport into and hold in the City a Pit Bull for a temporary period not to exceed fourteen (14) calendar days and only for the purpose of showing the Owner's or Keeper's Pit bull in a contest, show, or other exhibition sponsored by a dog club association or similar organization. No later than the twenty-first (21st) calendar day prior to the contest, show or other exhibition, the sponsor/organizer of the contest, show or exhibition must notify the Animal Control Officer in writing of the event and the sponsor/organizer of the contest, show, or exhibition must obtain any permits or licenses required by the ordinances, orders, rules, regulations, and/or policies of the City or required by the laws, orders, rules, regulations, and/or policies of the Commonwealth of Massachusetts; the sponsor/organizer of the contest, show, or other exhibition must provide adequate measures to prevent Pit Bulls from injuring the public. The Owner or Keeper of a Pit Bull so transported or held shall, at all times when the Pit Bull is being transported within the City keep the Pit Bull confined in a Secure Temporary Enclosure and must place a conspicuous sign complying with the requirements of these sections on the Secure Temporary Enclosure.

(b) *Governmental Entity.* No governmental entity or any person authorized by a governmental entity that owns, keeps or harbors a Pit Bull for law enforcement activities shall be subject to these sections.

§104-52 IMPOUNDMENT; INVESTIGATION; REDEMPTION.

(a) *Impoundment.* Any Pit Bull found by the Animal Control Officer or any member of the Lowell Police Department to be on the loose, at-large, or unconfined, or which has been observed by the Animal Control Officer or any member of the Lowell Police Department to have mauled, bitten, attacked, threatened, or in any way menaced another animal or human shall be presumed to be in violation of this Article IV and shall be subject to immediate impoundment.

The Animal Control Officer is authorized to immediately impound any Pit Bull in violation of Article IV and which does not fall within the exceptions listed therein. The Animal Control Officer is authorized to house and/or dispose of any impounded Pit Bull at his/her sole professional discretion.

(b) *Investigation.* The Animal Control Officer is empowered to make whatever inquiry or investigation is deemed necessary to ensure compliance with the provisions of Article IV. The Animal Control Officer is empowered to seize and impound any Pit Bull found to be in violation of Article IV or any Pit Bull for which the Owner or Keeper has failed to comply with the provisions of Article IV.

(c) *Redemption.* The Animal Control Officer shall not release a Pit Bull from impoundment unless the Owner or Keeper (i) provides proof of registration and license satisfactory to the Animal Control Officer, (ii) provides adequate proof that any violations of Article IV have been corrected in a manner satisfactory to the Animal Control Officer (iii) remits payment to the Animal Control Officer of all fines issued pursuant to violations under Article I and Article II, and (iv) remits payments to the Animal Control Officer for the costs associated with the impounding of the Pit Bull and term of impoundment of the Pit Bull.

§104-53 ENFORCEMENT AND PENALTIES.

(a) The Animal Control Officer and LPD shall each have the authority and shall cooperate with each other to the greatest extent possible to enforce the provisions of Article IV. Inspectional Services Department shall cooperate with the Animal Control Officer and LPD in offering support regarding signage required under these sections. LPD and ISD shall notify the Animal Control Officer of any location or address at which a Pit Bull is observed.

(b) A Pit Bull found in violation of Article IV shall be subject to immediate impoundment.

(c) Any violation of Article IV shall be subject to a fine of Two Hundred Dollars (\$200.00) for first offense and Three Hundred Dollars (\$300.00) for any subsequent for any subsequent offense(s) and the Owner's or Keeper's Pit Bull shall be subject to impoundment. Each day a violation exists shall be considered a separate and distinct violation.

(d) Article IV may also be enforced as a non-criminal disposition under §1-6 of the Code.

§104-54 DOGS TRAINED FOR FIGHTING; GANG ACTIVITY.

Any Pit Bull or any dangerous or vicious dog found within the City, as determined by the Animal Control Officer, or any police officer of the LPD, to be a dog trained for fighting, as that term is defined under §104-1 of Article I, or an Pit Bull or any dangerous or

vicious dog owned or harbored or property known for drug trafficking or gang activity shall be impounded and destroyed by the Animal Control Officer. The Animal Control Officer or any police officer of the Lowell Police Department may shoot any Pit Bull or any dangerous or vicious dog trained for fighting or kept in connection with drug trafficking or gang activity if it is reasonably believed that said Pit Bull or dangerous or vicious dog is attacking or about to attack the Animal Control Officer, the police officer or any person.

§104-55 APPEAL.

The Owner or Keeper of a dog that has been impounded pursuant to Article IV or that has been the subject of a citation for violation under Article IV may dispute the classification of such dog as a Pit Bull by filing a written petition with the Animal Control Officer for a hearing, before the Superintendent of the Lowell Police Dept. concerning such classification no later than seven (7) calendar days after the date of impoundment or citation. A petition shall include, but not be limited to, (i) the complete legal name and social security number of the Pit Bull's Owner and/or Keeper; (ii) the complete residential address of the Pit bull's Owner and/or Keeper; (iii) the complete address where the Pit Bull is primarily housed/sheltered; and (iv) the telephone number of the Pit Bull's Owner or Keeper; (v) the complete details of the Pit Bull's documented identification, including but not limited to the Pit Bull's registration and/or license number as issued by the City; and (vi) a summary of the facts that the petitioner wishes to introduce for consideration. The written petition shall be submitted under oath or affirmation.

§104-56 PROVOCATION.

No person may strike, bait, provoke, or in any way antagonize a Pit Bull in such a manner as to inspire or cause an attack by a Pit Bull. Any such provocation shall be considered a mitigating circumstance.

§104-57 INCLUSION.

The Animal Control Officer is authorized to expand the provisions of Article IV to include additional breeds of dogs upon ordinance amendment approved by the Lowell City Council; based upon a cursory showing of the reasons for such expansion.

§104-58 ANIMAL ADVISORY COMMITTEE.

The Animal Advisory Committee established under Section 4-37.6 of the 1988 Code of the City of Lowell Massachusetts shall also serve the same functions with respect to Article IV.

§104-59 HARMONIOUS CONSTRUCTION.

The provisions of Article IV shall supplement and be construed harmoniously with Article I and Massachusetts General Laws Chapter 140.

§104-60 REGULATORY AUTHORITY.

The Animal Control Officer, with the approval of the City Manager, shall have the authority to promulgate rules and regulations necessary to implement and enforce Article IV.

§104-61 SEVERABILITY.

If any provision of any section of Article IV shall be held to be invalid


§104-62 IMPLEMENTATION.

The provisions of these sections shall be effective immediately upon passage and all provisions shall be enforced immediately but no monetary fines shall be imposed pursuant hereto until thirty (30) days after passage.

2. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the Massachusetts General Laws.”

APPROVED AS TO FORM:


David J. Fenton
Assistant City Solicitor

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