

**Offered by Councillors ROB CONSALVO and JAMES M. KELLY**

**CITY OF BOSTON**



**IN THE YEAR TWO THOUSAND FOUR**

**AN ORDINANCE REGARDING  
RESPONSIBLE PIT BULL OWNERSHIP**

*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, 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 regulating Pit Bulls; the Senate of the State of New Jersey is currently

considering a proposal to restrict 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 Washington (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 Boston; 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 human deaths as their nearest statistical competitor over a 27-year period;

*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*, The City of Boston has experienced its share of violent Pit Bull attacks through numerous recent incidents; and

*WHEREAS*, In Hyde Park on March 24, 2003, a Pit Bull attacked another dog leading the owner to defend his dog, himself, and a nearby teenager with a fishing knife; and

*WHEREAS*, In Dorchester on June 26, 2003, two Pit Bulls were involved in menacing a young boy, chasing a Boston Police Officer, and lunging at and knocking down another Boston police Officer; the officers protected themselves with gunshots; and

*WHEREAS*, In the South End in August 2003, a Pit Bull mauled and killed "Lucy," the family dog (a Maltese) of Superintendent of Boston Public Schools Thomas Payzant while his wife, Ellen Payzant, was walking in the neighborhood; and

*WHEREAS*, In Roxbury on September 24, 2003, a Pit Bull mauled a victim and rushed a Boston Police Officer who was forced to defend himself with multiple gunshots; and

*WHEREAS*, Judging by the large number of widely-reported incidents involving Pit Bulls in the City of Boston, including the four incidents in a seven-month period listed in 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 Boston City Council 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 Boston.  
NOW THEREFORE,

*Be it ordained by the City Council of Boston, as follows:*

Section 1.

CBC Chapter XVI, Section 16-1.9E is hereby added:

16-1.9E Responsible Pit Bull Ownership.

16-1.9E.1 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 Boston has experienced its share of violent Pit Bull attacks through numerous recent incidents, such as: in Hyde Park on March 24, 2003, a Pit Bull attacked another dog leading the owner to defend his dog, himself, and a nearby teenager with a fishing knife; in Dorchester on June 26, 2003, two Pit Bulls were involved in menacing a young boy, chasing a Boston Police Officer, and lunging at and knocking down another Boston police Officer; the officers protected themselves with gunshots; in the South End in August 2003, a Pit Bull mauled and killed "Lucy," the family dog (a Maltese) of Superintendent of Boston Public Schools Thomas Payzant while his wife, Ellen Payzant, was walking in the neighborhood; in Roxbury on September 24, 2003, a Pit Bull mauled a victim and rushed a Boston Police Officer who was forced to defend himself with multiple gunshots.