

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
CHAPTER 87 THEREOF, ENTITLED *DOGS AND OTHER ANIMALS*, TO ADD
A NEW SECTION REQUIRING PIT BULL TERRIERS TO BE SECURELY
CONFINED OR MUZZLED AND LEASHED**

RECITALS

WHEREAS, the City of Hagerstown, Maryland, is a Municipal Corporation charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, there has been a proliferation of Pit Bull Terriers and other Pit Bull type dogs within the corporate limits of the City of Hagerstown; and

WHEREAS, due to the extraordinarily aggressive behavior and extraordinary physical capabilities of Pit Bull type dogs, which exceed those possessed by many other breeds of dogs; and

WHEREAS, the Maryland Court of Appeals has recently ruled that the Pit Bull type dogs are inherently dangerous; and

WHEREAS, the Mayor and Council believe that Pit Bull Terriers and other Pit Bull type dogs pose a special threat and a unique hazard to the public safety; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens of the City of Hagerstown to do so;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

Section 1. Chapter 87 of the Code of the City of Hagerstown is hereby amended to add a new section thereto, to be known as §87-10, *Pit Bull Terriers*, as follows:

§87-10. Pit Bull Terriers.

A. Definitions. As used in and for the purposes of this section, *Pit Bull* or *Pit Bull Terrier* shall mean any of the following dogs:

- (1) Staffordshire Bull Terrier breed of dogs;
- (2) American Pit Bull Terrier breed of dogs;
- (3) American Bulldog;
- (4) Bull Terrier; and
- (5) All dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Bulldog or Bull Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull Terrier more than any other breed of dog.

B. Confinement. Subject to the exemption contained in subsection 87-10.C. hereof:

- (1) Pit Bull Terriers, owned, possessed, kept or harbored in the City shall at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, with either a secure top or with all sides measuring at least six (6) feet in height.
- (2) At any time that a Pit Bull Terrier is not confined as required in subsection (1) above, the dog shall be a) humanely muzzled in such a manner so as to prevent it from biting or injuring any person or animal, b) kept on an unbreakable or unseverable leash, and c) maintained under the control of an owner, custodian, or other individual, who shall be physically capable of maintaining control of the dog.

C. Exemption.

The confinement requirements contained in subsection 87-10.B hereof shall not be applicable to a dog who has successfully passed the K-9 Good Citizenship Test administered by the American Kennel Club (AKC). For this exemption to apply, the dog must wear the tag issued by the AKC indicating satisfactory completion of the test and be fitted with a microchip implant for identification.

D. Penalties.

Any owner, custodian or keeper of any Pit Bull Terrier who shall violate any of the provisions of this section, shall be guilty of a misdemeanor and shall be subject to imprisonment for up to ninety (90) days and/or a fine not to exceed \$500.00.

E. Construction.

- (1) The provisions of this section are hereby declared to be severable, and in the event that any section, subsection, paragraph or subparagraph is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the remainder of this section.
- (2) This section shall be read, interpreted and construed as being in addition to and not in contravention of the balance of Chapter 87 of the City Code, as from time to time amended.

Section 2. Effective Date. This section shall become effective immediately upon the effective date of this enacting ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this enacting ordinance shall become effective at the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

Robert E. Bruchey, II, Mayor

Date of Introduction:
Date of Passage:
Effective Date:

PREPARED BY:
NAIRN & BOYER, LLC
CITY ATTORNEY