

VILLAGE OF RUSHVILLE

*Adopted July 12, 1976*

ARTICLE I

DOG CONTROL

§ 10.10 Definitions

When used in this Article, unless otherwise expressly stated:

1. "Owner" shall include any person owning, harboring or keeping a dog within the limits of the Village and the parent, guardian or other adult person with whom a minor dog owner resides.
2. "Dog" includes any dog of either sex and of any age unless otherwise indicated herein.
3. "Dog Warden" means the person appointed to assist in the enforcement of this Article.
4. "Control" means that the dog is responsive to the command, order or signal of the owner.
5. "Run at Large" means that a dog shall be deemed to be at large if elsewhere than on the premises of the owner or another who has knowledge and assents thereto and not under the control of the owner or his agent.

§ 10.20 Purpose

The purpose of this Article shall be to preserve the public peace and good order in the Village and to contribute to the public welfare, safety and good order of its people by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the Village.

§ 10.30 Restrictions

- A. No dog shall be permitted to run at large within the Village.
- B. No unspayed female dog in season shall be permitted to be outside a building or a fenced enclosure.

§ 10.40 Prohibition of nuisance by dog

No person being the owner or agent of any dog shall permit such dog to commit any nuisance within the Village or cause damage to the person or property of others. The following are declared public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisance.

1. Engage in loud howling or habitual barking or to conduct itself in such a manner so as to disturb the public peace.
2. Habitually chase and/or bark at moving vehicles or persons.
3. Jumping upon any person or knocking any person over.
4. Being found upon the school yard of any of the schools of the Village during the time of year when said schools are open between one (1) hour prior to commencement of the school day to one (1) hour after end of school day.
5. To run together in a pack or to in any way form a pack. For the purpose of this Article, the word "pack" is hereby defined to mean three (3) or more dogs.
6. Causing damage to property of others.

§ 10.50 Dangerous dogs

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

§ 10.60 Violations

A. For a first violation of § 10.30 or 10.40, the dog warden shall upon determination and identification of the dog serve or deliver a notice of first violation specifying the time, place, date and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Village Treasurer's Office in regard to said violation. Each such owner may within seven (7) days of the time when such notice was served or delivered pay to the Village of Rushville as a penalty for and in full satisfaction of such violation the sum of Five ~~(\$5.00)~~ Dollars. The failure of the owner to make such payment within seven (7) day

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period shall render the owner subject to the penalties hereinafter provided.

B. For a second or subsequent violation of § 10.30 or 10.40 within a two year period the dog warden may upon determination and identification of the dog seize the same, or in the alternative serve or deliver to the owner of the dog a notice of second violation and which notice shall instruct the owner to report at the Village Treasurer's Office in regard to said violation. Each such owner may within seven (7) days of the time when such notice was served or delivered pay to the Village of Rushville as a penalty for and in full satisfaction of said violation the sum of Fifteen (\$15.00) Dollars. The failure of such owner to make such payment to the Village Treasurer shall render the owner subject to the penalties hereinafter provided.

#### § 10.70 Dog Warden

A. The position of dog warden is hereby created, who shall be appointed by the Village Board and shall be removable at the pleasure of the Village Board.

B. Every dog seized by the dog warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law.

#### § 10.80 Penalties\*

The violation of § 10.30 or 10.40 of this Article shall be deemed an offense and a violation thereof and shall be punishable by a fine of not less than Ten (\$10.00) Dollars or more than Twenty-Five (\$25.00) Dollars, or by imprisonment for not exceeding thirty (30) days or by both such fine and imprisonment for a first offense, and a violation of § 10.30 or 10.40 of this Article as a second offense shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) or more than One Hundred (\$100.00) Dollars, or by imprisonment for not exceeding thirty (30) days or by both such fine and imprisonment.

Authority: Agriculture and Markets Law § 119.

References:

Contracts for seizing and impounding dogs

Agriculture and Markets Law § 120

Seizure of unleashed dogs, Agriculture and Markets  
Law § 114-a

Seizure of unleashed dogs, Agriculture and Markets  
Law § 114

\*Authority to impose penalties, Agriculture and Markets Law § 126