

Code
of the
Village of Fort Edward

COUNTY OF WASHINGTON

STATE OF NEW YORK

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CERTIFICATION

VILLAGE OF FORT EDWARD

Office of the Village Clerk

I, **DANIEL J. SMATKO**, Village Clerk of the Village of Fort Edward, hereby certify that the chapters contained in this volume are based upon the original local laws, ordinances and certain resolutions of the Board of Trustees of the Village of Fort Edward and that said local laws, ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Village of Fort Edward, County of Washington, State of New York, as adopted by local law of the Board of Trustees on April 7, 1986.

Given under my hand and the Seal of the Village of Fort Edward, County of Washington, State of New York, this seventh day of April 1986, at Fort Edward, New York.

s/**DANIEL J. SMATKO**

.....
Village Clerk



PREFACE

Like many municipalities, the Village of Fort Edward has passed through a process of legislative change. While only a few simple laws were necessary at the time of the original formation of the village, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed legislation for the proper function and government of the village. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Trustees ordered the following codification of the village's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation (local laws, ordinances and certain resolutions) of a general and permanent nature enacted by the Board of Trustees of the Village of Fort Edward, including revisions or amendments to existing legislation deemed necessary by the Board of Trustees in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other legislation of a regulatory nature. Legislation in this part generally imposes penalties for violation of the provisions contained therein, whereas that in Part I does not. The local law providing for the renumbering of village legislation

into an orderly and organized system and designating the body of such renumbered legislation as the "Code of the Village of Fort Edward" appears in Chapter 1, General Provisions, Article I.

Grouping of Legislation Arrangement of Chapters

The legislation of the village is organized into chapters, the order being an alphabetic progression from one subject to another. Whenever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of taxation may be found in Part II, in the chapter entitled "Taxation." In such chapters, use of Article designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Whenever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents, such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of

that chapter followed by the numeral "01." Thus, Chapter 22 begins of page 2201, Chapter 36 on page 3601, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 22 is § 22-1, while the fourth section of Chapter 36 is § 36-4.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the ordinance or local law number, if pertinent, and date of adoption. In the case of chapters containing Articles derived from more than one item of legislation, the source of each Article is indicated in the History. Amendment dates and sources for individual sections or subsections are noted in the text where appropriate.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in

the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received, and old pages removed, in accordance with the instruction page which accompanies each supplement.

Acknowledgment

It has been a pleasure to work with the village on this codification project. The assistance of Daniel Smatko, Village Clerk, Lawrence Corbett, Village Attorney, the Mayor and Trustees and various other village officials is gratefully acknowledged. The tasks involved in the preparation of this Code — the research necessary and the reviewing

of the material — have made it an outstanding achievement of the Village of Fort Edward.

The codification of the legislation of the Village of Fort Edward reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."



PART I

**ADMINISTRATIVE
LEGISLATION**





GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

- § 1-1. Legislative intent; distribution table.
- § 1-2. Continuation of existing provisions.
- § 1-3. Repeal of enactments not included in Code.
- § 1-4. Enactments saved from repeal; matters not affected.
- § 1-5. Effect on previously adopted legislation.
- § 1-6. Severability.
- § 1-7. Copy of Code on file; publication.
- § 1-8. Amendments to Code.
- § 1-9. Code book to be kept up-to-date.
- § 1-10. Sale of Code book; supplementation.
- § 1-11. Penalties for tampering with Code.
- § 1-12. Changes in previously adopted legislation; new regulations.
- § 1-13. Incorporation of provisions into Code.
- § 1-14. When effective.

ARTICLE II
Legislation Enacted During Codification

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward: Art. I, 4-7-86 as L.L. No. 1-1986. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 4-7-86 as L.L. No. 1-1986]

Be it enacted by the Board of Trustees of the Village of Fort Edward as follows:

§ 1-1. Legislative intent; distribution table.

- A. The local laws, ordinances and certain resolutions of the Village of Fort Edward, referred to in Subsection B of this section, together with the new regulations contained herein, shall be known collectively as the "Code of the Village of Fort Edward," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in Subsection B of this section.
- B. Distribution of local laws, ordinances and resolutions.

Parallel Table

(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates, which are covered by the provisions of this local law, have been omitted from the Code, and such sections are indicated as "Omitted" in the table which follows.)

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 6, Ethics		
Article I, Rules of Ethical Conduct	Resolution	11-2-70
§ 6-1	Section 1, first paragraph	
§ 6-2	Section 1, second paragraph	
§ 6-3	Section 2	
§ 6-4	Section 3	
§ 6-5	Section 4	
§ 6-6	Section 5	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 6-7	Section 6	
Omitted	Section 7	
Article II, Board of Ethics	Resolution	11-2-70
§ 6-8	Section 1	
§ 6-9	Section 2	
Chapter 11, Planning Board	Resolution	5-7-57
§ 11-1	First paragraph	
§ 11-2	Second, third and fourth paragraphs	
§ 11-3	Fifth paragraph	
Chapter 22, Alcoholic Beverages	Ordinance	6-15-70
§ 22-2	Section 1	
§ 22-3	Section 2	
§ 22-5	Section 3	
Omitted	Section 4	
Chapter 25, Animals	1932 Ordinances	6-7-32
§ 25-1	SECTION 18	
§ 25-2	SECTION 35	
Chapter 32, Buildings, Unsafe	L.L. No. 1-1979	1-2-79
§ 32-1	25-1	
§ 32-2	25-2	
§ 32-3	25-3	
§ 32-4	25-4	
§ 32-5	25-5	
§ 32-6	25-6	
§ 32-7	25-7	
§ 32-8	25-8	
§ 32-9	25-9	
§ 32-10	25-10	
§ 32-11	25-11	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 32-12	25-12	
§ 32-13	25-13	
§ 32-14	25-14	
§ 32-15	25-15	
§ 32-16	25-16	
§ 32-17	25-17	
Omitted	25-18	
§ 32-18	25-19	
Chapter 36, Curfew	SECTION 41 of the 1932 Ordinances	6-7-32, amended in its entirety 4-15-63
§ 36-1	First paragraph	
§ 36-2	Second paragraph	
§ 36-3	Third paragraph	
§ 36-4	Fourth paragraph	
§ 36-5	Fifth paragraph	
§ 36-6	Sixth paragraph	
Chapter 41, Entertain- ment, Public	SECTION 34 of the 1932 Ordinances	6-7-32
§ 41-1	First paragraph	
§ 41-2	Second paragraph	
§ 41-3	Third paragraph	
§ 41-4	Fourth paragraph	
§ 41-5	Fifth paragraph	
Chapter 69, Sewers		
Article I, Manholes	SECTION 32 of the 1932 Ordinances	6-7-32
§ 69-1	First paragraph	
§ 69-2	Second paragraph	
Chapter 74, Streets and Sidewalks		
Article I, General Regulations	1932 Ordinances	6-7-32
§ 74-1	SECTION 4	
§ 74-2	SECTION 5	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 74-3	SECTIONS 6, 7 and 8	
§ 74-4	SECTION 9	
§ 74-5	SECTION 10	
§ 74-6	SECTION 12	
§ 74-7	SECTION 13	
§ 74-8	SECTION 14	
§ 74-9	SECTION 19	
§ 74-10	SECTION 20	
§ 74-11	SECTION 21	
§ 74-12	SECTION 22	
§ 74-13	SECTION 23	
Chapter 79, Taxation		
Article I, Alternative Veterans Exemption	L.L. No. 1-1984	10-1-84
§ 79-1	Section 1	
§ 79-2	Section 2	
Omitted	Section 3	
Chapter 85, Vehicles, Abandoned and Junked		
§ 85-1	Section 1	
§ 85-3	Section 2	
§ 85-4	Section 3	
§ 85-5	Section 4	
Omitted	Section 5	
Omitted	Section 6	
Chapter 92, Vehicles, Unlicensed Motor-Driven		
§ 92-1	§ 1-1	
§ 92-2	§ 1-2	
§ 92-3	§ 1-3	
§ 92-4	§ 1-4	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 92-5	§ 1-5	
§ 92-6	§ 1-6	
§ 92-7	§ 1-7	
§ 92-8	§ 1-8	
§ 92-9	§ 1-9	
§ 92-10	§ 1-10	
§ 92-11	§ 1-11	
Omitted	§ 1-12	
Omitted	§ 1-13	

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, as distributed and renumbered in § 1-1 above, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Fort Edward, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Village of Fort Edward in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Fort Edward prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Fort Edward, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of Fort Edward.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Fort Edward.
- E. Any local law or ordinance of the Village of Fort Edward providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Fort Edward or any portion thereof.
- F. Any local law or ordinance of the Village of Fort Edward appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Fort Edward or other instruments or evidence of the village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.

- J. Any local laws or ordinances relating to salaries, providing for employee benefits, establishing policies pertaining to personnel or making appointments.
- K. Any local law or ordinance regulating vehicles and traffic.
- L. Local Law No. 2-1979, regulating fire prevention.
- M. Any local law adopted after July 15, 1985 (L.L. No. 1-1985).

§ 1-5. Effect on previously adopted legislation.

In compiling and preparing the local laws, ordinances and certain resolutions of the village for publication as the "Code of the Village of Fort Edward," as distributed and designated in the table in § 1-1B hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided in § 1-12.

§ 1-6. Severability.

If any clause, sentence, paragraph, section, Article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-1B hereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-7. Copy of Code on file; publication.

A copy of the Code in loose-leaf form has been filed in the office of the Clerk of the Village of Fort Edward and shall remain there for use and examination by the public until final action is taken on this local law, and if this local law shall be adopted, such copy shall be certified to by the Clerk of the Village of Fort Edward by impressing thereon the Seal of the Village of Fort Edward, and such certified copy shall remain on file in the office of said Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect. The enactment and application of this

local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Fort Edward," or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-9. Code book to be kept up-to-date.

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Fort Edward required to be filed in the office of said Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws or resolutions until such changes or local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Clerk of the Village of Fort Edward upon the payment of a fee to be set by resolution of the Board of Trustees, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-11. Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Fort Edward or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Fort Edward to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.) or to imprisonment for a term of not more than fifteen (15) days, or to both.

§ 1-12. Changes in previously adopted legislation; new regulations.

- A. In compiling and preparing the legislation for adoption and revision as part of the Code pursuant to § 20 of the Municipal Home Rule Law, as amended, certain grammatical changes and other minor changes were made in one (1) or more of pieces of said legislation. It is the intention of the Board of Trustees of the Village of Fort Edward that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such.
- B. In addition, the following revisions to existing legislation are made herewith and the following new regulations are hereby enacted, to become effective upon the effective date of this local law. The section number references are to the legislation as it has been renumbered and appears in the Code.¹

¹ Editor's Note: Pursuant to § 1-12B, the following sections were added or amended at time of adoption of Code and the following new regulations were enacted: §§ 6-6, 11-1, 22-1, 22-4 and 22-5; Ch. 25; Ch. 29; §§ 32-1, 32-2, 32-15, 32-17, 36-1, 36-2, 36-3, 36-6 and 41-5; Ch. 45; Ch. 52; Ch. 59; Ch. 64; Ch. 66; Ch. 69, Art. I; Ch. 74, Art. I; Ch. 79, Art. II; §§ 85-2, 85-5 and 92-10; and Ch. 94.

§ 1-13. Incorporation of provisions into Code.

The provisions of this local law are hereby made Chapter 1 of the Code of the Village of Fort Edward, to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-14, inclusive.

§ 1-14. When effective.

This local law shall take effect in accordance with law upon filing with the Secretary of State of the State of New York.

**ARTICLE II
Legislation Enacted During Codification**

[During the process of codification, certain new local laws were approved by the Board of Trustees for inclusion in the Code of the Village of Fort Edward. Such new enactments are noted in the histories of individual chapters as "...adopted during codification; see Ch. 1, General Provisions, Art. II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the chapter histories. The enumeration appearing below lists each chapter adopted during codification. The complete text of any new enactments is on file in the office of the Village Clerk where it may be inspected during office hours.]

Chapter	Local Law Number	Adoption Date
Ch. 100, Zoning	2-1986	7-7-86



Chapter 3**ASSESSMENT**

- § 3-1. Legislative intent.
- § 3-2. Termination as an assessing unit.
- § 3-3. Abolishment of Board of Assessors.
- § 3-4. Abolishment of Board of Assessment Review.
- § 3-5. Town to act as assessing unit.
- § 3-6. Copies to be filed with town and State Board of Equalization and Assessment.
- § 3-7. Provisions subject to permissive referendum.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 9-8-87 as L.L. No. 3-1987. Amendments noted where applicable.]

§ 3-1. Legislative intent.

The intent of the Village Board of Fort Edward is to implement § 402, Subdivision 3, of the Real Property Tax Law providing for the voluntary termination of the village's status as an assessing unit, as now provided in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the position of Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Fort Edward.

§ 3-2. Termination as an assessing unit.

On or after the effective date of this chapter, the Village of Fort Edward shall cease to be an assessing unit.

§ 3-3. Abolishment of Board of Assessors.

The position of Board of Assessors in the Village of Fort Edward is hereby abolished.

§ 3-4. Abolishment of Board of Assessment Review.

The Board of Assessment Review in the Village of Fort Edward is hereby abolished.

§ 3-5. Town to act as assessing unit.

On or after the effective date of this chapter, taxes in the Village of Fort Edward shall be levied on a copy of the applicable part of the assessment roll of the Town of Fort Edward with the taxable status date of such town controlling for village purposes.

§ 3-6. Copies to be filed with town and State Board of Equalization and Assessment.

Within five (5) days of the effective date of this chapter, the Board of Trustees of the Village of Fort Edward shall file a copy of such chapter with the Clerk of the Board of Assessors of the Town of Fort Edward and with the State Board of Equalization and Assessment.

§ 3-7. Provisions subject to permissive referendum.

This chapter shall take effect immediately upon filing with the Secretary of State; provided, however, that such chapter is subject to a permissive referendum, and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by law.¹

¹ Editor's Note: No valid petition requesting a permissive referendum was filed.

ETHICS

Chapter 6

ETHICS

ARTICLE I
Rules of Ethical Conduct

- § 6-1. Legislative findings; purpose.
- § 6-2. Construal of provisions.
- § 6-3. Definitions.
- § 6-4. Standards of conduct.
- § 6-5. Claims for personal injury or property damage.
- § 6-6. Distribution.
- § 6-7. Penalties for offenses.

ARTICLE II
Board of Ethics

- § 6-8. Establishment; compensation; membership.
- § 6-9. Powers and duties.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward: Art. I, 11-2-70 by resolution; Art. II, 11-2-70 by resolution. Section 6-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 11.

ARTICLE I
Rules of Ethical Conduct
[Adopted 11-2-70 by resolution]

§ 6-1. Legislative findings; purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Fort Edward recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Article to promulgate these rules of ethical conduct for the officers and employees of the Village of Fort Edward. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Fort Edward.

§ 6-2. Construal of provisions.

The rules of ethical conduct of this Article, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 6-3. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Fort Edward, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

§ 6-4. Standards of conduct.

Every officer or employee of the Village of Fort Edward shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of twenty-five dollars (\$25.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official duties or was intended as a reward for any official action on his part.
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Fort Edward, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the offi-

cial record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

- F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Fort Edward in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 6-5. Claims for personal injury or property damage.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Fort Edward or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 6-6. Distribution.¹

The Mayor of the Village of Fort Edward shall cause a copy of this Article to be distributed to every officer and employee of the village within ten (10) days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. However, failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such Article nor the enforcement of provisions thereof.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 6-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II
Board of Ethics
[Adopted 11-2-70 by resolution]

§ 6-8. Establishment; compensation; membership.

There is hereby established a Board of Ethics consisting of three (3) members to be appointed by the Board of Trustees and so shall serve without compensation and at the pleasure of the Board of Trustees. A majority of such members shall be persons other than officers or employees of the Village of Fort Edward but shall include at least one (1) member who is an elected or appointed officer or employee of the Village of Fort Edward.

§ 6-9. Powers and duties.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Village of Fort Edward with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon request of the Board of Trustees.²

² Editor's Note: The line which next followed this section in the original resolution, and which gave the names of the members of the Board of Ethics, was deleted at time of adoption of Code.

Chapter 11

PLANNING BOARD

§ 11-1. Establishment.

§ 11-2. Powers and authority.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 3-6-2000 by L.L. No. 1-2000.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Ethics — See Ch. 6.
Streets and sidewalks — See Ch. 74.

§ 11-1. Establishment.

The Planning Board will consist of a five-member Board appointed by the Village Board.

§ 11-2. Powers and authority.

- A. The Planning Board shall have the full power and authority to prepare a master plan and to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the village as it seems desirable to report upon matters referred to it by the Board of Trustees.
- B. The Planning Board is authorized and empowered to approve plats showing new streets in the village.

¹ Editor's Note: This local law superseded former Ch. 11, Planning Board, adopted 5-7-1957, as amended.

C. The Planning Board is authorized and empowered either to confirm land plats presented to it or to make reasonable changes.

PART II

**GENERAL
LEGISLATION**





Chapter 22

ALCOHOLIC BEVERAGES

§ 22-1. Definitions.

§ 22-2. Prohibited acts.

§ 22-3. Presumption of possession.

§ 22-4. Applicability.

§ 22-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 6-15-70. Sections 22-1 and 22-4 added and § 22-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Public entertainment — See Ch. 41.

§ 22-1. Definitions.¹

As used in this chapter, the following terms shall have the meanings indicated:

OPEN BOTTLE OR CONTAINER — Any open, unsealed, resealed or partially filled bottle, can, glass or other receptacle suitable for or used to hold any liquid, in which an alcoholic beverage is contained.

§ 22-2. Prohibited acts.

No person shall have in his possession any open bottle or container containing liquor, beer, wine or other alcoholic beverage while such person is on any public highway, public street, public sidewalk, public parking area or in any vehicle or public place, excepting those

¹ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

premises duly licensed for sale and consumption of alcoholic beverages on the premises.

§ 22-3. Presumption of possession.

An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all occupants thereof and in violation hereof.

§ 22-4. Applicability.²

The provisions of this chapter shall not be deemed to apply to any person drinking an alcoholic beverage while operating a motor vehicle upon a public highway in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

§ 22-5. Penalties for offenses.³

Any person violating any provisions of this chapter shall be liable to a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both.

² Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 25¹

(RESERVED)

¹ Editor's Note: Former Ch. 25, Animals, adopted 6-7-1932 as Sections 18 and 35 of the 1932 Ordinances; amended in its entirety at time of adoption of Code 4-7-1986 by L.L. No. 1-1986, was repealed 8-7-1995 by L.L. No. 1-1995.

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Chapter 26

BRUSH, GRASS AND WEEDS

§ 26-1. Definitions.

§ 26-2. Restrictions on growth of vegetation.

§ 26-3. Duty of owner, lessee, lessor or occupant.

§ 26-4. Severability.

§ 26-5. Penalties and offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 3-6-2000 by L.L. No. 1-2000.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 74.

§ 26-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICER — The person authorized by the Board of Trustees to enforce the village codes.

IMPROVED PROPERTY — Any property within the Village of Fort Edward which has been altered from the original state.

PERSONS — Includes one or more persons, receiverships, corporations, partnerships, associations,

¹ Editor's Note: This local law superseded former Ch. 26, Brush, Grass and Weeds, adopted 10-2-1995 by L.L. No. 4-1995.

joint-stock companies, societies and any other type of entity of any kind.

§ 26-2. Restrictions on growth of vegetation.

No persons leasing or occupying improved property within the Village of Fort Edward shall permit any grass, weeds or vegetation whatsoever to grow or remain upon their property line so as to exceed a height of 10 inches or to emit noxious odors or conceal debris. Any grass, weeds or other vegetation growing upon any premises in the village in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Village of Fort Edward.

§ 26-3. Duty of owner, lessee, lessor or occupant.

It shall be the duty of any owner, lessee, lessor or occupant of any such lot or plot of land in the Village of Fort Edward to cut and remove or cause to be cut and removed all such weeds, grass or other vegetation five days after receipt of such notice.

§ 26-4. Severability.

Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof, other than the section or part so decided to be unconstitutional or invalid.

§ 26-5. Penalties and offenses.

Any person committing an offense against any provisions of this chapter, shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both, plus costs incurred by the village for the removal of debris. Each day of

§ 26-5

BRUSH, GRASS AND WEEDS

§ 26-5

continued violation shall constitute a separate additional violation.

Chapter 29

BUILDINGS, MOVING OF

§ 29-1. Permit required.

§ 29-2. Application procedure.

§ 29-3. Issuance of permit; conditions.

§ 29-4. Cash deposit or bond required.

§ 29-5. Return of deposit or bond.

§ 29-6. Fee.

§ 29-7. Liability of village.

§ 29-8. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. 32.

Fire Prevention and Building Code — See Ch. 49.

§ 29-1. Permit required.

No person shall move any dwelling, house, barn, garage, outbuilding or other structure over or upon any public streets or avenues of the village unless the Board of Trustees shall grant a written permit for such moving, signed by the Mayor and countersigned by the Village Clerk.

§ 29-2. Application procedure.

No permit hereunder shall be granted except upon the written petition of the owner of the structure to be moved, stating the route

intended to be pursued, the place from which and to which the building is to be moved and the size of the structure.

§ 29-3. Issuance of permit; conditions.

The Board of Trustees may, in its discretion, grant a permit hereunder and attach thereto such conditions and restrictions as said Board may deem necessary and proper.

§ 29-4. Cash deposit or bond required.

No permit issued pursuant to this chapter shall be granted for the removal of any structure over or upon any of the public streets or avenues of the village unless the owner of such structure shall deposit with the Village Clerk cash in an amount specified by the Board of Trustees or a surety bond in a form which shall be approved by said Board and in an amount specified by said Board, conditioned for the removal of such structure in such manner as not to cause any injury to the person or property of another, including the property of the village.

§ 29-5. Return of deposit or bond.

When the moving or removal of a building or structure shall be completed, any cash deposited or bond furnished as provided in § 29-4 shall be returned to such depositor upon his application, when it shall appear to the satisfaction of the Board of Trustees that there are no claims against such deposit or bond for any injury as aforesaid; in the event that it shall appear that the person or property of another or the property of the village shall have been injured, such deposit or bond shall not be returned until said claim for damages shall have been determined and settled.

§ 29-6. Fee.

There shall be a nonrefundable fee of two hundred fifty dollars (\$250.) for each permit issued pursuant to this chapter, and no per-

mit shall be issued until such fee shall have been paid by the applicant.

§ 29-7. Liability of village.

The provisions of this chapter shall not be construed as imposing upon the village or any official or employee thereof any liability or responsibility for damages to any person or property injured by the performance of any act for which a moving permit is issued hereunder, nor shall the village or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any building movement or removal.

§ 29-8. Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

BUILDINGS, UNSAFE

Chapter 32

BUILDINGS, UNSAFE

- § 32-1. Definitions.
- § 32-2. Standards for determination.
- § 32-3. Jurisdiction.
- § 32-4. Investigation and report.
- § 32-5. Notice.
- § 32-6. Acceptance or rejection of notice and order.
- § 32-7. Compliance with notice and order; time limit.
- § 32-8. Hearing.
- § 32-9. Notice of survey.
- § 32-10. Making of survey; determination.
- § 32-11. Compensation and reimbursement for survey.
- § 32-12. Application to Supreme Court.
- § 32-13. Execution of Superior Court order.
- § 32-14. Interference with work.
- § 32-15. Reimbursement for cost of work; assessment.
- § 32-16. Emergencies.
- § 32-17. Penalties for offenses.
- § 32-18. Title; effective date.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 1-2-79 as L.L. No. 1-1979. Sections 32-1, 32-2, 32-15 and 32-17 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Moving of buildings — See Ch. 29.
Fire Prevention and Building Code — See Ch. 49.

§ 32-1. Definitions.

- A. The following definitions shall apply in the interpretation and enforcement of this chapter:

DANGEROUS BUILDING — Any building or structure or well excavation which has any of the following conditions:

- (1) Those where any interior wall or walls, or other structural load-bearing members, list, lean or buckle to such an extent that a plumb line passing from any overhead supporting member through the center of gravity falls outside the middle third of its base.
- (2) Those which, exclusive of the foundations, show thirty-three and one-third percent (33 1/3%) or more of deterioration of the supporting member or members, or fifty percent (50%) or more damage to or deterioration of the nonsupporting enclosing or exterior walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded or which have insufficient strength to be reasonably safe for the purpose used and which do not meet minimum standards prescribed by the New York State Uniform Fire Prevention and Building Code.¹
- (4) Those having inadequate or insufficient facilities for ingress or egress in the event of fire, panic or other emergency or those having insufficient stairways, elevators, fire escapes, aisles, passageways, corridors or other means of access, and which do not meet minimum standards prescribed by the New York State Uniform Fire Prevention and Building Code.²
- (5) Those which have parts thereof which are so attached or connected in such a manner that they may fall, collapse or

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

cause damage and injury to the occupants thereof or other persons or property.

- (6) In addition to the foregoing, those which, in whole or in part, used for residential, mercantile, industrial, storage, assembly, institutional or any other purpose, for want of repair, lack of sufficient fire escapes or exits or by reason of age or dilapidated condition or from any other cause, may now be or shall at any time hereafter become dangerous or unsafe structurally or a fire hazard or a nuisance to the general public.
- (7) A vacant building, or an unguarded building or one which is open at a door or window.
- (8) An abandoned or unprotected well, open basement or excavation or hole which was a basement or is intended to be a basement, which is unprotected, dangerous or a nuisance.

NUISANCE — Whatever is dangerous to human life or detrimental to health, and shall include but not be limited to:

- (1) A public nuisance.
- (2) A building, structure or part thereof which has an existing electrical wiring system which is defective or which fails to meet ventilation requirements as prescribed by applicable provisions of law or which has plumbing, sewage and drainage facilities that are not in conformity with applicable building and plumbing codes or which is overcrowded.

OWNER — Includes the record owner of any premises, and also for the purpose of serving a notice, either personally or by registered mail, upon anyone exercising the rights of ownership therein, his agents, successors or assigns as indicated by the records of the receiver of taxes or by the records of the County Clerk of Washington County.

PERSON — Includes a partnership, corporation, association or trustee.

PERSONS, INTERESTED — Includes the owner, as herein defined, and all other persons interested in the property to which such words refer.

POSTING — The fastening, mailing, tacking or substantially securing by any other means of any notice, survey, order, directive or official decision on a building or structure.

PRESIDING SUPERVISOR — The Presiding Supervisor of the Village of Fort Edward.

REPAIR — Includes any alteration, structural change or the performance of any act necessary or requisite for the elimination of any hazardous, dangerous or unsafe condition of any dangerous building or structure within the purview of this chapter.

SUPERINTENDENT OF BUILDINGS — The official, duly appointed by the Village Board, who is the Building Inspector of the Village of Fort Edward.

SURVEY — A written determination in a report, after an on-site inspection by a designated inspector of the Village of Fort Edward, in conjunction with a registered architect or licensed professional engineer, chosen or appointed by the Village Board, and a practical builder, engineer or architect appointed by the owner of the subject premises, to be made after refusal or neglect of the owner who has been served with a notice to make safe, repair or demolish and remove the dangerous building or structure.

VILLAGE — The Village of Fort Edward.

- B. The words “or” and “and,” as used herein, may be construed to be interchangeable where such meaning is necessary to effectuate the purpose of this chapter. Where necessary, the singular shall include the plural and the plural shall include the singular.

§ 32-2. Standards for determination.³

The fact that a building or structure exists in violation of the applicable provisions of the New York State Uniform Fire Prevention

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

and Building Code or of an earlier village building code or the New York State Standard Building Code for Places of Public Assembly or the statewide Multiple Residence Law, as the case may be, or of any local law of the Village of Fort Edward, when found as other violations in addition to conditions deemed to be in violation of this chapter, may be considered in determining whether a building or structure is hazardous, dangerous or unsafe.

§ 32-3. Jurisdiction.

Under this chapter, the Superintendent of Buildings shall have jurisdiction for the purpose of demolishing, taking down or removing any hazardous, dangerous or unsafe building or structure or, alternately, for taking remedial action toward making any of said building or structure safe and secure.

§ 32-4. Investigation and report.

- A. Upon the receipt of information that a building or structure may be dangerous, the Superintendent of Buildings shall cause an investigation of the premises to be made and an inspection report submitted and filed in the Village Clerk's office.
- B. After the report is filed in the Village Clerk's office, and if the report shall confirm the existence of a dangerous building or structure, the Superintendent of Buildings shall cause a notice to be served upon the owner, executor, administrator, agent, lessee or any person or persons having a vested or contingent interest in the subject unsafe building, as shown by the records of the receiver of taxes of the Village of Fort Edward or of the County of Washington, either personally or by registered mail, containing specifications as set forth.

§ 32-5. Notice.

The notice shall contain a description of the dangerous building or structure with particulars which set forth the manner in which the building or structure is dangerous, and the notice shall also outline the manner in which the building or structure is to be made safe and secure or demolished and removed. The notice shall contain an order

requiring the dangerous building or structure to be made safe and secure or demolished and removed, and if the service of the notice is made by registered mail, a copy of the notice shall be posted on the premises.

§ 32-6. Acceptance or rejection of notice and order.

Within ten (10) days of the receipt of the notice set forth above, the person who receives the notice may certify his written acceptance or rejection of the particulars and order contained in the notice by either personal service or by registered mail upon the Superintendent of Buildings or a person designated by him to accept service in his behalf. Any failure on the part of the person receiving the notice to respond, as herein prescribed, shall constitute a rejection of the notice.

§ 32-7. Compliance with notice and order; time limit.

If the person served with the notice shall immediately certify his assent to the securing or demolition and removal of the dangerous building or structure in question, he shall be permitted seventy-two (72) hours within which to commence the abatement of the dangerous conditions affecting the building or structure and shall employ sufficient labor and assistance to secure or demolish and remove such building or structure within a reasonable period of time thereafter. The person served shall notify the Board of his compliance with the aforesaid order and the Board shall thereafter issue a certificate of compliance.

§ 32-8. Hearing.

Any person affected by the notice described in § 32-5 of this chapter may request and shall be granted a hearing on the matter before the Superintendent of Buildings, or Building Inspector designated by him, provided that such person shall file a verified petition with the office of the Superintendent of Buildings within ten (10) days after the day the notice was served upon the petitioner requesting the hearing, and setting forth a brief statement of the grounds therefor.

Upon receipt of said petition, the Superintendent of Buildings shall set a time and place for a hearing and shall give the petitioner ten (10) days' written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to give reasons why the proceedings for the securing or removal of the dangerous building or structure shall be modified or withdrawn. The hearing shall be commenced not later than twenty (20) days after the day on which the petition was filed, provided that upon application of any interested party, the Superintendent of Buildings may postpone the date of the hearing for any reasonable time beyond the twenty-day period if, in his judgment, the interested party has submitted a good and sufficient reason for the postponement, but in no event shall the hearing be postponed longer than sixty (60) days. In any case, if no such written petition shall be so filed within the ten-day period as aforesaid, or if the notice shall be rejected, the Village Attorney is authorized to make application to the Supreme Court, at Special Term, as hereinafter provided.

§ 32-9. Notice of survey.

- A. Upon refusal, neglect or failure of the person or persons served with a notice and order to comply with requirements and specifications therein or upon his or their rejection of such notice, a notice of survey shall be served upon him by the Superintendent of Buildings, either in person or by registered mail, giving notice that a survey of the premises described in the notice will be made at a time and place therein specified.
- B. The notice of survey shall state the date, time and place where the survey will be made and that, in the event that the report of such survey indicates that such building or structure is dangerous, an application will be made at a Special Term of the Supreme Court, Washington County, for an order determining the building or structure to be a public nuisance and directing that it shall be repaired and secured or demolished, taken down and removed and for the assessing of the expenses and costs thereof.

§ 32-10. Making of survey; determination.

- A. The survey shall be made by three (3) competent persons, of whom one (1) shall be the Superintendent of Buildings or a

Building Inspector designated by him, another shall be a registered architect or a licensed professional engineer appointed by the Village Board and the third shall be a practical builder, registered architect or a licensed professional engineer appointed by the person served with the notice.

- B. Within ten (10) days after the survey is completed, the determination thereof shall be made by such persons in writing and filed in the office of the Village Clerk, and a copy thereof shall be posted on the subject building or structure.
- C. All notices posted pursuant to any provision of this chapter are to remain on the building or structure until it is repaired, demolished or removed, or made to comply with the directions which have been given the owner.
- D. In the event that the person or persons served with the notice of survey, as described in § 32-5 hereof, shall fail, neglect or refuse to appoint a competent person to assist in the survey, the other two (2) persons designated pursuant to the provisions of this section shall make the survey, and should they disagree, they shall appoint a third person, whose decision shall be final, to take part in the survey, who shall be a practical builder, licensed professional engineer or registered architect, either one having at least ten (10) years' practice in his respective profession.
- E. The Building Inspector shall notify the assessors of the time the demolition is completed.

§ 32-11. Compensation and reimbursement for survey.

The architect or engineer appointed by the Village Board as hereinbefore provided, who may act on any survey required by this chapter, or the third surveyor who may be called in the event of a disagreement, as provided in § 32-10 hereof, shall be entitled to a fee to be determined and fixed by the Village Board, which is to be paid upon the voucher of the Superintendent of Buildings. A cause of action is hereby created for the benefit of the village against the owner of the dangerous building or structure surveyed, and of the lot or

parcel of land on which the dangerous building or structure is located, for the amount disbursed by the village for such survey with interest.

§ 32-12. Application to Supreme Court.

Whenever such survey shall determine that the building or structure surveyed is dangerous, the Village Attorney shall apply to the Supreme Court, Washington County, at Special Term for an order determining the building or structure to be a public nuisance and directing either that it shall be repaired and secured or that it shall be taken down or removed, and reimbursement of expenses of the proceeding and repair or demolition of the building.

§ 32-13. Execution of Supreme Court order.

Upon receipt of the order of the Supreme Court, the Superintendent of Buildings shall immediately proceed to execute the provisions therein contained and may employ and furnish whatever labor, assistance and materials may be necessary for that purpose.

§ 32-14. Interference with work.

It shall be unlawful for any person, whether interested or not in the property affected by this chapter, to interfere, obstruct or hinder the Superintendent of Buildings or his representative, or any person acting in his behalf, in performing the work directed by the determination of the Supreme Court as herein provided, or ordered by the Superintendent of Buildings under the terms and provisions of such determination as hereinabove described.

§ 32-15. Reimbursement for cost of work; assessment.⁴

The village shall be reimbursed for the cost of the work performed or service rendered, as hereinabove provided, by assessment against and collection from the lots or parcels of land where such work was

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

performed or services rendered for so much of the actual and complete costs as incurred upon and from each lot or lots in the manner provided for the assessment of the cost of public improvements by Article 22 of the Village Law.

§ 32-16. Emergencies.

Any provisions of this chapter to the contrary notwithstanding, where it reasonably appears that there is imminent danger to the life or safety of any person, unless a "dangerous building" or structure as defined herein, is immediately repaired, vacated or demolished, the Building Inspector, on order of the Village Board, shall cause the immediate repair, vacating or demolition of such dangerous building or structure. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structure with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way. The cost of such emergency repair, vacating or demolition of such dangerous building or structure shall be collected in the same manner as provided in § 32-15 hereof.

§ 32-17. Penalties for offenses.⁵

Any person removing the notice provided for in § 32-5 hereof, or any other notice prescribed by this chapter, shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both, for each offense.

§ 32-18. Title; effective date.

This chapter shall be known as Local Law No. 1 of 1979, entitled "Dangerous Buildings and Structures," and shall go into effect pursuant to the provisions of the Village Law on the second day of January 1979.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

Chapter 36**CURFEW**

§ 36-1. Curfew established.

§ 36-2. Parental responsibility.

§ 36-3. Sounding of siren.

§ 36-4. Definitions.

§ 36-5. Authority to grant certain privileges.

§ 36-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 3-6-2000 by L.L. No. 1-2000.¹ Amendments noted where applicable.]

§ 36-1. Curfew established.

No child attending school or under the age of 18 years shall be in or upon any of the streets, parks or public places in the village after the hour of 10:00 p.m. Eastern standard or daylight saving time, Sunday through Thursday, and 11:00 p.m. Eastern standard or daylight saving time on Friday and Saturday, unless accompanied by his or her parent, guardian or other person having legal care or control of such child.

§ 36-2. Parental responsibility.

No parent, guardian or other person having the legal care and custody of any child under the age of 18 years shall allow or permit such child to be in or upon any of the streets, parks or

¹ Editor's Note: This local law superseded former Ch. 36, Curfew, adopted 6-7-1932 as Section 41 of the 1932 Ordinances, as amended.

public places in said village after the hours stated in § 36-1 of this chapter.

§ 36-3. Sounding of siren.

At the discretion of the Village Board, a siren shall sound at 9:45 p.m., Sunday through Thursday, and at 10:45 p.m. on Friday and Saturday.

§ 36-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GUARDIAN OR OTHER PERSON — Any relative or person over the age of 21.

§ 36-5. Authority to grant certain privileges.

The Board of Trustees shall have the power to exercise, at its discretion, the right to grant certain privileges to extend the curfew to students attending the school system of the Village of Fort Edward when required by school officials.

§ 36-6. Penalties for offenses.

Any parent, guardian or person having legal custody of a minor who violates the curfew shall be subject to a fine of up to \$100 for each offense.

Chapter 38¹

(RESERVED)

¹ Editor's Note: Former Ch. 38, Dogs, adopted 11-7-1988 as L.L. No. 2-1988, was repealed 8-7-1995 by L.L. No. 2-1995.

Chapter 39**DOGS AND OTHER ANIMALS**

- § 39-1. **Title.**
- § 39-2. **Purpose.**
- § 39-3. **Statutory authority.**
- § 39-4. **Definitions.**
- § 39-5. **Prohibited conduct.**
- § 39-6. **Enforcement.**
- § 39-7. **Duties of Animal Control Officer.**
- § 39-8. **Records of the Animal Control Officer.**
- § 39-9. **Presumption of ownership.**
- § 39-10. **Seizure, impoundment, redemption and adoption.**
- § 39-11. **Penalties for offenses.**
- § 39-12. **Separate offenses.**
- § 39-13. **Severability.**
- § 39-14. **Effective date.**

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 8-7-1995 as L.L. No. 3-1995. Amendments noted where applicable.]

§ 39-1. Title.

This chapter shall be known as the "Control of Dogs and Other Animals in the Village of Fort Edward."

§ 39-2. Purpose.

The purpose of this chapter is to promote the health, welfare and safety of the citizens of the Village of Fort Edward and protect and preserve their property.

§ 39-3. Statutory authority.

This chapter is hereby enacted pursuant to the authority granted by § 10 of the New York State Municipal Home Rule.

§ 39-4. Definitions.

As used in this chapter, unless otherwise expressly stated or unless the context of the subject matter requires otherwise, the following terms have the meanings indicated:

ANIMAL CONTROL OFFICER — Any individual appointed by the village to assist in the enforcement of this chapter.

AT LARGE — Off the premises of the owner and not under the control of the owner.

DOG — Any member of the species *canis familiaris*.

HARBOR — To provide food or shelter to a dog or other animal.

HARBORER — Any person who provides food and shelter for a domesticated animal on a periodic or continuing basis.

OTHER ANIMALS — All animals other than dogs, including but not limited to cats, birds, reptiles and fish, which are harbored, kept or owned within the Village of Fort Edward.

OWNER — A person who harbors or keeps a dog or any other animal, except if the person is under eighteen (18) years, the owner shall be the parent or guardian of such person.

PERSON — Any individual, corporation, partnership, association or other organized group of persons, municipality or other legal entity.

§ 39-5. Prohibited conduct.

A. It shall be unlawful for any owner of a dog to:

- (1) Allow their dogs to travel unattended upon public lands, streets, sidewalks, highways or other public places without restraining and controlling their dog with the use of a leash or other restraining device not to exceed six (6) feet in length.
- (2) Harbor or keep a dog which has attacked a person in a place where that person was lawfully present.
- (3) Allow their dog to damage or destroy property of any kind.
- (4) Allow their dog to bark, whine, howl or make other frequent and continual noises so as to unreasonably disturb the peace of any person.
- (5) Allow their dog to defecate on public lands, streets, highways or other public places without immediately removing such defecation.
- (6) Treat their dog or other animal in a cruel or inhuman manner.

B. No person who owns, harbors or has custody of any horse, bird or reptile shall allow such animal to run, crawl or otherwise move about within the Village of Fort Edward, except as follows:

- (1) Within a factory-manufactured cage or device specifically produced for the purpose of transporting such animal or within a homemade cage or device of sufficient strength and design to restrain the animal without causing physical damage.

- (2) During a recognized event, including but not limited to parades, bazaars or exhibitions.
 - (3) Horses in their performance of recreation or work-related activities, provided that animal waste is properly disposed of by the owner or agent.
- C. The keeping, maintaining or harboring of certain animals within the Village of Fort Edward such as fowl, pigs, goats, sheep, horses, mules, donkeys, cows or other cattle, rabbits, hares, mink and other fur-bearing animals customarily kept or raised for their pelts of fur, alligators, any poisonous or dangerous reptile, insect or arachnid or any vicious or dangerous animal, bird or fowl, wild or domestic, is hereby declared to be a nuisance. It shall be unlawful to keep, maintain or harbor any such animal, fowl, bird, reptile, insect or arachnid within the village and it shall be unlawful for the owner, occupant, lessor or lessee of any land within the village to permit or allow any land owned, occupied, leased or controlled by such person to be used for the keeping, maintaining or harboring of any such animal, fowl, reptile, insect or arachnid.

§ 39-6. Enforcement.

To effectuate the implementation of this chapter of the Village Code, the Board of Trustees of the Village of Fort Edward is hereby authorized, pursuant to Article 56 of the General Municipal Law, to contract with the Town of Fort Edward or any other municipality for the services of the Animal Control Officer.

§ 39-7. Duties of Animal Control Officer.

The duties of the Animal Control Officer are to:

- A. Enforce any provision of this chapter within the Village of Fort Edward.

- B. Cooperate with and work in conjunction with the Fort Edward Police Department so as to enforce the provisions of this chapter and the provisions of any applicable state statute in the Village of Fort Edward.
- C. When there is a violation of this chapter or the state statutes in the Village of Fort Edward, issue a summons in the appropriate court.
- D. Seize, contain or impound any dogs found on any public roads, streets, sidewalks, highway or other public places within the Village of Fort Edward when said dogs are not restrained in accordance with the provisions of this chapter.
- E. Appear in Village Court when requested by the Village Attorney so as to prosecute any violations of this chapter.
- F. Adhere to the provisions of the Agriculture and Markets Law of the State of New York.
- G. Aid and assist in the filing of complaints with the Village Attorney and/or Local Justice.

§ 39-8. Records of the Animal Control Officer.

It shall be the responsibility of the Animal Control Officer to:

- A. Maintain accurate records and to complete and submit the following records to the Mayor and Board of Trustees on a weekly basis or when requested by the Mayor and Board of Trustees:
 - (1) A listing of all complaints, including the name, address and phone numbers of each complainant and the type of complaint and the resolution of each complaint.
- B. Make available any records required to be maintained by the Town of Fort Edward.

§ 39-9. Presumption of ownership.

Any person owning or harboring a dog or other animal for a period of one (1) week prior to the filing of any complaint alleging a violation of this chapter shall be deemed to be the owner of such dog for the purpose of this chapter.

§ 39-10. Seizure, impoundment, redemption and adoption.

In addition to the provisions set forth in this chapter, the seizure of dogs, redemption periods and impoundment fees and adoption of dogs of this chapter are to be governed by § 118 of the Agriculture and Markets Law of the State of New York.

§ 39-11. Penalties for offenses.

Any violation of the provisions of this chapter shall be deemed a violation and shall be punishable by a fine of at least twenty-five dollars (\$25.) but not to exceed two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

§ 39-12. Separate offenses.

Each separate offense shall constitute a separate violation.

§ 39-13. Severability.

Should any section or provision of this chapter be deemed by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the section or part so decided by the courts to be unconstitutional or invalid.

§ 39-14. Effective date.

This chapter shall take effect upon proper filing with the New York Secretary of State.



Chapter 41¹

(Reserved)

¹ Editor's Note: Former Ch. 41, Public Entertainment, adopted 6-7-1932 as Section 34 of the 1932 Ordinances, as amended, was repealed 3-6-2000 by L.L. No. 1-2000.

