

**VILLAGE OF FORT EDWARD  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**A LOCAL LAW PROVIDING FOR THE CONTROL OF DOGS IN THE  
VILLAGE OF FORT EDWARD**

**Local Law No. 4 of 2009**

Be it enacted by the Board of Trustees of the Village of Fort Edward, County of Washington, State of New York, as follows:

SECTION 1: Title. This local law shall be known as the “Control of Dog in the Village of Fort Edward.”

SECTION 2: Purpose. The purpose of this local law is to promote the health, welfare and safety of the citizens of the Village of Fort Edward and protect and preserve their property.

SECTION 3: Statutory Authority. This local law is hereby enacted pursuant to the authority granted by § 10 of the New York State Municipal Home Rule.

SECTION 4: Definitions. As used in this local law, unless otherwise expressly stated or unless the context of the subject matter requires otherwise, the following terms have the meanings indicated:

DOG CONTROL OFFICER – Any individual appointed by the Village to assist in the enforcement of this local law.

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.

HARBORER – Any person who provides food and shelter for a dog on a periodic or continuing basis.

OWNER – A person who harbors or keeps a dog 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.

SECTION 5: Prohibited Conduct. 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 in a cruel or inhuman manner.

SECTION 6: Enforcement. To effectuate the implementation of this local law 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 Dog Control Officer.

SECTION 7: Duties of Dog Control Officer. The duties of the Dog Control Officer are to:

- A. Enforce any provision of this local law 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 any applicable state statute in the Village of Fort Edward.
- C. When there is a violation of this local law 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 local law.

- E. Appear in Village Court when requested by the Village Attorney so as to prosecute any violations of this local law.
- 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.

SECTION 8: Records of the Dog Control Officer. It shall be the responsibility of the Dog Control Officer.

- 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. Make available any records required to be maintained by the Town of Fort Edward.
- B. Make available any records required to be maintained by the Town of Fort Edward.

SECTION 9: Presumption of Ownership. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint alleging a violation of this local law shall be deemed to be the owner of such dog for the purpose of this local law.

SECTION 10: Seizure, Impoundment, Redemption and Adoption. In addition to the provisions set forth in this local law, the seizure of dogs, redemption periods and impoundment fees and adoption of dogs of this local law are to be governed by § 118 of the Agriculture and Markets Law of the State of New York.

SECTION 11: Penalties for Offenses. Any violation of the provisions of this local law 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.

SECTION 12: Separate Offenses. Each separate offense shall constitute a separate violation.

SECTION 13. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 14. Repealer. This local law shall supersede all prior local laws, ordinances, rules and regulations relative to control of dogs within the Village of Fort Edward and they shall be, upon the effective date of this local law, null and void.

SECTION 15. Effective Date. This local law shall take effect upon filing with the New York State Secretary of State.



*Animal Control*

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

DAVID A. PATERSON  
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ  
SECRETARY OF STATE

September 15, 2009

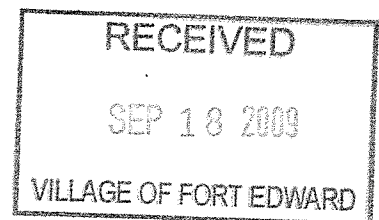
patricia Ives  
Clerk Treasurer  
118 Broadway  
PO Box 345  
Fort Edward NY 12828

**RE: Village of Fort Edward, Local Law 3 & 4. 2009, filed on September 14, 2009**

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755



*cc:  
Matt Fuller*