

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of Wayland, Steuben County, New York
~~Town~~
~~Village~~
Local Law No. 1 of the year 19 75

A local law TO PROVIDE FOR THE REQUIRING OF PRIOR WRITTEN NOTICE OF DEFECTS
(insert title)
AND/OR ACCUMULATION OF SNOW AND ICE BEFORE THE MAINTAINING OF
ANY ACTION AGAINST THE TOWN, ITS OFFICERS, AGENTS OR EMPLOYEES
FOR INJURIES ARISING OUT OF SUCH DEFECT OR ACCUMULATION OF SNOW
AND ICE.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Wayland as follows:
Town
Village

Section 1. No civil action shall be maintained against the Town of Wayland, hereinafter referred to as "the Town". or the town superintendent of highways of the Town, or against any improvement district in the Town for damages or injuries to person or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking sign or device, or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Town, or any property owned, operated or maintained by any improvement district, was actually given to the town clerk of the Town or the town superintendent of highways of the Town, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger of obstruction complained of, and no such action shall be maintained for damages or injuries to persons or property sustained solely in

(If additional space is needed, please attach sheets of the same size as this and number each)

consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the Town or any property owned by any improvement district in the Town unless written notice thereof, specifying the particular place, was actually given to the town clerk of the Town or the town superintendent of highways of the Town and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. No civil action will be maintained against the Town and/or the town superintendent of highways of the Town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town or the superintendent of highways of the Town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the town clerk of the Town or to the town superintendent of highways of the Town and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 3. The town superintendent of highways of the Town shall transmit, in writing, to the town clerk of the Town within 3 days after receipt thereof, all written notices received by him pursuant to this law, and he shall take any and all corrective action with respect thereto as soon as practicable.

Section 4. The town clerk of the Town shall keep an index record, in a separate book, of all written notices which the town clerk shall receive of the existence of a defective, unsafe, dangerous, or obstructed condition in or upon, or of an accumulation of ice and snow upon any town highway, bridge, culvert or a sidewalk, or any other

property owned by the Town, or by any improvement district, which record shall state the date of the receipt of the notice the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The town clerk, upon receipt of such written notice, shall immediately and in writing notify the town superintendent of highways of the Town of the receipt of such notice.

Section 5. Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action, but on the contrary, shall be held to be additional requirements to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the Town, its officers and employees, and/or any of its improvement districts, any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonable safe condition for public use and travel.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provisions not been included.

Section 6. This local law shall take effect immediately upon its passage by the town board of the Town and its filing with the secretary of state.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 75.
-County
of the City of Wayland was duly passed by Town Board
Town (Name of Legislative Body)
Village
on June 21 19 75 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____.
County
of the City of _____ was duly passed by _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____.
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____.
County
of the City of _____ was duly passed by the _____ on
Town (Name of Legislative Body)
Village
_____ 19 _____ and was approved _____ by the _____ on
repassed after disapproval Elective Chief Executive Officer
_____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Norma M. Dudas
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body
Town Clerk

Date: June 21 , 1975

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Robert M. Albright
(Title of Officer) Town Attorney
County
City of Wayland
Town
Village

Dated: June 21 , 1975