

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

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Russell
Town
~~Village~~

Local Law No. 2

of the year 1985

STATE OF NEW YORK
DEPARTMENT OF STATE

SEP 11 1985
[Signature]
Secretary of State

A local law establishing a requirement of written notice of certain defects, unsafe conditions, etc., prior to the institution of civil actions

Be it enacted by the Town Board of the

~~County~~
~~City~~ of Russell
Town
~~Village~~

as follows:

Section 1. No civil action shall be maintained against the Town of Russell 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 there was thereafter a failure or neglect within a reasonable time to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in 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 consequenc

of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or 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 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 five (5) 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 accurate record, 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. 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 but, on the contrary, shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall be held to modify any existing rule of law relative to the question of contributory negligence, comparative culpability, and/or assumption of risk, nor to impose upon the Town, its officers and employees, and/or any of its improvement districts, any greater duty or obligations than those imposed by law.

Section 6. This local law shall take effect immediately.

(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.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1985
of the ~~County~~ ~~City~~ ~~Village~~ of Russell was duly passed by the Town Board (Name of Legislative Body)
on June 26, 1985 in accordance with the applicable provisions of law.

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

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 (Name of Legislative Body)
Town of
Village
on 19 and was approved by the Elective Chief Executive Officer
not disapproved
repassed after disapproval
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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 (Name of Legislative Body)
Town of
Village
on 19 and was approved by the Elective Chief Executive Officer
not disapproved
repassed after disapproval
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 appli-
annual
cable provisions of law.

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

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 (Name of Legislative Body)
Town of
Village
on 19 and was approved by the Elective Chief Executive Officer
not disapproved
repassed after disapproval
on 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 county legislative body, 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. (City local law concerning Charter revision proposed by petition.)

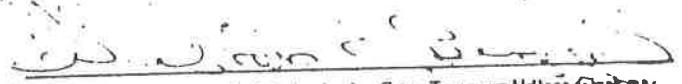
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of ~~§ 36~~ ^{§ 37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on _____ 19____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ 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 _____ above.


Clerk of the _____

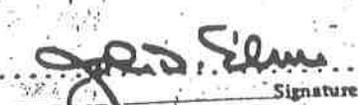
Date: September 9, 1985

(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 ST. LAWRENCE

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.


Signature
Town Attorney
Title

Date: September 9, 1985

County of
City of Russell
Town