

(Use this form to file a 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~~

~~Town~~

Village

Local Law No. ....3..... of the year 19 ..96.

A local law REQUIRING PRIOR NOTICE OF DANGEROUS CONDITIONS FOR MAINTENANCE  
~~(TOWN)~~ OF CIVIL ACTION AGAINST THE VILLAGE OF LYNDONVILLE

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

~~County~~

~~City~~

~~Town~~

Village

of Lyndonville, Orleans County, New York as follows:

SECTION 1. Prior Notice of Dangerous Conditions on Highways, Bridges and Culverts.

No civil action shall be maintained against the Village of Lyndonville, the Village Board of the Village of Lyndonville, any individual Trustee of the Village of Lyndonville, any officer, employee or agent of the Village of Lyndonville for damages or injuries to person or property sustained by reason of any Village street, highway, bridge, culvert or any other property, either real or personal, of any type or description, owned by the Village of Lyndonville being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert or any other property owned by the Village of Lyndonville, was actually given to the Village Clerk of the Village of Lyndonville and there was a failure or neglect within a reasonable time after the giving of such notice 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 street, highway, bridge, culvert or any other property owned by the Village of Lyndonville unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village of Lyndonville 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 receipt of such notice.

## SECTION 2. Prior Notice of Dangerous Conditions on Sidewalks.

No civil action shall be maintained against the Village of Lyndonville or the Village Board of the Village of Lyndonville, any individual Trustee of the Village of Lyndonville, any officer, employee or agent of the Village of Lyndonville for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Village of Lyndonville or in consequence of the existence of snow or ice upon any of its sidewalks; 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 Village Clerk 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. Index and Record of Notices.

The Village Clerk of the Village of Lyndonville shall keep an indexed record of all written notices which the Village Clerk shall receive of the existence of a defective, unsafe, dangerous, or obstructed condition in or upon, or of an accumulation of ice or snow upon, any Village street, highway, bridge, culvert, sidewalk or crosswalk, or any other property described in Section 1. owned by the Village of Lyndonville, which record shall state the date of receipt of the notice, the nature or location of the conditions stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of the accumulated snow or ice. The Village Clerk at the board meeting next following receipt of such written notice, by the Village Clerk, or within ten (10) days, whichever is sooner, cause said written notice to be brought to the attention of the Board of Trustees. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

## SECTION 4. Construal of Provisions.

Nothing contained in this chapter shall be held to repeal, modify or waive any existing requirement or statute of limitations which is applicable to these causes of actions, but, on the contrary, this Local Law shall be held to be additional requirements to the right to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the questions of contributory negligence, nor to impose upon the Village of Lyndonville, its Trustees, officers, agents and employees any greater duty or obligations than that it shall keep its streets and sidewalks fit for public use and travel.

**SECTION 5. Effectiveness.**

This Local Law shall take effect immediately upon the filing with the Secretary of State as required by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 3 of 1996 of the ~~(County)~~(City)(Town)(Village) of Lyndonville, New York was duly passed by the Board of Trustees on July 8th 1996, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*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 the 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 section (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 \_\_\_\_\_ 1, above.

Debra D. Miller  
~~Clerk of the County legislative body, City, Town or Village Clerk~~  
~~or officer designated by local legislative body~~

(Seal)

Date: July 8th, 1996

(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 ORLEANS

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.

William H. Huber  
Signature

Village Attorney  
Title

~~County~~  
~~City~~ of LYNDONVILLE, NEW YORK  
~~Town~~  
Village

Date: July 8th, 1996