

(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~~

of Otisco

Town

~~VILLAGE~~

Local Law No. 1 of the year 1997.

A local law requiring Notice of Defects in Municipal Property
(Insert Title)

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

~~COUNTY~~

~~CITY~~

of Otisco

Town

~~VILLAGE~~

as follows:

I. Real Property Utilized for Transportation and Appurtenances Thereto.

a. No civil actions shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, road, street, shoulder, parking lot, bridge, crosswalk, sidewalk, boardwalk, sidepath, footpath, sluiceway, drainage ditch or culvert or any pedestrian, traffic or other warning signs or traffic control devices, or any other Town real property utilized for transportation purposes or any appurtenances thereto, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such inadequate, defective, unsafe, dangerous, or obstructed condition, specifying the particular place and condition, was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to improve or correct any inadequate condition, or to repair or remove the defect, danger or obstruction complained of. 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, road, street, shoulder, parking lot, bridge, crosswalk, sidewalk, boardwalk, sidepath, footpath, sluiceway, drainage ditch or culvert, or pedestrian, traffic or other warning signs or traffic control devices, or any other Town real property utilized for transportation purposes or any appurtenances thereto, unless written notice thereof, specifying the particular place and condition, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make such place or condition otherwise reasonably safe within a reasonable time after the receipt of such notice.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

b. The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk, within five days after the receipt thereof, all written notices received pursuant to this subdivision of this local law and subdivision 2 of section 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

c. This local law shall supersede in its application to the Town of Otisco, subdivisions 1 and 3 of section 65-a of the Town Law.

2. **Other Town Real Property, Structures and Appurtenances.**

a. No civil actions shall be maintained against the Town or any Town official for damages or injuries to person or property sustained by reason of any other Town real property, buildings and structures and all appurtenances thereto, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such inadequate, defective, unsafe, dangerous, or obstructed condition of such Town property, specifying the particular place and condition, was actually given to the Town Clerk or Town Supervisor, and there was a failure or neglect within a reasonable time after the giving of such notice to improve or correct any inadequate condition, or to repair or remove the defect, danger or obstruction complained of. 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 Town real property, buildings and structures and all appurtenances thereto unless written notice thereof, specifying the particular place and condition, was actually given to the Town Clerk or Town Supervisor and there was failure or neglect to cause such snow or ice to be removed, or to make such place or condition otherwise reasonably safe within a reasonable time after the receipt of such notice.

b. The Town Supervisor shall transmit, in writing, to the Town Clerk, within five days after the receipt thereof, all written notices received pursuant to this subdivision of this local law. The Town Clerk shall cause all written notices received pursuant to this subdivision of this local law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

3. **Effective Date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State.

(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. 1 of 1997 of the ~~(County)(City)~~(Town)(Village) of Otisco was duly passed by the Town Board on July 14 1997, 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 approved)(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 approved)(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 approved)(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 chairperson 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.)

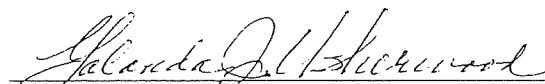
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Yolanda J. Usherwood
Town Clerk of the Town of Otisco

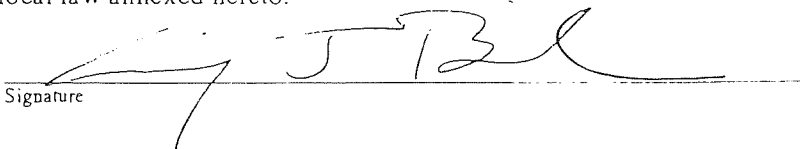
Date: July 14, 1997

(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 Onondaga

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.



Craig J. Billinson, Esq., Town Attorney
Title

~~COUNTY~~
~~CITY~~ of Otisco
Town
~~VILLAGE~~

Date: July 31, 1997