

## *Local Law Filing*

(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.

**TOWN OF ROYALTON  
LOCAL LAW NO. 1 OF THE YEAR, 2003**

**A Local Law Entitled "Notice of Defects"**

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 04 2003

**MISCELLANEOUS  
& STATE RECORDS**

Be it Enacted by the Town Board of the Town of Royalton as Follows:

**Section 1. Intent.**

No civil action shall be maintained against the Town of Royalton for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Town Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place otherwise made reasonably safe.

**Section 2. Procedure.**

Any person desirous of giving a written notice in accordance with this Article shall either:

- A. Cause such written notice in duplicate to be delivered personally to the Town Clerk, who shall file the original and acknowledge receipt of the same on the duplicate thereof, returning the duplicate to the person filing the same; or
- B. Cause such written notice, in duplicate, to be mailed to the Town Clerk, postage prepaid, by either certified or registered mail, return receipt requested, upon receipt of which the Town Clerk shall file the original and acknowledge receipt of same or the duplicate thereof, returning the duplicate to the person who mailed the same at the address provided.

**Section 3. Contents of Notice.**

The written notice hereunder shall contain at least the following information:

- A. Name and mailing address of the person giving the notice.
- B. A precise statement as to the nature and extent of any defective or dangerous condition, need or repair, unsafe or obstructed condition or the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk within the Town of Royalton.
- C. The approximate date that such condition first became known to the person giving the notice.

- D. The exact location of such condition, giving wherever possible reference to a street address or addresses, utility pole numbers or such other geographic reference as will aid the Town in properly locating such condition.

**Section 4. Filing.**

Immediately upon receipt of a notice under this Article, the Town Clerk shall cause the original thereof to be filed in a separate file maintained by the Town Clerk solely for this purpose, and the Town Clerk shall cause a copy of such notice to be directed to the department head whom the Town Clerk deems responsible for the correction of such condition.

**Section 5. Records.**

The Town Clerk shall keep an indexed record, in a separate book, of all written notices received pursuant to this chapter, as required by §65-a, Subdivision 4, of the Town Law.

**Section 6. Supercedes Section 65-a Town Law.**

This Article shall supercede, in its application to the Town of Royalton, Subdivisions 1 and 3 of Section 65-a of the Town Law.

**Section 7. Effective Date.**

This law shall take effect immediately upon filing with 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 2003 of the Town of Royalton was duly passed by the Town Board on August 11, 2003, in accordance with the applicable provisions of law.

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 200\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 200\_\_, 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 200\_\_ of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_, 200\_\_. 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 \_\_\_\_\_, 200\_\_, in accordance with the applicable provisions of law.

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 200\_\_ of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 200\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_\_, 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 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 200\_\_ 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 \_\_\_\_\_ 200\_\_, became operative.

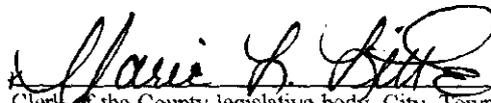
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_ of 200\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 200 \_\_\_\_, 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 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.

(Seal)

  
Clerk of the County legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
**MARIE L. LITTLE, Town Clerk, Town of Royalton**

Date: August 11, 2003

(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 NIAGARA

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.

  
**THOMAS H. BRANDT, Town Attorney**  
Town of Royalton

Date: August 11, 2003