

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 19 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~

~~City~~ of SALAMANCA

~~Town~~

~~Village~~

Local Law No. TWO of the year 20⁰³

A local law REQUIRING NOTICE OF HIGHWAY DEFECTS
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~ of SALAMANCA

~~Town~~

~~Village~~

as follows:

SEE PAGES 2 AND 3 ANNEXED HERETO

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

Notice of Highway Defects

Local Law No. Two of the Year 2003

A Local Law providing for written notification of defects and obstructions on Town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Salamanca.

Be it enacted by the Town Board of the Town of Salamanca.

Section 1.

No civil actions shall be maintained against the Town or Town Superintendent of highways, nor other employees or offices thereof acting in such capacity, for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk, or culvert being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk, or culvert 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 repair or remove the defect, danger, or obstruction complained of.

No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert, unless written notice thereof, specifying the particular place, 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 the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2.

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

- A. Name and mailing address of the person giving notice.
- B. A precise statement as to the nature and extent of any defective, unsafe, dangerous, or obstructed condition or the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert within the Town of Salamanca.
- 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 3.

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 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.

Section 4.

The Town Clerk shall keep a separate indexed record of all notices received pursuant to Town Law, Section 65-a, Subdivision 4.

Section 5.

This Local Law shall supersede in its application to the Town of Salamanca Subdivisions 1 and 3 of Section 65-a of the Town Law.

Section 6.

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. TWO of 2003 of the ~~(County)(City)(Town)(Village)~~ of SALAMANCA was duly passed by the TOWN BOARD on Aug. 12, 2003, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.

Virginia B. Rider
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 8/12/03

(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 CATTARAUGUS

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.

Ronald D. Ploetz
Signature
RONALD D. PLOETZ, TOWN ATTORNEY
Title

~~County~~
~~Town~~ of SALAMANCA
~~Village~~

Date: 8/12/03

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