

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.

County

City

Town

Village

of Savannah

Local Law No. 1 of the year 2003

A local law Prior Notice Law
(Insert Title)

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

County

City

Town

Village

of Savannah

as follows:

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 30 2003
MISCELLANEOUS
& STATE RECORDS

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

PRIOR NOTICE LAW
LOCAL LAW # 1, 2003

Section 1: No civil action shall be maintained against the Town of Savannah or any of its officers or employees for damages or injuries to person or property sustained by reason of any highway, bridge, sidewalk, street, culvert, or real estate of any and all kinds owned by the Town being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, sidewalk, street, culvert, or real estate of any and all kinds owned by the Town was actually given to the Clerk of the Town Board or the Town Superintendent of Highways, and there was a failure or neglect to repair or remove the defect, danger or obstruction complained of within a reasonable time after the receipt of such notice.

Section 2: No civil action shall be maintained against the Town of Savannah or an of its officers or employees for damages or injuries to person or property sustained solely by reason of the existence of snow, ice, or water upon any highway, bridge, sidewalk, street, culvert, or real estate of any and all kinds owned by the Town unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Town Board or the Town Superintendent of

Highways and there was a failure or neglect to cause such snow, ice, or water 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 shall transmit in writing to the Clerk of the Town Board within ten days after the receipt thereof all written notices received by him pursuant to this law.

Section 4: The Clerk of the Town Board shall keep an indexed record, in a separate book, of all written notices received of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice, snow, or water upon any town highway, bridge, sidewalk, street, culvert, or real estate of any and all kinds owned by the town, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of five years after the date it is received.

Section 5: This notice provision also applies to any and all conditions involving trees, bushes, vegetation, and/or

any and all other objects located on or growing on land owned by the Town.

Section 6: If any clause, sentence, paragraph, section, part or provision of this law shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation and effect to the clause, sentence, paragraph, section, part or provision thereof directly involved in the controversy or action in which such judgment shall have been rendered.

Section 7: Legislative Intent: The intent of the Town Board of the Town of Savannah is to amend Local Law #1, 1979 and the amendment thereto in Local Law #1, 1989, and to expand the notice requirements to cover additional property owned and/or maintained by the Town. The substance of this local law and the prior two local laws may be found in Section 65a of the Town Law of the State of New York.

Section 8: A public hearing has been held for public comment and discussion concerning this local law, and the Town Board of the Town of Savannah has found that it is in the best interest of the residents of the Town to enact this local law.

Section 9: This local law shall take effect immediately upon filing with the Secretary of State as provided in Section 27 of the Municipal Home Rule 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. 1 of 2003 of the ~~(County)~~(City)(Town)(Village) of Savannah was duly passed by the ~~Town of Savannah Board~~ on October 13, 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.

June Casey Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 10/24/03

(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 Wayne
Upon information and belief

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.

Col B Bartlett
Signature
Town Attorney
Title

Savannah
County
City of
Town
Village

Date: Oct 10/28/03