

(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**  
OCT 06 2003

~~XXXXXX~~  
~~XXXXXX~~  
Town of RICHFIELD  
~~XXXXXX~~

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 1 of the year 2003

A local law REQUIRING PRIOR WRITTEN NOTICE OF DEFECTS  
(Insert Title)

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

~~XXXXXX~~  
~~XXXXXX~~ of RICHFIELD as follows:  
~~XXXXXX~~

**TOWN OF RICHFIELD  
LOCAL LAW # 1 OF 2003  
A LOCAL LAW REQUIRING**

**PRIOR WRITTEN NOTICE OF DEFECTS**

**BE IT ENACTED BY** the Town Board of the Town of Richfield, Otsego County, State of New York  
**Section 1:**

**Notification OF DEFECTS**

**§ I. Prior notice of dangerous conditions on highways, bridges and culverts**

No civil action shall be maintained against the Town of Richfield, the Town Board of the Town of Richfield, any individual Trustee of the Town of Richfield, any officer, employee or agent of the Town of Richfield or the Town Superintendent of Highways of the Town of Richfield or against any improvement district in the Town of Richfield for damages or injuries to person or property sustained by reason of any highway, bridge, culvert or any other property, either real or personal, of any type or description, owned by the Town of Richfield or any property owned by any improvement district therein being defective, Out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert or any other property owned by the Town of Richfield, or any property owned by any improvement district, was actually given to the Town Clerk of the Town of Richfield or the Superintendent of Highways of the Town of Richfield 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 highway, bridge, culvert or any other property owned by an improvement district in the Town of Richfield unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town of Richfield or the Town Superintendent of Highways of the Town of Richfield 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.

**§ 2. Prior notice of dangerous conditions on sidewalks.**

No civil action shall be maintained against the Town of Richfield or the Town Board or the Town of Richfield, any individual Trustee of the Town of Richfield, any officer, employee or agent of the Town of Richfield or the Town Superintendent of Highways of the Town of Richfield for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town of Richfield or in consequence of the existence of snow

or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the Town of Richfield or the Superintendent of Highways of the Town of Richfield pursuant to statute; 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 Town Superintendent of Highways of the Town of Richfield 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.

**§ 3. Disposition of notices; responsibility for corrective action**

The Town Superintendent of Highways of the Town of Richfield shall transmit, in writing, to the Town Clerk of the Town of Richfield, within ten (10) days after receipt thereof, all written notices received by the Town Superintendent of Highways pursuant to this chapter, and he shall take any and all corrective action with respect thereto within a reasonable time after receipt of such notice.

**§4. Index and record of notices.**

The Town Clerk of the Town of Richfield shall keep an index record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any town highway, bridge, culvert or sidewalk or any other property described in § I owned by the Town of Richfield or by any improvement district in the Town of Richfield, 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 such notice shall be preserved for at least a period of ten (10) years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Town Superintendent of Highways of the Town of Richfield of the receipt of such notice.

**§ 5. Construction of these 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 action, but, on the contrary, this chapter 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 question of contributory negligence, nor to impose upon the Town of Richfield, its Trustees, officers, agents and employees and any of its improvement districts any greater duty or obligations than that it shall keep its streets and sidewalks fit for public use and travel

**Section 2.**

This local law shall take effect upon the filing with the Secretary of State of the State of New York.

(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 RICHFIELD, OTSEGO COUNTY was duly passed by the TOWN BOARD on AUGUST 18 20 03, 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 \_\_\_\_\_ is vested with the power to approve or veto local laws or \_\_\_\_\_ 25.

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.

Monica Harris  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: October 1, 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 OTSEGO

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.

[Signature]  
Signature

TOWN ATTORNEY  
Title

XXXXXX  
XXXXXX of RICHFIELD  
Town  
XXXXXX

Date: SEPTEMBER 29, 2003