

GENERAL LAWS

(1)

LOCAL LAW #2

ARTICLE I FARM ANIMALS

Section 30.1

(a) No farm animals such as cows, horses, pigs, sheep, goats, chickens, ducks, or geese shall hereafter be kept maintained or harbored within the Village of Angelica without obtaining an animal permit therefore from the Village Board. No such permission shall be granted unless the same are to be kept and maintained within the limitations of the owner's property.

(b) No permit shall be required if the owner's property comprises of ten (10) or more acres in the Village or is adjunct to a farm outside of the Village comprising a total acreage of ten (10) or more acres.

Section 30.2

(a) Any person violating any provision of this Article shall be liable to a penalty of not less than \$3.00 nor more than \$10.00 for each day.

ARTICLE II - AWNINGS AND SIGNS

Section 30.3 - Restrictions

(a) No awning, awning post, sign, signpost or other fixture shall hereafter be placed or erected across or in any of the streets of this Village so as to project wholly or partly over any of the sidewalks or streets therein or to be placed in proximity thereto by the owner, lessee or occupant of any store or building; nor shall any persons place or caused to be placed, or hand, or suspend over any of the sidewalks or streets of said Village, any goods, wares, merchandise or other thing for sale or exhibition; but nothing herein contained shall prevent the erection of awnings of cloth upon iron frames, so constructed and attached to the buildings as to be self-supporting, provided such awning, in its lowest part, shall be at least nine (9) feet above the sidewalk. No wooden or metal awnings, balconies or signs, supported by or attached to buildings and projecting over any sidewalk or street shall be erected without first making an application to the Board of Trustees of the Village, such application to contain a clause that the VILLAGE shall be saved harmless by reason of the erection and maintaining of such awning, balcony or sign and securing from said Board a permit for their erection of such awning, balcony, or sign.

ARTICLE II - BUILDING MATERIALS ON STREETS

Section 30.4 – Permit Required

(a) The Mayor and Board of Trustees may, when they deem such acts not detrimental to the public, permit building materials, tools, appliances and supplies to be deposited and left upon the street or sidewalk in front of any lot for the purpose of erecting or repairing and building or structure on said lot. Provided, however, that such permission shall not be given until a bond shall have been filed in the sum of not less than \$100,000.00 to be fixed by the board with good and sufficient surety to be approved by the Board, conditioned that such materials shall not occupy more than one-third (1/3) of the street in front of the lot on which such building or structure is to be erected or repaired, and on the side of the street adjacent thereto, for a period of

ARTICLE II - BUILDING MATERIALS ON STREETS**Section 30.5 – Permit Required**

(a) The Mayor and Board of Trustees may, when they deem such acts not detrimental to the public, permit building materials, tools, appliances and supplies to be deposited and left upon the street or sidewalk in front of any lot for the purpose of erecting or repairing any building or structure on said lot. Provided, however, that such permission shall not be given until a bond shall have been filed in the sum of not less than \$100,000.00 to be fixed by the Board with good and sufficient surety to be approved by the Board, conditioned that such materials shall not occupy more than one-third (1/3) of the street in front of the lot on which such building or structure is to be erected or repaired, and on the side of the street adjacent thereto, for a period of not more than ninety (90) days, and that during that time such obstruction shall remain upon such street or sidewalk, it shall be properly guarded with barricades and with red lights at night, and that the Village shall be saved harmless from all damages or claims for damage on account of such obstruction, and such permit may be revoked at any time by the said Board.

ARTICLE IV - OBSTRUCTION OF STREETS**Section 30.5 – Obstruction Prohibited**

(a) No person, without the permission of the Village Board, shall obstruct, or in any manner cause or allow to be obstructed, any street, sidewalk, crosswalk, or other public place in this Village, nor in any way, prevent, or interfere with , the free use thereof or any part thereof, for the purpose of public travel.

Section 30.6 – Violations and Penalties

(a) Any person violating any of the provisions of this Article shall be liable to a penalty of not less than Five Dollar (\$5.00) nor more than Ten Dollars (\$10.00) for each offense, and to a further penalty of Five Dollars (\$5.00) for each twenty-four (24) hours that such street, sidewalk, crosswalk, or other public place or portion thereof shall continue to be so obstructed.

ARTICLE V - RUBBISH ON STREETS**Section 30.7 – Rubbish Prohibited**

(a) No person shall throw, place, clump or in any way deposit any garbage, rubbish and refuse, in any of the streets, avenues, alleys or public places, or in any of the waters of this village.

Section 30.8 – Rubbish Prohibited

(a) Any violation of this Article shall subject the person or persons violating the same to a penalty of twenty-five dollars (\$25.00) for the first offense and an additional twenty-five dollars (\$25.00) for each subsequent offense not exceeding \$100.00 for each offense. And it is further ordained that any violation of this Article shall constitute disorderly conduct.

ARTICLE VI - RUBBISH AND LITTER ON PRIVATE PROPERTY PROHIBITED**Section 30.9**

(a) No owner or tenant or any other person shall place or deposit any rubbish or litter such as the following: automobiles, farm machinery, washing machines, refrigerators, freezers, hot water tanks, pipes, wire, electricity appliances, or any parts of these items on private property, unless they rest a fence or use live vegetation to hide the above mentioned items, have it inspected by an authorized person and obtain a Junk Yard Permit (cost \$25.00).

Section 30.10 – Violations and Penalties.

(a) Any violation of this Article shall subject the person or persons violating the same to a penalty of twenty-five dollars (\$25.00) for a first offense and an additional twenty-five (\$25.00) for each subsequent offense not to exceed \$100.00 for each offense.

ARTICLE VII - SIDEWALK CONSTRUCTION**Section 30.11 – Permit Required.**

(a) No owner or occupant of lands adjoining a street shall construct or cause to be constructed a sidewalk of stone, cement, brick or other similar material along the line of such land within the Village right-of-2qay, without first having obtained from the Village Board a permit and unless the same be constructed according to specifications available at the Village Office.

Section 30.13 – Violations and Penalties.

(a) Each violation of this Article, except as regards snow and ice, shall subject the offending party to a penalty of twenty-five (\$25.00) dollars for each twenty-four (24) hours the said violation continues commencing forty-eight (48) hours after the notice hereinafter referred to is given, and it is further ordained that a violation of this Article shall constitute disorderly conduct. In addition to the foregoing penalty, the Mayor may cause any such sidewalk not in a safe condition for public travel to be repaired after notice in writing has been served upon the owner or occupant of said premises, requiring the same to be repaired within forty-eight (48) hours from the time said notice is so served, and in case of failure to comply, said Mayor may cause such repairs to be made and charge the cost thereof to the owner of such property, the amount to be collected from said property owner or assessed against the said premises by and in the name of the Village of Angelica.

ARTICLE IX - DOG CONTROL**Section 30.14 – Definitions**

(a) “Owner” means any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

(b) “Harbor” means to provide food or shelter to any dog.

ARTICLE IX - DOG CONTROL**Section 30.14 – Definitions**

(c) “At large” means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: 1) accompanied by and under the immediate supervision and control of the owner or other responsible person; 2) a police work dog in use for police work; 3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

Section 30.15 – Restrictions

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Village of Angelica, to:

(a) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner as to unreasonable and habitually annoy any person;

(b) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of the dog.

(c) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or

(d) habitually chase, run along side of or bark at motor vehicles or bicycles.

Section 30.16 – Enforcement

(a) This local ordinance shall be enforced by any Village dog control officer, peace officer when acting pursuant to his special duties, or police officer in the employ of or under contract to the Village of Angelica.

Section 30.17 – Seizure, Impoundment, Redemption and Adoption

(a) Any dog found in violation of the provisions of Section 30.15 of this ordinance may be seized pursuant to the provisions of Section 118 of the Agriculture and Market Law.

(b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in Section 118 of the Agriculture and Market Law.

(c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Market Law and by paying the impoundment fees set forth on Section 118 of the said Article.

(d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog.

(e) Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Market Law.

ARTICLE IX – DOG CONTROL**Section 30.18 – Complaints**

(a) Any person who observes a dog in violation of this ordinance may file a complaint under oath with a justice of the Village of Angelica specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this ordinance.

Section 30.18 – Appearance Ticket

(a) Any Village dog control officer, peace officer, when acting pursuant to his special duties, or police officer, in the employ of or under contract to the Village of Angelica, having reasonable cause to believe that a person has violated this ordinance, shall issue and serve upon such persons and appearance ticket for such violation.

Section 30.20 – Penalties

(a) Any person convicted of a violation of this ordinance shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days.

Section 30.21 – Separability

(a) Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

ARTICLE X - OPEN CONTAINERS**Section 30.22 – Definitions**

The following definitions are to be used in constructing this Local Law.

(a) Public Highway – Any highway, road, street, avenue, alley, public place, public driveway or any other public way.

(b) Street, Highway, Avenue – The entire width between the boundary lines of every way when any part thereof is open to the use of the public for the purpose of vehicular or pedestrian traffic.

(c) Sidewalk – That portion of a street between the curblines of the lateral lines of a roadway and the adjacent property lines intended for public pedestrian use. The term sidewalk shall also include any alley or any other way open for public pedestrian traffic or use.

(d) Parking Lot – Any portion of any parking lot owned by, leased, or under the control of the Village of Angelica or others, maintained for public use

(e) Alcoholic Beverage or Beverage – Shall mean and include alcohol, spirits, liquor, wine, beer, or cider.

Section 30.23 – Activity Prohibited

(a) No person shall carry, transport, or have in his possession on any public highway, sidewalk or parking lot within the Village of Angelica, any opened or4 resealed bottle, can, glass, or any other container or similar device containing an alcoholic beverage of any type or kind. This Article is applicable to occupants of motor vehicles. This Article shall not apply to public functions licensed by the Village Board.

ARTICLE X - OPEN CONTAINERS**Section 30.24 – Affirmative Defense**

It shall be an affirmative defense to any charge brought under this Local Law that:

(a) The person charged is an employee of the Department of Public Works or is a Law Enforcement Officer, and such person is acting in the course of and in the performance of his duties.

It is not the intention of this Law to encumber or otherwise interfere with the process of trash collection or law enforcement.

(b) The person charged is the owner, resident, lessee, or an agent thereof, who, in the course of the cleaning or maintaining his premises, removes such container from about his premises for the purpose of discarding it.

It is not the intention of this Law to interfere with normal or routine maintenance of property.

(c) The container contains prescription medication prescribed for the person charged, which medication contains alcohol.

(d) The person charged is in the process of directly transporting a resealed container between private residences or locations.

It is not the intention of this Law to interfere with private house parties or similar functions. For purposes of illustration, such functions would include weddings, dinners, parties or social gatherings at halls, clubs.

Section 30.25 – Construction With Other Laws

Nothing in this Local Law shall be interpreted as superceding, modifying, or duplicating the provisions of Vehicle and Traffic Law Section 1227.

Section 30.26 – Penalties

(a) Any person who violates this Article shall be guilty of a violation.

(b) The violations shall be punishable as provided in Penal Law Section 80.05(4): A Sentence to pay an amount fixed by the Angelica Village Court not exceeding \$250.00; and in Penal Law Section 70.15(4): A definite sentence of imprisonment fixed by the Angelica Village Court not to exceed 15 days, or both such fine and imprisonment.

ARTICLE XI - UNSAFE PREMISES**Section 30.27 – Definition**

PERSON – When used in this ordinance, shall mean and include natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities capable of being sued.

ARTICLE XI - UNSAFE PREMISES continued.....**Section 30.28 – Notice of Unsafe Premises**

(a) Whenever in the opinion of the Mayor, any unsafe condition exists which endangers life or property, he shall have authority to order any owner, agent or person in possession, charge or control of such premises, or part thereof, to put the same in safe condition or take down the same or any part thereof, within reasonable time as may be determined by the Order. Notice that such Order has been served upon the owner, shall be given by the Clerk to all tenants occupying the premises. Whenever the Clerk shall be unable to find the owner of such premises or any agent or person in possession, charge or control thereof, upon whom such notice may be served, he shall address, and in addition thereto, shall place, or cause to be placed, the notice herein provided for upon such premises at or near the principal entrance, and shall so post, or cause to be posted, in a conspicuous place at each entrance to such premises in large letters, a notice as follows:

NOTICE:

“A dangerous condition exists on these premises and has been ordered abated by the Village of Angelica.”

(b) Such notice shall remain posted until the required changes have been made. It shall be unlawful for any person to remove, deface, or destroy such notices without permission of the Mayor.

Section 30.29 - When Unlawful to Use Premises

(a) If the owner, agent, or person in possession, charge or control of such premises or part thereof, when so notified, shall fail, neglect or refuse to place such premises or part thereof, in a safe condition and to adopt such precautionary measures as shall have been ordered by the Mayor within the time specified in such notice, in such case, at the expiration of such time, it shall be unlawful for any person to occupy or to use such premises, or part thereof, until it is placed in a safe condition in compliance with the Order of the Mayor. In any case, when the premises or part thereof are in dangerous or unsafe conditions, and have not been placed in a safe condition within the time specified and as required in the notice of the Mayor, such pre ise, or part thereof, shall be unlawful for any person to enter the same except for the purpose of making repairs or changes required by the Mayor.

Section 30.30 - Appeal to the Board of Trustees

(a) The owner of any premises, agent or person in possession, charge, or control, who is ordered to put the same in safe condition, or take down the same, may, within twenty-four (24) hours after the service of such Order, setting forth his objections thereto, who shall review such Order and file its decision thereon and its determination shall be final.

ARTICLE XI - UNSAFE PREMISES continued.....**Section 30.31 – Removal or Repair of Buildings**

If, at the expiration of the time specified in such Notice of Order as finally determined by the Board of Trustees, such Order shall not have been complied with, the Mayor is hereby authorized to proceed forthwith to make or cause such repairs to be made as are necessary to put such premises in a safe condition or to tear down or destroy the same or such part thereof as may be provided in the final order. The expense of making such repairs or taking down such premises or part thereof, shall be charged to the owner of such premises. The cost and expense of such labor, performed and materials used in repairing such premises or part thereof, or demolishing the same, under and by the direction of the Mayor shall, when properly certified by the Mayor, be audited and paid by the Village, in the same manner as other claims against the Village are audited and paid. A bill for the expense incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or if he be a nonresident, by mailing the same to him at his last-known place of residence, or, if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premise. If such owner shall fail to pay the same within ten (10) days thereafter, the Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of the actual cost of the work and materials furnished with a statement as to the property upon which the work was performed and for which the materials were furnished, the repairs made, the buildings or other obstructions removed, as the case may be, with the assessors of the Village, who shall, in the preparation of the last assessment roll of general village taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general village tax and as a part thereof. The imposition and collection of any fine or penalty prescribed herein shall not bar the right of the Village to collect the cost of the removal or repair of any unsafe premises, or part thereof, as herein prescribed.

Section 30.32 – Emergency provisions

In cases of great emergency, where the delay of proceedings as here in before provided, would result in probably loss of life or property, the Mayor shall have the power to proceed at once to take action as is needed to guard the safety of persons and property. In such cases, the Mayor shall have full power and authority to provide all necessary means therefore and all expenses therefore shall be paid and collected as provided in Section 30.34.

Section 30.33 – Penalty

Any person upon whom a notice as provided in this ordinance has been served, fails, neglects or refuses to place such premises or part thereof, in a safe condition as designated in such Notice, or who shall violate any of the provisions of this ordinance shall, upon conviction therefore, be subject to a fine of not less than fifty (\$50.00) or more than Five Hundred Dollars (\$500.00), or to imprisonment for not less than one (1) month or more than one (1) year, or both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

ARTICLE XII - UNREASONABLE NOISE**Section 30.34 – General Prohibition**

It shall be unlawful for any person to make, continue, aid, countenance, cause to be made or assist in making any excessive, disturbing, unnecessary or unreasonable noise, except as here in after provided, within the limits of the Village of Angelica.

Section 30.35 – Standards

Standards to be considered in determining whether any sound existing in a given situation constitutes excessive, disturbing, unnecessary or unreasonable noise within the prohibition of this Local Law include:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The time of day or night the noise occurs;
- (h) The time of duration of the noise;
- (j) Whether the noise is continuous, impulsive or intermittent.

Section 30.36 – Enumeration of Unnecessary and Unreasonable Noises

The following acts, among others, are declared to be excessive, disturbing, unnecessary and unreasonable noises in violation of this Local Law, but any enumeration here in shall not be deemed to be exclusive:

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle (other than an emergency vehicle) on any street or public place, except as a necessary or reasonable warning.

(b) Bands, musical instruments, radios, etc. The playing of music by any band, orchestra, radio, phonograph, musical instrument or other device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort or neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are voluntary listeners there to, except on a special occasion for which permission of the Village Board is first obtained, which permission shall specify the date, time and place that the activity is authorized. The playing or operating of any such band, instrument or device between the hours of 10:00p.m. and 7:00a.m. without such permission and in a manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this Local Law.

(c) Loudspeakers and amplifiers for advertising. The using, operating or permitting to be used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising.

(d) Yelling, shouting, etc.

- (1) Yelling, shouting, hooting, whistling or singing on the public streets or any public place between the hours of 1:00 p.m. and 7:00 a.m.
- (2) Shouting and crying of peddlers, hawkers, and vendors.

ARTICLE XII - UNREASONABLE NOISE continued.....**Section 30.36 – Enumeration of Unnecessary and Unreasonable Noises**

(e) Guns, firecrackers, etc. The firing or discharging of a gun, firecrackers, gunpowder, or other explosive substance within the limits of the Village of Angelica, except on some special celebration or occasion for which permission of the Village Board is first obtained, which permission will specify the date, time and place that such activity is authorized.

(f) Animals. The keeping or harboring of any animal which by causing frequent, loud or continued noise shall disturb the comfort or repose of any persons in the vicinity.

(g) Exhaust of engines, The discharge into the open air of the exhaust of any steam engine, stationery internal combustion engine, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Noise near certain buildings, etc. Any excessive noise on any street or highway adjacent to any Municipal building, school, or nursing home, provided that conspicuous signs are displayed on such street or highway indicating that the same is a school or quiet zone.

Section 30.37 – Enumeration of Permitted Noises

(a) Sound created by persons engaged in construction work during the hours of 7:30a.m. to 8:00 p.m. weekdays, including, but not limited to building, repairing, grading, leveling, and excavating.

(b) Sound created by any government agent or agency by the use of signaling or public warning devices.

(c) Sound created by lawnmowers or power tools in use between the hours of 8:00 a.m. and 9:00 p.m. weekdays and 10:00 a.m. and 8:00 p.m. on Sundays.

(d) Sound created by public utilities in carrying out the operation of their franchise.

(e) Sounds connected with sporting or other authorized events of any public or private school.

(f) Sounds necessarily connected with special events for which permission of the Village Board has been obtained, which permission shall specify the date, time and place that the activity is authorized.

Section 30.38 - Penalties

Any person who shall violate any of the provisions of this Local Law shall, upon conviction, be subject to a fine not to exceed the sum of Two hundred fifty DOLLARS (\$250.00) or to imprisonment in the County Jail for a period not to exceed Fifteen (15) days or to both such fine and imprisonment. The continuation of a violation of this Local Law shall constitute a separate and distinct offense hereunder for each twenty-four (24) hour period that the violations continue.

ARTICLE XIII - NOXIUS WEEKS**Section 30.39**

Every person owning or occupying any premises in said Village is hereby required to mow down and remove the grass or herbage growing in the street adjoining such premises, and on the same side hereof, once each month, between the 15th day of May and the 15th day of September in each year; if any person shall neglect or refuse to comply with the provisions of this section, the Highway Department is empowered to do such work and same will be charged against such premises.

ARTICLE XIV - DEFENSE AND INDEMNIFICATION OF VILLAGE OFFICERS AND EMPLOYEES**Section 30.40**

As used in this Article, unless the context otherwise requires, the term “employee” shall mean any person holding a position by election, appointment of employment in the service of the Village, whether or not compensated, or a volunteer expressly authorized to participate in Village sponsored volunteer program, but shall not include an independent contractor.

Section 30.41

(a) Upon compliance by the employee with the provisions of subdivision four of this Article, the Village shall provide for the defense of the employee in any civil action or proceeding in any State or Federal Court arising out of any alleged act or omission which occurred or is alleged in the Complaint to have occurred while the employee was acting within the scope of his public employment or duties; or which is brought to enforce a provision of section Nineteen Hundred Eighty-one or Nineteen Hundred eighty three of Title Forty-two of the United States CODE and the act or omission underlying the action occurred or is alleged in the Complaint to have occurred while the employee was acting within the scope of his/her public employment or duties. This duty to be provided for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the Village Attorney, provided however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines based upon his investigation and review of the facts and circumstances of the case that representation by the Village Attorney would be inappropriate, or whenever a Court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Village Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The Village Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by private counsel under the provisions of this Article, the Village Attorney shall so certify to the Village Board. Reasonable Attorney’s fees and litigation expenses shall be paid by the Village to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the Mayor and upon the audit by the Village Board.

ARTICLE XIV - DEFENSE AND INDEMNIFICATION OF VILLAGE OFFICERS AND EMPLOYEES**Section 30.41** continued.....

Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees, shall be resolved by the court upon motion or by the way of a special proceeding.

(c) Where the employee delivers process and a request for a defense to the Village Attorney as required by subdivision four of this section, the Village shall take the necessary steps including the retention of private counsel under the terms and conditions provided by paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgement pending resolution of any question pertaining to the obligation to provide for a defense.

Section 30.42

(a) The Village shall indemnify and save harmless its employees in the amount of any judgement obtained against such employees in any State or Federal Court, or in the amount of any settlement of a claim, or shall pay such judgement or settlement; provided, that the act of omission from which such judgement or settlement; arose, occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrong doing or recklessness on the part of the employee.

(b) An employee represented by the Village Attorney or by private counsel pursuant to this action, shall cause to be submitted to the Mayor, any proposed settlement which may be subject to indemnification or payment by the Village and if not inconsistent with the provisions of this section, such Mayor shall certify such settlement, and submit such settlement and certification to the Village Attorney. The Village Attorney shall review such proposed settlement as to form an amount, and shall give his approval if in his judgement the settlement is in the best interest of the Village. Nothing in this article shall be construed to authorize the Village to indemnify and save harmless or pay an employee with respect to a settlement not so reviewed and approved by the Village Attorney.

(c) Nothing in this Article shall authorize the Village to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to any law; provided, however, that the Village shall indemnify and save harmless its employees in the amount of any costs, attorney's fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgement, consent decree, or stipulation of settlement entered in any Court of this State of or the United States.

(d) Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall cause to be served, a copy of such judgement or settlement personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the Mayor; and if not consistent with the provisions of this section, such judgement or settlement shall be certified for payment by such Mayor. If the Village Attorney concurs in such certification, the judgement or settlement shall be paid upon the audit and warrant of the Board of Trustees, in consultation with the Village Attorney and Mayor as may be appropriate.

**ARTICLE XIV - DEFENSE AND INDEMNIFICATION OF VILLAGE OFFICERS
AND EMPLOYEES** continued.....**Section 30.43**

The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (I) delivery to the Village Attorney a copy of any Summons, Complaint, Process, Notice, Demand or Pleading within five (5) days after he is served with such document, and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Village based upon the same act or omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the Village provide for his defense pursuant to this Article.

Section 30.44

The benefits of this Section shall inure only to employees as defined herein and shall not enlarge or diminish the rights or any other party.

Section 30.45

This section shall not in any way affect the obligation of any claimant to give notice to the Village under the General Municipal Law, any other provision of Law.

Section 30.46

The provisions of this section shall not be construed to impair, alter, limit, or modify the rights and obligations of any insurer under any policy of insurance.

Section 30.47

The provisions of the Article shall not apply to any actions and proceedings pending upon the effective date hereof.

Section 30.48

Except as otherwise specifically provided in this Article, the provisions of this Article shall not be construed in any to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Village or any other level of government, or any right to defense and/or indemnification provided for any Village officer or employee by, in accordance with, or by reason of, any other provision of State or Federal Statutory or common law.

ARTICLE XV - SAVINGS CLAUSE

IF any section , sub-section, paragraph, clause, phrase, or provision of this Local Law shall be adjudged invalid or help unconstitutional, such determinance shall not affect the validity of this Local law as a whole, or any part provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE XVI - EFFECTIVE DATE

This Local Law shall take effect upon approval by the mayor after public hearing and filing with the Secretary of State.

ARTICLE XVII - NOTICE OF DEFECTIVE CONDITIONS OF STREETS, SIDEWALKS AND OTHER PROPERTIES OWNED BY VILLAGE**Section 30.49**

No civil action shall be maintained against the Village of Angelica, (hereinafter referred to as "the Village") or the Mayor of the Village, or against any improvement district in the Village for damages or injuries to person or property (including those arising from the operation of snowmobiles) sustained by reason of any street, sidewalk, bridge, culvert, street marking, sign or device, alleyway, right of way, or any other property owned, operated or maintained by the Village or any property owned, operated maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of said defective unsafe, dangerous, or obstructed condition of said highway, sidewalk, bridge, culvert, highway marking, sign or device alley, right of way, or any other property owned, operated or maintained by an improvement district, was actually given to the Village Clerk of the Village or the Mayor of the Village, and there was a failure or neglect within a reasonable time after the filing of said 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 street, alleyway, right of way, bridge, culvert or any other property owned by the Village or any property by any improvement district in the Village unless written notice thereof, specifying the particular place, of the Village and there was a failure or neglect to cause said snow or ice to be removed to make the place otherwise reasonably safe within a reasonable time after the receipt of said notice.

Section 30.50

No civil action shall be maintained against the Village or the Mayor of the Village for damages or injuries to the person or property sustained by reason of any defect in the sidewalk of the Village or in consequence of the existence of snow or ice upon any of its sidewalks, unless said sidewalks have been constructed or are maintained by the Village pursuant to statutes, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such a defect or in consequence of existence of snow or ice thereon unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village or to the Mayor of the Village and there was a failure or neglect to cause said defect to be remedied, said snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of said notice.

Section 30.51

The Mayor of the Village shall transmit, in writing, to the Village Clerk of the Village within three days after receipt thereof, all written notices received by him pursuant to this Local Law, and he shall take any and all corrective action with respect thereto as soon as practicable.

ARTICLE XVII - NOTICE OF DEFECTIVE CONDITIONS OF STREETS, SIDEWALKS AND OTHER PROPERTIES OWNED BY VILLAGE continued.....**Section 30.52**

The Village Clerk of the Village shall keep an index record, in a separate book, of all written notices which the Village 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 village street, bridge, culvert, sidewalk, alleyway, right of way, or any other property owned by the Village, or by any improvement district, 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 said notice shall be preserved for a period of five (5) years from the date it is received. The Village Clerk, upon receipt of such a written notice shall immediately, and in writing, notify the Mayor of the Village of the receipt of said notice.

Section 30.53

Nothing contained in this Local Law shall be held to repeal or modify or waive any existing requirement or statute of limitations, which is applicable to these cause of action, but, on the contrary, shall be held to be additional requirements to the rights to maintain said actions, 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 Village, its officers and employees, or any of its improvement districts, and any greater duty or obligation than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

ARTICLE XVIII - FIRE PROTECTION AND BUILDING CODE

Local Law Number 1, of the Laws of 1985, is hereby renumbered Article XVIII and Sections 1 through 16 are renumbered Sections 30.54 through 30.70 respectively.

