

(Please Use this Form for Filing your 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 Machias

Local Law No. 3 of the year 19 81

A local law providing for written notice to the Town Clerk of the Town of Machias with regard to defective and/or snow and ice conditions of highways and/or any other property owned by the Town of Machias.
(Insert title)

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Machias

as follows:

Section 1. No civil action shall be maintained against the Town of Machias, for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of the defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town was actually given to the Town Clerk of the Town of Machias, and that there was a failure or neglect within a reasonable time after 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 sustained by person or property solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk, and that 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.

(cont'd)

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 2. The Town Clerk shall transmit in writing to the Town Superintendent of Highways within ten (10) days after receipt thereof all written notices received by him pursuant to this Local Law.

Section 3. The Town Clerk shall keep an indexed record, in a separate book, of all written notices which he shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, bridge, culvert, sidewalk, crosswalk or any other property of the Town; which records shall state the date of receipt of the notice, the nature and location of the condition stated to exist, 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 (5) years after the date it is received.

Section 4. Nothing contained in this Local Law shall be held to repeal or modify or waive any existing requirements or statute of limitations which is applicable to these classes of actions, but on the contrary 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 or comparative negligence, nor to impose upon the Town any greater duty or obligation than that it shall keep its streets and other public places in a reasonably safe condition for public use and travel.

Section 5. If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of any such section would have been adopted had any such provision not been included.

Section 6. This Local Law shall take effect immediately upon the filing thereof in the offices of the Secretary of State and of the Comptroller of the State of New York.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 3 of 1981.
~~County~~
of the ~~City~~ of Machias was duly passed by the Town Board
~~Town~~ (Name of Legislative Body)
~~Village~~
on March 16 1981 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
~~County~~
of the ~~City~~ of _____ was duly passed by the _____
~~Town~~ (Name of Legislative Body)
~~Village~~
on _____ 19_____. and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, 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 19_____
~~County~~
of the ~~City~~ of _____ was duly passed by the _____
~~Town~~ (Name of Legislative Body)
~~Village~~
on _____ 19_____. and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
~~County~~
of the ~~City~~ of _____ was duly passed by the _____ on _____
~~Town~~ (Name of Legislative Body)
~~Village~~
_____ 19_____. and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

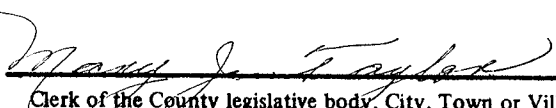
I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ~~§ 36~~ ^{§ 37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 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 19 of the County of State of New York, having been submitted to the Electors at the General Election of November, 19, 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 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.


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

Date: 7-16-81

(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 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.

.....
Signature

.....
Town Attorney

.....
Title

Date:

County
City of Machias
Town
Village