

(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~~ of Lewis
~~Town~~
~~Village~~
Local Law No. 4 of the year 19 78

A local law REQUIRING WRITTEN NOTICE OF DEFECTIVE, UNSAFE, DANGEROUS OR
(insert title)
OBSTRUCTED CONDITION PRIOR TO MAINTENANCE OF ACTION AGAINST THE COUNTY
OF LEWIS FOR DAMAGES FOR INJURIES TO PERSONS OR DAMAGES TO PROPERTY.

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

County
~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

See Attached Sheet

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

NO. 4 - 1978
LOCAL LAW ~~XXXXXXXXXXXXXXXXXXXX~~
COUNTY OF LEWIS

Introduced by Legislator Gary Buckingham, Chairman of the
Transportation Committee.

A LOCAL LAW REQUIRING WRITTEN NOTICE OF DEFECTIVE, UNSAFE, DAN-
GEROUS OR OBSTRUCTED CONDITION PRIOR TO MAINTENANCE OF ACTION
AGAINST THE COUNTY OF LEWIS FOR DAMAGES FOR INJURIES TO PERSONS
OR DAMAGES TO PROPERTY.

Be it enacted by the Board of Legislators of the County of
Lewis as follows:

Section 1. No action or special proceeding shall be prose-
cuted or maintained against the County of Lewis for personal injury
or damage to real or personal property alleged to have been sus-
tained by reason of any street, highway, bridge, culvert, sidewalk
or crosswalk being out of repair, unsafe, dangerous or obstructed,
or in consequence of the existence of snow or ice thereon, unless
it appears that written notice of the defective, unsafe, dangerous,
or obstructed condition, or the existence of snow or ice, was
actually given to the Superintendent of the Lewis County Department
of Highways, and there was a failure or neglect within a reasonable
time after the giving of such notice to report or remove the
defect, danger or obstruction complained of, or to cause the snow
or ice to be removed or the place otherwise made reasonably safe.

The Superintendent of the Lewis County Department of Highways
shall keep an indexed record, in a separate book, of all notices
which he shall receive of the existence of such defective, unsafe,
dangerous or obstructed condition, or of such snow or ice, which
record shall state the date of 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.

Section 2. Nothing herein contained shall be construed to
relieve a claimant of the obligation to send a notice of claim as
provided in Section 50-e of the General Municipal Law.

Section 3. This local law shall take effect immediately.

(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.4..... of 19.78..
County
of the ~~City~~ of Lewis..... was duly passed by theBoard of Legislators.....
~~Town~~ (Name of Legislative Body)
~~Village~~
on.....September 5th..... 19.....78 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..... not disapproved
and was approved by the
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..... not disapproved
and was approved by the
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 appli-
annual
cable 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..... not disapproved
and was approved by the on
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 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 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.

Dorothy E. Kotel

Clerk of the County legislative body, ~~Essex County~~
~~of Essex County~~

Date: September 6th, 1978

(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 Lewis.....

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.

R. J. Wolf
Signature

..... County Attorney
Title

Date: September 6th, 1978

County
~~Essex~~ of Lewis.....
~~Town~~
~~Village~~

OF LEWIS

NOTICE IS HEREBY GIVEN, that there has been duly presented to, and introduced before the Board of Legislators of the County of Lewis, New York, on the 1st day of August , 1978 , Local Law (Introductory No. 3 - 1978) County of Lewis, entitled "A LOCAL LAW REQUIRING WRITTEN NOTICE OF DEFECTIVE, UNSAFE, DANGEROUS OR OBSTRUCTED CONDITION PRIOR TO MAINTENANCE OF ACTION AGAINST THE COUNTY OF LEWIS FOR DAMAGES FOR INJURIES TO PERSONS OR DAMAGES TO PROPERTY."

PLEASE TAKE FURTHER NOTICE that an abstract of the within

local law is as follows: That the within local law provides that no action or special proceeding shall be maintained against Lewis County for personal injury or damage to real or personal property claimed to have been sustained by reason of any defects to County streets, highways, bridges, culverts, sidewalks or crosswalks, or in consequence the existence of snow or ice, unless it appears that appropriate written notice of such defect was actually given to the Lewis County Superintendent of Highways and that there was a failure within a reasonable length of time after such notice to report or remove such condition. The County Superintendent of Highways is directed to keep an index record book in connection with notices.

PLEASE TAKE FURTHER NOTICE that a public hearing will be held before the Lewis County Board of Legislators on said proposed local law on the day of , 19 78 from o'clock in the noon to o'clock in the noon at the Legislators' Room in the County Court House, Lowville, New York.

Dated at Lowville, New York this day of August 19 78 .

Clerk, Board of Legislators