

(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 NIAGARA  
Town  
Village

Local Law No. 1 of the year 19 82

A local law requiring prior written notice of an unsafe or dangerous condition or existence of snow or ice (Insert title) before civil action may be maintained against the County of Niagara, New York.

Be it enacted by the Niagara County Legislature of the  
(Name of Legislative Body)

County  
City of Niagara as follows:  
Town  
Village

Section 1. No civil action shall be maintained against the County of Niagara or the County Superintendent of Highways for damages or injuries to person(s) or property(-ies) sustained in consequence of any street, highway, road, 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 written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of such snow or ice, was actually given to the Clerk of the Legislature and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonable safe.

Section 2. The Clerk of the Legislature shall transmit to the County Superintendent of Highways within five (5) days after the receipt of such written notice a copy of such written notice.

Section 3. The Clerk of the Legislature shall keep an indexed record, in a separate book, of all written notices which she 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 4. 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. Further, nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but, on the contrary, shall be held to be additional requirements of the right to maintain such action.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally 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

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

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 this law would have been adopted had any such provision not been included.

Section 5. 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. \_\_\_\_\_ of 19 82..  
County  
of the ~~City~~ of Niagara ..... was duly passed by the Niagara County Legislature  
~~Town~~ .....  
Village .....  
(Name of Legislative Body)  
on October 19, ..... 19 82 - 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~~ .....  
Village .....  
(Name of Legislative Body)  
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~~ .....  
Village .....  
(Name of Legislative Body)  
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 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~~ .....  
Village .....  
(Name of Legislative Body)  
..... 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 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.

*Ilene L. Boyd*

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

ILENE L. BOYD, Clerk, Niagara County Legislature

Date: October 19, 1982

(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 NIAGARA

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.

*Michael Alan Goff*

ASSISTANT NIAGARA COUNTY ATTORNEY

..... Title

Date: October 19, 1982

County City of NIAGARA Town Village