

(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.

~~XXXXX~~
~~XXX~~ of Starkey
Town
~~Village~~

Local Law No.1..... of the year 19 80....

A local law providing for Prior Written Notice in order to maintain civil actions.
(insert title)

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

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

SEE SCHEDULE "A" WHICH IS ATTACHED HERETO AND MADE A PART
HEREOF.

SCHEDULE "A"

SECTION 1. Title -

This Local Law shall be known and cited as the Town of Starkey Local Law No.1 , 1980 providing for Prior Written Notice in order to maintain a civil action for certain damages against the Town of Starkey.

SECTION 2. Prerequisites For Civil Action -

No civil action shall be maintained against the Town of Starkey, 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 Starkey, 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.

SECTION 3. Written Notice and Service Thereof -

The written notice of such defect, unsafe, dangerous or ob-

SECTION 4. Notice to Town Superintendent of Highways. -

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 said Clerk pursuant to this Local Law.

SECTION 5. Recording of Written Notices. -

The Town Clerk shall establish and maintain at his office an index record, in a separate book in which shall be placed and maintained the originals of each such written notice which said Clerk 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; there shall be attached to each notice a statement setting forth the time and date of receipt of said notice, the nature and location of the conditions stated to exist, and the name and address of the person from whom the notice was received. The record of said written notices shall be available at the Town Clerk's Office for public inspections at all times during regular business hours. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

SECTION 6. Scope of Local Law. -

Nothing contained in this Local Law shall be held to repeal or modify or waive any existing requirements or statute of limitations which are 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

SECTION 7. Severability -

If any clause, sentence, paragraphs, section or a part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder, but shall be confined in its operation to the clause, sentence, paragraph, section or a part directly involved in a controversy in which such judgment shall have been rendered.

SECTION 8. Effective Date -

This Local Law shall take effect immediately pursuant to the requisites of the Municipal Home Rule Law.

(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.1..... of 1980..

~~XXXXX~~
of the ~~XXX~~ Town of Starkey was duly passed by the Town Board
~~XXXXX~~ (Name of Legislative Body)

on August 7, 1980.. 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
City
of the Town of was duly passed by the
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
City
of the Town of was duly passed by the
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

thereon at the general 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
City
of the Town of was duly passed by the
Village (Name of Legislative Body)

on 19..... and was approved by the
not disapproved

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 paragraph1..... above.

Robert S. Murphy
Robert S. Murphy ~~County Clerk~~ ~~City Clerk~~ ~~Village Clerk~~ Clerk or officer designated by local legislative body

Date: *Sept. 17, 1980*

(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 YATES

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.