

Local Law Filing

(Use this form to file a 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 Schroepfel
Town
Village

Local Law No. 1 of the year 2022

A Local Law adopting Local Law 1 of the Year 2022, A Local Law "Prior Written Notice of Defective Conditions of Town Property of the Town of Schroepfel.

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

County
City of Schroepfel as follows:
Town
Village

SECTION 1. **Authority.**

This Local Law shall be known as the "Prior Written Notice of Defective Conditions of Town Property Local Law of the Town of Schroepfel."

SECTION 2. **Purpose.**

Where claims for bodily injury or damage to property are asserted against the Town arising out of alleged defective conditions of property owned by or in the care, custody or control of the Town, adequate notice to the Town of any such conditions is of substantial importance to allow the Town the opportunity to investigate and correct such conditions, if found to exist. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town. To assure that the Town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It is the purpose of this article to require that notice of defective conditions of Town property be given to the

Town by prior written notice actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Schroepfel.

SECTION 3. Prior written notice required.

No civil action shall be maintained against the Town, its officers or employees for personal injury, including death, or damage to property related to, caused by, resulting from or arising out of any highway, bridge, culvert, street, sidewalk or crosswalk owned by the Town or any highway, bridge, culvert, street, sidewalk or crosswalk in the care, custody and control of the Town being defective, out of repair, unsafe, dangerous or obstructed unless, prior to the occurrence of the injury or damage, the Town shall have been given actual written notice of the alleged conditions complained of and shall have failed or neglected within a reasonable time to repair or remove the condition. 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 highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was 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 the receipt of such notice.

SECTION 4. Notice; contents.

The notice required by this article shall contain the following:

- A. The full name and address of the person giving notice.
- B. The particular property of the Town and its location which is claimed to be defective, out of repair, unsafe, dangerous or obstructed.
- C. The time such condition was first observed or made known to the person giving notice.
- D. A statement of the particulars in which the property is defective, out of repair, unsafe, dangerous or obstructed.

SECTION 5. Service of notice.

- A. The written notice provided for by this article shall be served by personal service within the Town of Schroepfel upon the Town Clerk and, in the case of highway property, upon the Town Superintendent of Highways. Service shall be made at their respective Town offices.
- B. Service may also be made by mailing such notice by certified mail, return receipt requested, to the officials specified in this section at their respective Town office addresses.
- C. The claimant shall have the burden of proving service of the notice in compliance with this section in any civil action maintained against the Town or any officer or employee thereof.

SECTION 6. Record of notice.

A. The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within five days after the receipt thereof all written notices received by him or her pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

B. The Town Clerk shall keep a record in a separate book of all written notices received pursuant to this section. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition or the location of accumulated snow or ice.

SECTION 7. Severability; effect on existing requirements.

A. If any section, paragraph, sentence, clause or provision of this article shall be adjudged to be invalid, such adjudication shall apply only to such portion expressly adjudged invalid, and the remainder thereof shall in all respects be valid and effective.

B. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions. It is the purpose of this article to supplement the provision of any other statute, including but not limited to Town Law § 65-a and §§ 50-g and 50-f of the General Municipal Law. Further, this article shall supersede in its application to the Town of Schroepel Subdivision 1 and 3 of § 65-a of the Town Law of the State of New York.

SECTION 8. When effective.

This article shall be effective immediately upon its filing in the office of the Secretary of State.

[END OF LOCAL LAW]

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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 2022 of the Town of Schroepfel was duly passed by the Town Board on October 4, 2022, in accordance with the applicable provisions of law.

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of _____ the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer*) on _____ 20____, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such _____ (Elective Chief Executive Officer*) local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such _____ (Elective Chief Executive Officer*) local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

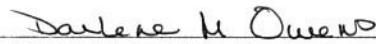
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20__ of the County of _____ State of New York, having been submitted to the electors of the General Election of November ____ 20__, 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 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.


DARLENE OWENS, Town Clerk


(Seal)

Date: October 4, 2022

(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 OSWEGO) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.


Signature **KEVIN C. CARACCIOLI**
TOWN ATTORNEY

Title _____

County _____
City of SCHROEPPPEL

Town _____
Village _____

Date: Date: October 4, 2022