

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 Town Village
(Select one.)

of PORT LEYDEN

FILED
STATE RECORDS

JUL 05 2023

Local Law No. 4 of the year 2023

A local law to require prior written notice/notification of defects
(Insert Title)

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

County City Town Village
(Select one.)

of PORT LEYDEN

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 4 of 2023 of the (County)(City)(Town)(Village) of Port Leyden was duly passed by the Village Board on June 20 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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____. *(Elective Chief Executive Officer*)*

Such 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 local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 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 at 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.

Danielle St. Louis

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

Date: 6-22-2023

(Seal)

Prior Written Notice / **Notification of Defects Local Law**

Section 1. It is the intention of the Village Board to protect the health and safety of the community by requiring actual written notice of defective and hazardous conditions existing on Village owned, or maintained, properties. The receipt of actual written notice will enhance the Village's ability to remedy dangerous conditions on all properties under the management and care of Village personnel in an expeditious and safe manner. This Law is enacted pursuant to Authority of NY Village Law §4-412, NY CPLR Article 98, and Municipal Home Rule Law §10. This law is intended to repeal and replace any local law, ordinance, rule or regulations in conflict with the same.

Section 2. Be it enacted by the Village Board of Port Leyden that no civil action shall be maintained against the Village or any Village Official or Village Superintendent of the Department of Public Works for damages or injuries to person or property sustained by reason of any highway, street, crosswalk, bridge, culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe dangerous or obstructed condition of such highway, street, crosswalk, bridge or culvert was actually given to the Village Clerk or Village Superintendent of the Department of Public Works, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; nor shall such action be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, street, crosswalk, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the Village Clerk or Village Superintendent of the Department of Public Works and 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 the receipt of such notice.

Section 3. No civil action shall be maintained against the Village , or any Village Official or Village Superintendent of the Department of Public Works for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Village or the Superintendent of the Department of Public Works of the Village pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Village Clerk or to the Village Superintendent of the Department of Public Works, and there was a failure or neglect to cause such defect to be remedied, 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. The Village Superintendent of the Department of Public Works shall transmit in writing to the Village Clerk within ten (10) days after the receipt thereof all written notices received by him/her pursuant to this section.

Section 5. The Village Clerk shall keep an indexed record, in a separate book, of all written notices which he/she 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 Village highway, street, crosswalk, bridge, culvert or sidewalk, 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. 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. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

Section 6. It is the intent of the Village Board, pursuant to the Municipal Home Rule Law of the State of New York, to adopt provisions at least as restrictive as §4-412 of the Village Law and Article 98 of the CPLR.

Section 7. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.