

(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 Livingston
~~Town~~
~~Village~~

Local Law No. 1 of the year 1978

A local law requiring the giving of notice as a condition precedent to civil actions against the County of Livingston arising from the operation and maintenance of any county highway, bridge, culvert, sidewalk or crosswalk or any county building or county facility being out of repair, unsafe, dangerous or obstructed.

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

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

SECTION 1. No civil action shall be maintained against the County of Livingston or any County officer, agent or employee for damages or injuries to a person or property sustained in consequence of any highway, bridge, culvert, sidewalk or any county building or facility 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 the snow or ice, was actually given to the County of Livingston or its specified officer or employee as hereinafter set forth, and 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, or to cause the snow or ice to be removed, or the place to be otherwise made reasonably safe,

SECTION 2. Such written notice shall be dated and signed and shall specify the particular place and condition alleged to be out of repair, unsafe, dangerous or obstructed or the place and extent of the existence of snow or ice and shall be personally delivered to the County Highway Superintendent or the Clerk of the County Board of Supervisors. Such written notices shall forthwith be transmitted to the Clerk of the County Board of Supervisors, who shall record the same in a separate book kept for that purpose, along with the name and address of the person filing the notice, the name of the County officer receiving said notice and the date of filing thereof. In addition, the Clerk of the County Board of Supervisors shall, after receipt of such notice, immediately and in writing, notify the County Superintendent of Highways of the receipt of said notice.

SECTION 3. Nothing contained in this law shall be held to repeal, modify or waive any existing requirement or statute of limitations which is applicable to such a cause of action. The matter contained herein shall be held to be an additional condition precedent to the right to maintain such civil action. Further, nothing contained herein shall be held to modify any existing rule of law nor to impose upon the county, its officers and employees, any greater duty or obligation than it shall keep its highways, sidewalks, buildings and other public places in reasonably safe condition for public use and travel.

SECTION 4. If any clause, sentence, phrase, paragraph or any part of this law for any reason shall be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not effect, impair or invalidate the remainder of this law, but shall be 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 judgement shall have been rendered.

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

SECTION 5. This local law shall take effect immediately upon its passage by the County Board of Supervisors and its filing with the Secretary of State.

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 1978... of the County of Livingston....., 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 above.

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

Date:

(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

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.

Signature

Title

Date:

County
City of
Town
Village