

(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 **LIVINGSTON**
~~TOWN~~
~~VILLAGE~~

Local Law No. **2** of the year 19 **94**

A local law **REQUIRING PRIOR NOTICE IN RELATION TO COUNTY LIABILITY FOR DEFECTIVE**
(Insert Title)
HIGHWAYS AND BRIDGES

Be it enacted by the **BOARD OF SUPERVISORS** of the
(Name of Legislative Body)

County
~~CITY~~ of **LIVINGSTON** as follows:
~~TOWN~~
~~VILLAGE~~

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. 1 of 1994 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Livingston was duly passed by the Board of Supervisors on October 12, 1994, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (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____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 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 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 19____ 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 _____ 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 _____, above.

Virginia O'Amis
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 10/14/94

(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 Livingston

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]
Signature
County Attorney
Title

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~ of Livingston

Date: 10/14/94

SECTION 1. The purpose of this local law is to amend Livingston County's Prior Written Notice Law (Local Law 1-1978) so as to clarify that the requirement of prior written notification as a condition to commencement of a civil action against the county, its districts, agents, officers or employees is intended to extend to notice regarding highway markings, signs and devices in addition to the types of property heretofore specified in the Prior Written Notice Law. This amendment is also intended to clarify that the prior written notice requirement extends to defects or obstructions on covered types of property operated or maintained by Livingston County or its districts in addition to such property which is owned by Livingston County or its districts.

SECTION 2. No civil action shall be maintained against the County of Livingston and/or any of its agents, officers or employees, or against any special district in the County of Livingston for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, highway marking, sign or device, sidewalk, crosswalk or any other property owned, operated or maintained by the County of Livingston, or any such property owned, operated or maintained by any special district, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert highway marking, sign or device, sidewalk, crosswalk or any other property owned, operated or maintained by the County of Livingston or any such property owned, operated or maintained by any special district, was actually given to the Clerk of the Board of Supervisors or the Livingston County Highway Superintendent, 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; and no such action shall be maintained for damages or injuries sustained by persons or property solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, highway marking, sign or device, sidewalk, crosswalk or any other property owned, operated or maintained by the County of Livingston or any such property owned, operated or maintained by any special district in the County of Livingston, unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Board of Supervisors or the Livingston County Highway Superintendent, 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. The Livingston County Highway Superintendent shall transmit in writing to the Clerk of the Board of Supervisors of Livingston County within ten days after the receipt thereof all written notices received by him pursuant to this local law.

SECTION 4. The Clerk of the Board of Supervisors shall keep an indexed record, in a separate book, of all written notices which he or she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of any accumulation of ice or snow upon, any county highway, bridge, culvert, highway marking, sign or device, sidewalk, crosswalk or any other property owned, operated or maintained by the County of Livingston or any such property owned, operated or maintained by any special district, 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 said 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 5. The Clerk of the Board of Supervisors shall transmit in writing to the Livingston County Highway Superintendent, upon recording said notice pursuant to Section 4 hereof, and in any event within ten (10) days after receipt thereof, all written notices received by him or her pursuant to this law.

SECTION 6. 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 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, nor to impose upon the County of Livingston and/or any of its special districts, agents, officers, and employees any greater duty or obligation that it shall keep its streets, sidewalks and other public places in a reasonably safe condition for public use and travel.

SECTION 7. If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be finally adjudged 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 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 local law would have been adopted had any such provisions not been included.

SECTION 8. This law amends and supersedes Local Law No. 1 - 1978 in its entirety.

SECTION 9. This local law shall become effective on the day it is filed in the Office of the Secretary of the State of New York.