

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 Hamilton

Local Law No. 7 of the year 2020

A local law REPEALING LOCAL LAW NO. 1 OF 1982 AND IMPOSING REQUIREMENT
(Insert Title)
FOR WRITTEN NOTICE PRECEDENT TO COMMENCEMENT OF LITIGATION AGAINST
THE COUNTY OF HAMILTON ARISING FROM DEFECTIVE CONDITION OF COUNTY
HIGHWAY, BRIDGE OR CULVERT

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

County City Town Village
(Select one.)

of Hamilton

as follows:

Section 1: No civil action shall be maintained against the County of Hamilton, the Hamilton County Superintendent of Public Works or any employee of the County of Hamilton for damages or injuries to person or property sustained by reason of any highway, bridge, culvert or other property owned by the County of Hamilton, 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 or any other property owned by the County of Hamilton, was actually given to the Clerk of the Hamilton County Board of Supervisors or to the Hamilton County Superintendent of Public Works, 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; but no 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 town, state, or county highway, bridge, culvert or any other property owned by the County of Hamilton unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Hamilton County Board of Supervisors or to the Hamilton County Superintendent 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 2: No civil action shall be maintained against the County of Hamilton and/or the Hamilton County Superintendent of Public Works for damages or injuries to person or property sustained by reason of any defect in the sidewalks or the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the County of Hamilton and/or the Hamilton County Superintendent of Public Works pursuant to law, nor shall any action be maintained for damages or injury 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 Clerk of the Hamilton County Board of Supervisors or to the Hamilton

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

County Superintendent 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 3: The Hamilton County Superintendent of Public Works shall transmit in writing to the Clerk of the Hamilton County Board of Supervisors within ten (10) days after the receipt of any written notices received by said Superintendent pursuant to this local law, and the Clerk of the Hamilton County Board of Supervisors shall keep an indexed record, in a separate book, of all written notices which said Clerk shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, 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. The Clerk of the Hamilton County Board of Supervisors shall preserve the record of each notice for a period of at least five (5) years after the date it is received.

Section 4: The Clerk of the Hamilton County Board of Supervisors shall transmit in writing to the Hamilton County Superintendent of Public Works a copy of any written notice of defect, unsafe, dangerous or obstructed conditions filed in accordance herewith, which has not previously been filed with the Hamilton County Superintendent of Public Works, within ten (10) days after receipt of such notice, and such Superintendent shall take any and all corrective action with respect thereto, as soon as reasonably practicable.

Section 5: This local law shall take effect immediately upon its filing in the Office of the Secretary of State.

(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. 7 of 2020 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Hamilton was duly passed by the Board of Supervisors on April 2 2020, 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 _____ 2020, 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 *(Elective Chief Executive Officer*)* 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.)

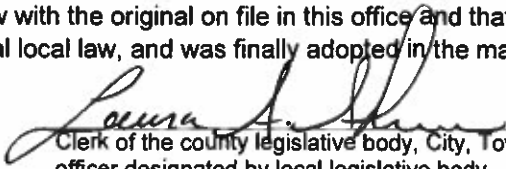
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

6. (County local law concerning adoption of Charter.)

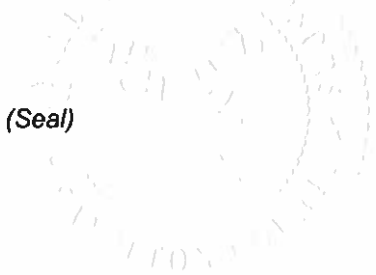
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule 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.


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

Date: 4/13/20



(Seal)