

Intro. No. 125 - 78

Print No. 1

RESOLUTION NO. 124-78

Page No. 1

of 2 pages

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 1 - 78, PRINT NO. 1, PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON COUNTY ROADS AND OTHER PROPERTY IN THE COUNTY OF ALLEGANY

Offered by: Highway Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 1-78, Print No. 1, is hereby adopted without any change in language, to wit:

A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON COUNTY ROADS AND OTHER PROPERTY IN THE COUNTY OF ALLEGANY

BE IT ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. No civil action shall be maintained against the county of Allegany or the county superintendent of highways for damages or injuries to person or property sustained in consequence of any street, highway, road, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of such snow or ice, was actually given to the clerk of the county board of legislators 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 otherwise made reasonably safe.

§ 2. The clerk of the county board of legislators shall transmit to the county superintendent of highways within five days after the receipt of such written notice a copy of such written notice.

§ 3. The clerk of the county board of legislators shall keep an indexed record, in a separate book, of all written notices which she 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.

§ 4. Nothing herein contained shall be construed to relieve a claimant of the obligation to send a notice of claim as provided in Section 50-e of the General Municipal Law. Further, 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 of the right to maintain such action.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally 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

Intro. No. 125 - 78

Page No. 2

RESOLUTION NO. _____

Print No. 1

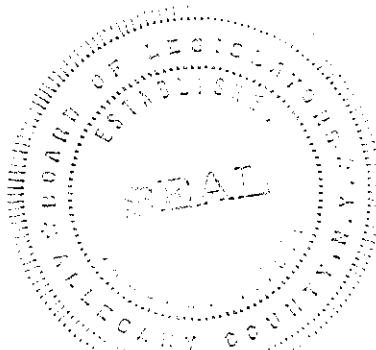
of 2 pages

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 1 - 78, PRINT NO. 1, PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON COUNTY ROADS AND OTHER PROPERTY IN THE COUNTY OF ALLEGANY

Offered by: _____

rendered. It is hereby declared to be the legislative intent that the remainder of this law would have been adopted had any such provision not been included.

§ 5. This local law shall take effect on the date it is filed in the Secretary of State's Office.



Local Law No. 2 of 1978
Adopted by Resolution No. 124-78
June 14, 1978
Amended by Local Law No. 4-1981

STATE OF NEW YORK }
COUNTY OF ALLEGANY }

ss. Brenda Rigby Riehle

I, FRANCES S. BARNES, Clerk of the Board of Legislators of Allegany County, do hereby certify that the above is a true and correct copy of a Resolution adopted by said Board on the 12th day of June, 1978, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board at Belmont, N.Y., this 12th day of June, 1978

Brenda Rigby Riehle

Clerk, Board of Legislators, Allegany County

Moved by Mr. Sylor Seconded by Mr. Burton

VOTE: Acclamation _____ ROLL: Ayes 15 Noes 0 Absent 0

VOTING NO: _____ ABSENT: _____

APPROVED BY: County Attorney [Signature] Committee(s) _____