

1990-2

(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.

FILED

1990 JAN 12 PM 4: 36

County
~~City~~ of Chenango
~~Town~~
~~Village~~

COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

Local Law No. 2 of the year 19 . 90

A local law ... AMENDING CHENANGO COUNTY LOCAL LAW NO. 4 OF THE YEAR 1977 AND PROVIDING FOR
(Insert title)
WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON COUNTY HIGHWAYS, SIDEWALKS
AND OTHER COUNTY PROPERTY IN THE COUNTY OF CHENANGO, STATE OF NEW YORK.

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

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

STATE OF NEW YORK
COUNTY OF CHENANGO
LOCAL LAW NO. 2 OF THE YEAR 1990

Mr. English offered the following, and moved its adoption:

A LOCAL LAW AMENDING CHENANGO COUNTY LOCAL LAW NO. 4 OF THE YEAR 1977 AND PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON COUNTY HIGHWAYS, SIDEWALKS AND OTHER COUNTY PROPERTY IN THE COUNTY OF CHENANGO, STATE OF NEW YORK.

Be it enacted by the Board of Supervisors of the County of Chenango that Chenango County Local Law No. 4 of the year 1977 is amended to read as follows:

1. No action or special proceeding shall be prosecuted or maintained against the County of Chenango, the County Superintendent of Highways, other officer, agent, employee or appointee of the County of Chenango for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such County of Chenango, the County Superintendent of Highways, or other officer, agent, employee or appointee of the County of Chenango for the defective, unsafe, out-of-repair, dangerous or obstructed condition, including the existence of snow, ice, loose gravel or other foreign substance thereon, of any County owned, leased or otherwise controlled property of any kind, including but not limited to streets, roads, highways, sidewalks, bridges, lands, culverts, sluices, road or traffic control signs, trees, poles, standards, gravel pits, driveways, building and other structures, equipment, disposal sites, streams or bodies of water, drains, parks, recreation areas, swimming areas, pavilions, water lines, sewer lines, and utilities either above ground or underground, unless written notice thereof was actually given to the Clerk of the Chenango County Board of Supervisors or County Superintendent of Highways previously thereto and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove such condition complained of.
2. Such written notice shall contain the name and address of the person giving such notice, date of existence and condition complained of and specifying the particular place where such condition is alleged to exist.
3. The County Superintendent of Highways, shall transmit in writing to the Clerk of the Chenango County Board of Supervisors within ten (10) days after the receipt thereof of all written notices received by said Superintendent.
4. The Clerk of the Board of Supervisors shall keep an indexed record, in a separate book, of all written notices, which he shall receive pursuant to this local law which record shall state the date of receipt of the notice, the nature and location of the

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

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 condition complained of. The record of each notice shall be preserved for a period of five years after the date of its receipt.

5. Nothing herein shall be construed as enlarging in any way the liability of the County of Chenango, County Superintendent of Highways, other officer, agent, employee or appointee of the County of Chenango.

6. Nothing herein shall be deemed in any way to alter or amend the time limitations nor service requirements of Sections 50-e through 50-i of the General Municipal Law of the State of New York as same now exists or may be hereafter amended.

7. If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any court or agency of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

8. This local law shall take effect immediately upon its filing in the office of the Secretary of state in accordance with the provisions of the Municipal Home Rule Law.

Seconded by Mrs. Shepard

Results of a roll call vote were: Yes-2,471, No-0, Absent-0

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. . 2 of 1990
County
of the ~~City~~ of ~~Town~~ ~~Village~~ of Chenango was duly passed by the Chenango County Board of Supervisors .
~~City~~ ~~Town~~ ~~Village~~ (Name of Legislative Body)
on January 8th 19 90 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the ~~City~~ of was duly passed by the (Name of Legislative Body)
~~City~~ ~~Town~~ ~~Village~~
on 19 ~~not disapproved~~ ~~and was approved~~ ~~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
County
of the ~~City~~ of was duly passed by the (Name of Legislative Body)
~~City~~ ~~Town~~ ~~Village~~
on 19 ~~not disapproved~~ ~~and was approved~~ ~~repassed after disapproval~~ by the Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive ~~general~~ ~~annual~~ thereon at the ~~special~~ election held on 19, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the ~~City~~ of was duly passed by the (Name of Legislative Body)
~~City~~ ~~Town~~ ~~Village~~
on 19 ~~not disapproved~~ ~~and was approved~~ ~~repassed after disapproval~~ by the Elective Chief Executive Officer*
on 19 Such local law was subject to a 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 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 §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.

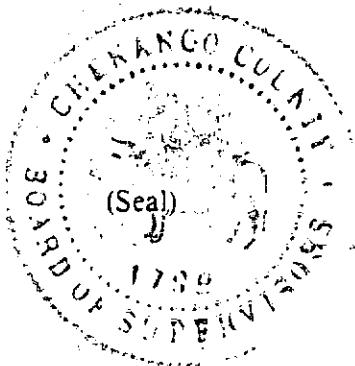
6. (County local law concerning adoption of Charter.)

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.

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

Date: January 11, 1990



Chenango County, SS
Recorded on this 12th Day of January 19 90 at 4:36 o'clock P. M., In Liber 1 of Local Laws at Page 64 and examined Fred P. Medala Clerk

(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 Chenango

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: Richard W. Bresh]
Signature
County Attorney
Title

Date:

County
City
Town
Village
of Chenango