

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 Day _____

Local Law No. 03 _____ of the year 2012 _____

A local law Relating to Prior Notice of Defects in Town Infrastructure
(Insert Title) _____

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

County City Town Village
(Select one:)

of Day _____ as follows:

1. Definitions. As used in this local law, the term "Town Infrastructure" shall include and road, highway, curb, bridge, alley, lane, sidewalk, beach, dock or path which is the property of the Town of Day, whether located in a public road or right of way, park, parking area, public building or otherwise.
2. No civil action shall be maintained against the Town of Day for damage to property or injury to person or death sustained in consequence of any Town Infrastructure being out of repair, unsafe, dangerous or obstructed unless it appears that written notice of the defective, unsafe, dangerous or obstructed condition, was actually given to the Town Superintendent of Highways or any person or department authorized by such Superintendent to receive such notice, or where there was previous injury to person or property as a result of the existence of defective, unsafe, dangerous or obstructed condition, and written notice thereof was given to a department of the Town of Day, or where there was written acknowledgement from the Town of Day of the defective, unsafe, dangerous or obstructed condition and there was a failure or neglect within fifteen days after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or the place otherwise made reasonably safe.
3. The Superintendent of Highways shall keep an indexed record of all written notices which the Town receives and acknowledgement of which the Town gives of the existence of such defective, unsafe, dangerous or obstructed conditions, which record shall state the date of receipt of each such notice, the nature and location of the condition state to exist and the name and address of the person from whom the notice is received. This record shall be a public record. The record of each notice shall be maintained in the Highway Department for a period of not less than

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

**TOWN OF DAY
LOCAL LAW # 03 OF 2012
RELATING TO PRIOR NOTICE OF DEFECTS
IN TOWN INFRASTRUCTURE
(CONTINUED FROM PAGE 1)**

ten years.

4. The Superintendent of Highways shall give written acknowledgement of all such notices received to the person giving such notice.

5. This local law shall be effective immediately upon its adoption.

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(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. 03 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Day was duly passed by the Town Board on December 10 2012, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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.)

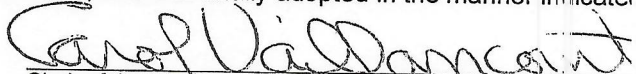
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 one (1) above.


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

Date: December 20, 2012

(Seal)