

(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.

County
~~City~~
~~Town~~
~~Village~~ of CLINTON

Local Law No. 3 of the year 19 78

A local law entitled "LIABILITY OF COUNTY AND COUNTY SUPERINTENDENT
(Insert title)
OF HIGHWAYS IN CERTAIN ACTIONS"

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

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

SECTION I. No civil action shall be maintained for damages or injuries to persons or property sustained by reason of any highway, bridge or culvert being defective or out of repair, unsafe, dangerous or obstructed unless written notice of such defect, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually given to the Clerk of the Clinton County Legislature or the Clinton County Superintendent of Highways and that there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction claimed of; or, in the absence of such notice, unless such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence; but no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Legislature of the County of Clinton or to the Clinton County Superintendent of Highways and there was 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 II. No civil action shall be maintained against the County of Clinton or the Clinton County Superintendent of Highways for damages or injuries to persons or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the County of Clinton or the Clinton County Superintendent of Highways pursuant to Statute; nor shall any action be maintained for damages or injuries 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 Clinton County Legislature or the Clinton County Superintendent of Highways, 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 III. The Clinton County Superintendent of Highways shall transmit
.....
..... additional space is needed, please attach sheets of the same size as this and number each).....

in writing to the Clerk of the Clinton County Legislature within ten (10) days after the receipt thereof, of all written notices received by him pursuant to this section.

SECTION IV. The Clerk of the Clinton County Legislature shall keep indexed record, in a separate book, of all written notices, which he shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon any County highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location from whom the notice is received. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

SECTION V. This law shall take effect immediately.

(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. 3 of 1978
County
of the ~~City~~ of Clinton was duly passed by the County Legislature
~~Village~~ (Name of Legislative Body)
on August 23, 1978 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 _____
~~Village~~ (Name of Legislative Body)
on _____ 19____ and was approved _____ by the _____
repassed after disapproval 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 _____
~~Town~~ (Name of Legislative Body)
~~Village~~
on _____ 19____ and was approved _____ by the _____
repassed after disapproval 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
thereon at the special election held on _____ 19____, in accordance with the appli-
annual
cable 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 _____ On
~~Town~~ (Name of Legislative Body)
~~Village~~
_____ 19____ and was approved _____ by the _____ On
repassed after disapproval Elective Chief Executive Officer *
_____ 19____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 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.

Frank E. Brubaker
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 24, 1978

(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 OFCLINTON.....

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

Date: County of CLINTON
CLINTON
CLINTON
VILLAGE

MARIO M. CUOMO
Secretary of State



STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

RECEIVED

SEP 18 1978

Clinton County Legislature

September 13, 1978

Clinton County Legislature
Government Center
137 Margaret Street
Plattsburgh, NY 12901

Dear Sir / Madam:

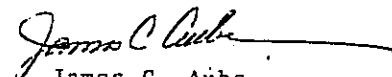
Please be advised that Local Law(s) No. 3
of 1978 of the County of Clinton
was ~~never~~ received and filed on August 28, 1978.

We are enclosing additional forms for your future
use when filing local laws.

Very truly yours

MARIO M. CUOMO
Secretary of State

By:


James C. Aube
Director
State Records
& Law Bureau

cc: State Comptroller
Division of Municipal Affairs