

(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~~ of..... Clinton.....
~~Town~~
~~Village~~
Local Law No. 4..... of the year 19 86.....

A local law "LOCAL LAW AMENDING LOCAL LAW #3 OF CLINTON COUNTY OF THE YEAR 1978 ENTITLED LIABILITY OF THE COUNTY AND THE COUNTY SUPERINTENDENT OF (Insert title) HIGHWAYS IN CERTAIN ACTIONS"

Be it enacted by the Legislature..... of the
(Name of Legislative Body)

County
~~City~~ of..... Clinton..... as follows:
~~Town~~
~~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 that 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 to the Clinton County Superintendent of Highways and that there was failure or neglect within a reasonable time after giving such notice to repair or remove the defect, danger or obstruction claimed of.

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 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 (5) years after the date it is received.
~~(If additional space is needed, please attach sheets of the same size as this and number each)~~

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. 4 of 1986.
County
of the ~~City~~ ~~Town~~ ~~Village~~ of Clinton was duly passed by the Clinton County Legislature.
(Name of Legislative Body)
on September 10, 1986 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~~ ~~Town~~ ~~Village~~ of _____ was duly passed by the _____
(Name of Legislative Body)
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~~ ~~Town~~ ~~Village~~ of _____ was duly passed by the _____
(Name of Legislative Body)
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 ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting
~~general~~
thereon at the ~~annual~~ 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~~ ~~Town~~ ~~Village~~ of _____ was duly passed by the _____ on _____
(Name of Legislative Body)
_____ 19_____, ~~not disapproved~~ and was approved ~~repassed after disapproval~~ by the _____ on _____
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 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 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 one above.

William J. Bingel

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
WILLIAM J. BINGEL, COUNTY ADMINISTRATOR
AND CLERK OF THE LEGISLATURE

Date: September 16, 1986

(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 OF CLINTON

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.

Patrick R. McGill
Patrick R. McGill

Clinton County Attorney
Title

Date: September 16, 1986

County
City of Clinton
Town
Village

NOTICE OF PUBLIC HEARING ON LOCAL LAW
OF THE COUNTY OF CLINTON

*Resolution Adopted
Civil Law for 9/16
meeting*

NOTICE IS HEREBY GIVEN, that there has been introduced before the Legislature of the County of Clinton on the 27th day of August, 1986, a Local Law #4 of the year 1986 entitled a Local Law amending Local Law #3 of Clinton County of the year 1978, entitled "LIABILITY OF THE COUNTY AND THE COUNTY SUPERINTENDENT OF HIGHWAYS IN CERTAIN ACTIONS", which provides:

BE IT ENACTED, by the County Legislature of the County of Clinton as follows:

That Section I of Local Law #3 of 1978 be amended to read as follows:

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 that 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 to the Clinton County Superintendent of Highways and that there was failure or neglect within a reasonable time after giving such notice to repair or remove the defect, danger or obstruction claimed of.

The balance of said Section I is hereby repealed.

Section II, Section III, Section IV and Section V of Local Law No. 3 of the year 1978 shall remain in full force and effect.

This amendment shall take effect immediately.

NOTICE IS HEREBY GIVEN, that the Board of Legislators will conduct a public hearing on the proposed Local Law at the Clinton County Government Center, Legislative Chambers at 137 Margaret Street, Plattsburgh, New York at 7:30 p.m. on the 10th day of September, 1986 at which time all persons interested shall be heard.

Dated at Plattsburgh, New York
this 28th day of August, 1986.

William J. Biegel
WILLIAM J. BINGEL, Clerk of the
Clinton County Legislature