

fill

INTRODUCED BY: SUPERVISOR LAMER
SECONDED BY: SUPERVISOR HUNT

LOCAL LAW NO. 1 OF 1982

A Local Law Requiring Notice Precedent to Instituting Suit for Personal Injuries Or Property Damage Against the County of Hamilton, Arising From a Defective or Dangerous Condition of Any County Highway, Bridge or Culvert.

BE IT ENACTED, by the Board of Supervisors of the County of Hamilton as follows:

Section 1: No Civil Action shall be maintained against the County for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition was actually given to the County Clerk or the County Highway Superintendent 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, 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 person or property sustained solely in consequence of the existence of snow or ice upon the highway, bridge, or culvert, unless written notice thereof, specifying the particular place, was actually given to the County Clerk or the County Highway Superintendent and there was a 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 2: The County Highway Superintendent shall transmit in writing to the County Clerk, within ten (10) days after the receipt thereof, all written notices received by him pursuant to this Local Law.

Section 3: The County Clerk shall keep an indexed record, in a separate book, of all written notices, which he shall receive pursuant to such Local Law of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any County highway, bridge or culvert, 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. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

Section 4: The County shall not be liable in any Civil Action for damages or injuries to person or property of any name or nature whatsoever, whether casual or continuing, arising at law, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the County, or any of its agents, officers or employees unless a notice of claim shall have been made and served in compliance with Section 50-e of the General Municipal Law, nor unless an action shall be

commenced thereon within one year after the happening of such accident or injury or the occurrence of such act, omission, fault, or neglect; but no action shall be commenced to recover upon or enforce any such claim against the County until the expiration of three (3) months after the service of said notice. Nothing herein contained, however, shall be held to revive any claim or cause now barred by any existing requirement or statute of limitations nor to waive any existing limitations now applicable to any claim or cause of action against the County.

Section 5: This Law shall take effect twenty (20) days after its adoption.

Adopted by the following vote:

	YES	NAYS
WILLIAM E. BAKER-----	X	
ERMINA M. SKIFF-----	X	
DONALD WADSWORTH-----	X	
RICHARD B. PURDUE-----	X	
ALFRED G. THIBADO-----	X	
GUY H. WOOD-----	X	
MORRISON J. HOSLEY, JR.-----	X	
RONALD P. BLANCHARD-----	X	
ALLEN L. HUNT-----	X	

STATE OF NEW YORK
 County of Hamilton
 Supervisors' Chambers

SS:

I, ROBERT H. CUSSON, CLERK
 of the Board of Supervisors of Hamilton County, do hereby certify that I have compared the foregoing copy of Resolution with the original duly adopted by the above mentioned Board at a session held on the
 2nd day of SEPTEMBER 19 82, and that the same is a true copy of said original and of the whole thereof.

(L.S.)

In Witness Whereof I have hereunto subscribed my name and affixed the official seal of said Board, this 3rd day of SEPTEMBER 19 82

Robert H. Cusson Clerk