

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.

TOWN OF OSWEGO

Local Law No. 1 of the year 2017

A Local Law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Oswego, New York.

(Insert Title)

Be it enacted by the Town Board of the Town of Oswego, New York as follows:

SECTION 1 – TITLE:

This Local Law shall be known as Local Law No. 1 of 2017, Prior Notice of Defects.

SECTION 2 – PURPOSE:

This Local Law is enacted for the benefit of the taxpayers of the Town of Oswego. The general welfare of the Town of Oswego will be better served by establishing this local law requiring prior notice of defects to highways, bridges, streets, sidewalks, crosswalks and culverts before an aggrieved party can file a claim for damages against the Town of Oswego as a result of such an alleged defect.

SECTION 3 – PRIOR WRITTEN NOTICE REQUIRED:

No civil actions shall be maintained against the Town of Oswego or Town of Oswego Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, 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. 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 any highway, bridge, street, sidewalk, crosswalk or culver, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town 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 4 – DISPOSITION OF WRITTEN NOTICES:

The Town of Oswego Superintendent of Highways shall transmit in writing to the Town Clerk within ten days after the receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the NYS Town Law. The Town Clerk shall cause all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law, to be presented to the Town Board within ten days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

SECTION 5 – DURATION OF NOTICE:

The record of each notice shall be preserved for a period of five years after the date it is received.

SECTION 6 – APPLICABILITY OF TOWN LAW § 65-a:

This local law shall supersede in its application to the Town of Oswego subdivisions 1 and 3 of section 65-a of the Town Law.

SECTION 7 – EFFECTIVE DATE:

This local law shall take effect immediately upon its filing in the office of the Secretary of State.

(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. 1 of 217 of the Town of Oswego was duly passed by the 10th day of October, 2017, in accordance with the applicable provisions of law.

~~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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer*) on _____ 20____, 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 the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____. Such _____ (Elective Chief Executive Officer*) 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 _____ 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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such _____ (Elective Chief Executive Officer*) local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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.

