

County of Tioga

Local Law No. 2 of the Year 1989.

A Local Law amending Local Law No. 2 of the year 1978 requiring written notice of defective, unsafe, dangerous or obstructed condition prior to maintenance of action against the County of Tioga for injuries to persons or damages to property.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

Local Law No. 2 of the year 1978 is hereby amended to read as follows:

Liability of the County of Tioga, County Superintendent of Highways, other officer, agent, employee or appointee of the County of Tioga.

1. No action or special proceeding shall be prosecuted or maintained against the County of Tioga, the County of Tioga Superintendent of Highways, other officer, agent, employee or appointee of the County of Tioga for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such County of Tioga or the County of Tioga Superintendent of Highways, other officer, agent, employee or appointee of the County of Tioga for the defective, unsafe, out-of-repair, dangerous or obstructed condition, including the existence of snow, ice, loose gravel or other foreign substance thereon, of any county owned, leased or otherwise controlled property of any kind, including but not limited to streets, roads, highways, walkways, footpaths, sidewalks, bridges, lands, culverts, sluices, street or traffic control signs, poles, standards, gravel pits, driveways, building and other structures, equipment, disposal sites, streams or bodies of water, drains, parks, playgrounds, parking fields, recreation areas, skating rinks, tennis courts, swimming pools, beach areas, wading pools, pool equipment, pavilions, water lines, sewer lines, and utilities either above ground or underground, unless written notice thereof was actually given to the Tioga County Clerk or Tioga County Superintendent of Highways previously thereto and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove such condition complained of.

2. Such written notice shall contain the name and address of the person giving such notice, date of existence and condition complained of.

3. The County of Tioga Superintendent of Highways, other officer, agent, employee or appointee of the County of Tioga shall transmit in writing to the Tioga County Clerk within ten days after the receipt thereof of all written notices received by said Tioga County Clerk pursuant thereto.

4. (a) The County Superintendent of Highways shall transmit in writing to the County Clerk within ten days after receipt thereof all written notices received by him pursuant to this section.

(b) The County Clerk shall keep an indexed record, in a separate book, of all written notices which he shall receive of the existence of a defective, unsafe, out-of-repair, dangerous or obstructed, including the existence of snow, ice, loose gravel or other foreign substance upon any County owned, leased or otherwise controlled property of any kind, including but not limited to streets, roads, highways, walkways, footpaths, sidewalks, bridges, lands, culverts, sluices, street or traffic control signs, poles, standards, gravel pits, driveways, building and other structures, equipment, disposal sites, streams or bodies of water, drains, parks, playgrounds, parking fields, recreation areas, skating rinks, tennis courts, swimming pools, beach areas, wading pools, pool equipment, pavilions, water lines, sewer lines and utilities either above ground or underground, 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. All such written notices shall be indexed according to the location of the alleged defective, unsafe, out-of-repair, dangerous or obstructed condition or the location of the existence of snow, ice, loose gravel or other foreign substance. The record of each notice shall be preserved for at least a period of five years after the date it is received.

5. Nothing herein shall be construed as enlarging in any way the liability of the County of Tioga, County of Tioga Superintendent of Highways, other officer, agent, employee or appointee of the County of Tioga.

6. Nothing herein shall be deemed in any way to alter or amend the time limitations nor service requirements of sections 50-E through 50-I of the General Municipal Law of the State of New York as same now exists or may be hereafter amended.

SECTION 2: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or agency of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with 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. 2 of 1989 of the (County) of Tioga was duly passed by the Tioga County Legislature on February 14, 1989 , 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 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the 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 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the 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 thereon at the (general)(special)(annual)election held on , 19 , 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

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 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 , 19 , become operative.

*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 the power to approve or veto local laws or ordinances.

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 1, above.

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

(Seal)

Date:

(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 Tioga

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

Title

County of Tioga

City

Town

Village

Date: