

# 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.

County  City  Town  Village  
(Select one.)

of SARDINIA

Local Law No. 3 of the year 2011

A local law TO AMEND THE TOWN'S "NOTICE OF DEFECTS" LAW  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of SARDINIA as follows:

## 1. Maintenance of civil action.

No civil action shall be maintained against the town, Town Superintendent of Highways or any other town official or employee for damage or injuries to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk, crosswalk, driveway, parking area, foot path or any recreational equipment, recreational area or any other public access are owned and/or maintained by the Town of Sardinia being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such site was actually given to the 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 civil 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, culvert, sidewalk, crosswalk, driveway, parking area, foot path or any

(If additional space is needed, attach pages the same size as this sheet, and number each.)

other public access area owned and/or maintained by the Town of Sardinia, unless written notice thereof, specifying the particular place, was actually given to the Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe with a reasonable time after receipt of such notice.

**2. Transmission to Town Clerk; presentation to Town Board.**

The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk, within ten (10) days after the receipt thereof, all written notices received by him pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within five (5) days of the receipt thereof or at the next succeeding Town Board Meeting, whichever shall be sooner.

**3. Maintenance of Indexed Record; Public Record; and Preservation Period**

Additionally, the Town Clerk shall keep an indexed record, in a separate book, of all written notices received by the Town of the existence of defective, unsafe, dangerous or obstructed conditions and all written notices of the existence snow or ice upon particular specified places, 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, dangerous or obstructed condition, or of the location of accumulated snow or ice. The record of notices of defects shall be a public record. The record of each notice shall be preserved for a period of five years after the date it is received.

**4. Effect on statutory provisions.**

This chapter shall be applicable notwithstanding any inconsistent provisions of law, general, special or local, or other law and further this chapter supersedes, in its application to the Town of Sardinia, Subdivisions 1 and 3 of § 65-a of the New York State Town Law, and shall take effect, as amended, immediately upon its filing with the Secretary of State.