

(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~~ of Enfield  
Town  
~~Village~~

Local Law No. 1 of the year 19 95

A local law regarding prior notice of defects  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Enfield as follows:  
Town  
~~Village~~

SEE ATTACHED

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

LOCAL LAW FILING

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County  
City  
of Enfield  
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Local Law No. A of the year 1995

A local law regarding prior notice of defects  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City  
of Enfield as follows:  
Town  
Village

Section 1. Damages due to defective highways; notice to Town required. No civil action shall be maintained against the Town of Enfield, its elective or appointive officials or employees, for damages or injuries to persons or property sustained by reason of any highway, bridge or culvert being defective, out-of-repair, unsafe, dangerous or obstructed unless written notice of, by the witness to, such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually served upon the Town Clerk in accordance with Section 4 hereof 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. Under no circumstances shall the Town of Enfield, its elective or appointive officials or employees be liable for damages caused to persons or property due to the defective conditions of Town streets and highways in the absence of such prior written notice to the Town of the existence of such condition.

Section 2. Damages due to certain Town property being defective; notice to Town required. No civil action shall be maintained against the Town of Enfield, its elective or appointive officials or employees, for damages or injuries to persons or property sustained by reason of any defective

parking lot, parking field, swimming or wading pool or area or equipment, or playground or playground equipment, skating rink or park or park property, no matter where situated, being defective, out-of-repair, unsafe, dangerous or obstructed unless written notice of, by the witness to, the defective, unsafe, dangerous or obstructed condition of such parking lot, parking field, swimming or wading pool or area or pool equipment, playground or playground equipment, skating rink, or park or park property was actually served upon the Town Clerk in accordance with Section 4 hereof 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. Under no circumstances shall the Town of Enfield, its elective or appointive officials or employees be liable for injuries or damages to persons or property due to defective conditions of the aforesaid Town property in the absence of such prior written notice to the Town of the existence of the defective condition causing said injuries or damages.

Section 3. Damages or injuries due to defective traffic signs, sidewalks, walkways, footpaths or bicycle pathways. No civil action shall be maintained against the Town of Enfield, its elective or appointive officials or employees, for injuries or damages to persons or property sustained by reason of any defect or obstruction whatsoever in its traffic signs, sidewalks, walkways, footpaths or bicycle pathways or for injuries or damages to persons or property sustained by reason of any defect or obstruction in its traffic signs, sidewalks, walkways, footpaths or bicycle pathways or in consequence of the existence of snow or ice upon any of its traffic signs, sidewalks, walkways, footpaths, or bicycle pathways unless said traffic signs, sidewalks, walkways, footpaths or bicycle pathways, no matter where situated, have been constructed or are maintained by the Town of Enfield pursuant to statute and written notice of, by the witness to, said defect or obstruction causing the injuries or damages was actually served upon the Town Clerk in accordance with Section 4 hereof, nor shall any action be maintained for injuries or damages to persons or property sustained by reason of any defect or obstruction or in consequence of the existence of snow or ice unless such written notice thereof was actually served upon the Town Clerk in accordance with Section 4 hereof and there was a failure or neglect to cause the particular defect to be remedied or the obstruction of the 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. Method of service of written notice by witness; contents. Service of written notice of any defect described in the Local Law shall be accomplished by personal service or service by registered or certified mail actually received by the Town officer specified herein. The written notice must be made by the witness to the condition, defect or obstruction specified in this Local Law. The written notice must identify, with particularity, the specific nature and location of each condition, defect or obstruction complained of.

Section 5. Legislative intent.

A. It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of Section 65-a of the Town Law of the State of New York and Section 50-e, Subdivision 4, of the General Municipal Law of the State of New York as stated in this section and fully set forth in Sections 1,2,3, and 4 of this

Local Law.

B. It is the intent of the Town Board to supersede that portion of Section 65-a of the Town Law of the State of New York with respect to the manner of service of defects and obstructions as is more fully set forth in Section 4 herein.

C. It is further the intent of the Town Board to require, in addition to the need for prior written notice of defective, out-of-repair, unsafe, dangerous or obstructed highways, bridges or culverts or of a defect in or snow or ice upon any sidewalk or of defective, unsafe, dangerous or obstructed conditions of any street, highway, bridge, culvert, sidewalk or crosswalk in Section 65-a (1&2) of the Town Law or Section 50-e(4) of the General Municipal Law as a condition precedent to the maintenance of a civil action for damages or injuries to person or property, that such prior written notice is additionally required for any defective, out-of-repair, unsafe, dangerous or obstructed property of the Town of Enfield or any snow or ice condition upon such property as set forth more fully in Sections 1, 2, and 3 of the Local Law.

Section 6. Record. The Town Clerk shall keep an indexed record, in a separate book, of all written notices which said Clerk shall receive pursuant to this local law 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 defect, condition or accumulation. The record of each notice shall be preserved for a period of five years after the date it is received. The Town Clerk shall notify the Town Supervisor of any written notices received within 10 days or by the next meeting of the Town Board, whichever shall come sooner.

Section 7. Repealer. Any local law, ordinance or resolution of the Town in conflict herewith is hereby repealed to the extent of such conflict or inconsistency, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance, or regulation hereby repealed prior to the effective date of this local law.

Section 8. Severability. In the event any clause, sentence, section or other part of this local law is declared to be invalid, such invalidity shall not effect the remainder of this law.

Section 9. Effective Date. This local law shall take effect as provided by law.

(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 1995 of the ~~(County)(City)(Town)(Village)~~ of Enfield was duly passed by the Town Board on December 6 1995, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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.

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\_\_\_\_, 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 1, above.

*Alvie Lane*

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

(Seal)

Date: December 7, 1995

(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 Tompkins

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.

*Robert C. Thibault*  
\_\_\_\_\_  
Signature

Attorney To The Town Of Enfield  
Title

~~County~~  
~~City~~ of Enfield  
Town  
~~Village~~

Date: December 7, 1995