

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001
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GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

RECEIVED

SEP 07 2023

VILLAGE OF N. SYRACUSE
CLERK/TREASURER

September 7, 2023

Village Clerk
Village of North Syracuse

RE: Village of North Syracuse, Local Law 3 2023, filed on April 25 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Notice of Highway Defects

Local Law No. 3 of the Year 2023

A local law providing for written notification of defects and obstructions on village highways, bridges, streets, sidewalks, crosswalks, and culverts in the Village of North Syracuse

Be it enacted by the Village Board of the Village of North Syracuse

Section 1. No civil actions shall be maintained against the village or village 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 village clerk or village 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 culvert, unless written notice thereof, specifying the particular place, was actually given to the village clerk or village 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 2. The superintendent of highways shall transmit in writing to the village clerk within five days after the receipt thereof all written notices received pursuant to this local law and New York Law 6-628 the NY Village Law. The clerk shall cause all written notices received pursuant to this local law and New York Law 6-628 of New York Village Law, to be presented to the village board within five days of the receipt thereof or at the next succeeding village board meeting, whichever shall be sooner.

Section 3. This local law shall supersede in its application to the New York Law 6-628 of the Village Law. This Local Law requires the receipt by the Village Clerk or Highway Superintendent of prior written notice adequately describing any alleged highway defect as a strict condition precedent to the filing of any civil legal action against the Village of North Syracuse seeking damages of any type.

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

Please note that the Village Law Section 6-628, requires the Clerk to keep a separate indexed record (by location) of all such notices received. In the event of litigation, the Village will be expected to demonstrate compliance with this provision.

- Such a local law must contain a requirement that any prior written notice of dangerous or defective conditions that is submitted pursuant to its terms must be transmitted to the Village Clerk or Highway Superintendent.

- The locally adopted law must comply with the requirements for adoption of local laws generally, such as it must be filed with the Secretary of State.
- The Municipal Clerk must keep a separate indexed (according to location) record of all notices required pursuant to the prior written notice statute or superseding local 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. 3 of 20 23 of the (County)(City)(Town)(Village) of North Syracuse was duly passed by the Village of North Syracuse on April 13 20 23, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by 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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*

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 _____ 20 _____, 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) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions 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.