

**VILLAGE OF ASHAROKEN**

**LOCAL LAW NO. # 2 - 2025**

**A LOCAL LAW AMENDING SECTION 104-6 OF CHAPTER 104 OF THE CODE  
OF THE VILLAGE OF ASHAROKEN**

**BE IT ENACTED** by the Board of Trustees of the Village of Asharoken (the “Village”) as follows:

**Section One. Legislative Finding.**

New York State Village Law Section 6-628, adopted in 1972, entitled “Liability of village in certain actions”, provides, in substance, that civil actions may not be maintained against a village for damages or injuries sustained by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive, or by reason of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert, unless prior written notice of the condition was given to the village clerk. A recent decision rendered by New York State Court of Appeals held that, absent more specific requirements for service of written notice adopted by a village, written notice can be submitted electronically. The Board of Trustees finds that it serves the public health, safety and general welfare of the Village and that it is in the best interests of the Village to amend the Code of the Village of Asharoken to give clear direction as to the manner in which written notice is delivered to the Village Clerk in order to assure that the Village receives the notice in a manner that enables the Village to focus its attention and resources effectively, and to avoid the possibility that such a notice is lost among many other forms of written communication submitted to the Village from time to time, including, for example, email messages and social media posts.

**Section Two.**

Section 104-6 of the Code of the Village of Asharoken is hereby amended to read as follows:

- A. No civil action shall be maintained against the Village of Asharoken for damages or injuries to persons or property sustained by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive or for damage or injuries to persons or property sustained solely by reason of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructive condition or of the existence of snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to

repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place otherwise made reasonably safe.

- B.** The written notice required in Section 104-6.A must be in the form of an original hand written or typed physical hard copy, signed by hand, and delivered to the Village Clerk at Village Hall at 1 Asharoken Avenue, Asharoken, New York 11768, by either (1) certified mail, return receipt requested or (2) personal in hand delivery. If written notice is delivered by certified mail, return receipt requested, the return receipt signed by the Village Clerk is the only effective proof of delivery. If written notice is delivered by personal in hand delivery, a time stamped copy of the notice signed by the Village Clerk is the only effective proof of delivery.

**[matter underscored is new]**

### **Section Three. Severability.**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

### **Section Four. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.