

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 FABIUS

FILED
STATE RECORDS

MAY 02 2023

DEPARTMENT OF STATE

Local Law No. 2 of the year 2023

A local law A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS OR

(Insert Title)

OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS,

CROSSWALKS, AND CULVERTS IN THE TOWN OF FABIUS

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

County City Town Village
(Select one:)

of FABIUS

as follows:

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

(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 2023 of the ~~(County)~~(City)(Town)(Village) of FABIUS was duly passed by the Town Board on April 17 2023, 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.
(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 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____.
(Name of Legislative Body)
(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.
(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 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.

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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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

Date: 18 April 2023

(Seal)

LOCAL LAW No 2, 2023 TOWN OF FABIUS, NEW YORK

A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS OR OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALK, AND CULVERTS IN THE TOWN OF FABIUS

SECTION 1:No civil actions shall be maintained against the town or town superintendent of highways for damages or injuries to persons 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 town clerk or 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 to defect, danger, or obstruction complained of.

No such action shall be maintained for damages or injuries to persons 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 town clerk or the town superintendent of highways and there was a failure or neglect to cause such snow or ice be removed, to make the place otherwise reasonably safe within a reasonable time after receipt of such notice.

SECTION 2: The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof of all written notices received pursuant to this local law and subdivision 2 of Section 65 – (a) of the Town Law, to be presented to the town board within five days of the receipt thereof or at the next succeeding town board meeting, whichever shall shall be sooner.

SECTION 3: This local law shall supersede in its application to the Town of Fabius, subdivisions 1 and 3 of Section 65 – (a) of the Town Law.

SECTION 4: Local Law No 1 of 1979, Town of Fabius is hereby repealed.

SECTION 5: The town clerk shall keep a separate index record by location of all such notices received pursuant to this local law as required by Town Law Section 65 –(a) subdivision 4.

SECTION 6: Nothing herein contained shall be construed to relieve a claimant of the obligation to send a notice of claim as provided in Section 50 – (e) the General Municipal Law.

SECTION 7: This local law shall take effect immediately upon its filing with the office of the Secretary of State.