

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

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.

FILED
STATE RECORDS

Village of Holley

DEC 20 2022

Local Law No. 4 of the year 2022. DEPARTMENT OF STATE

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

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

Be it enacted by the Village Board of the Village of Holley.

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 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 village superintendent of highways shall transmit in writing to the village clerk within five days after receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Village Law. The village clerk shall cause all written notices received pursuant to this local law and subdivision 2 of section 65-a of the 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 Village of Holley subdivisions 1 and 3 of section 65-a of the Village Law.

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 65-a, Subdivision 4, requires the Village Clerk to keep 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.

(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 here, designated as local law No. 4 of 2022 of the Village of Holley was duly passed by the Town Board on December 13, 2022, in accordance with the applicable provisions of law.

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.

3. (Final adoption referendum)

I hereby certify that the local law annexed hereto, designated 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 submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote 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 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.

5. (City local law concerning Charter revision proposed by petition.)

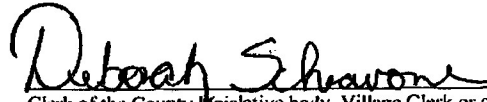
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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, Village Clerk or officer designated by local legislative body

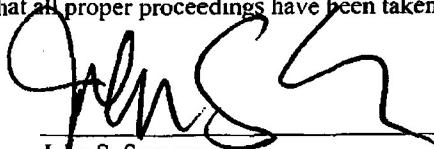
(Seal)

Date: 12-15-22

(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 NIAGARA)

I, the undersigned, JOHN S. SANSONE, ESQ., Village of Holley Attorney, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been taken for the enactment of the local law annexed hereto.


John S. Sansone
Village of Holley Attorney

Date: 12/14/22