

LOCAL LAW FILING

NYS Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza, 99 Washington
Street, Albany, NY 12231.

(Use this form to file a local law with the Secretary of State)

Town of Herkimer

Local Law No. 1 of the year 2021

A local law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Herkimer

Be it enacted by the Town Board of the Town of Herkimer.

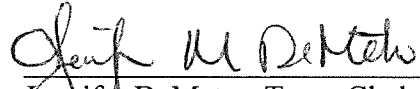
Section 1: No civil actions shall be maintained against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect with 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 town clerk or town superintendent of highways and there was a 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 town superintendent of highways shall transmit in writing to the town clerk within ten (10) days after receipt thereof all written notices received pursuant to this local law.

Section 3: It is the intent of the Town Board, pursuant to Municipal Home Rule Law of the State of New York, to supersede such portions of §65-a of the Town Law of the State of New York. This Local Law shall supersede in its application NYS Town Law §65 a, Sections 1, 2 & 3.

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


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1. I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2021 of the Town of Herkimer, was duly passed by the Town Board on July 19, 2021 in accordance with the applicable provisions of law.
 2. 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.


Jennifer DeMetro, Town Clerk
Dated: 7/19/2021

(SEAL)

STATE OF NEW YORK
COUNTY OF HERKIMER

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.


Christopher R. Bray, Esq.
Town Attorney
Town of Herkimer
Dated: 7/23/2021