

LL 2003-002

PROVIDE FOR WRITTEN NOTIFICATION
OF DEFECT AND OBSTRUCTIONS OF
TOWN HIGHWAYS BRIDGES STREETS
SIDEWALKS CROSSWALKS AND
CULVERTS IN THE TOWN OF AMITY

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 of AMITY _____
Town _____
Village _____

Local Law No. 2 of the year ~~19X~~2003
A local law providing for written notification of defects and
(Insert Title) obstructions on town highways, bridges, streets,
sidewalks, crosswalks, and culverts in the Town of
Amity _____ of the

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

County _____
City of Amity _____ as follows:
Town _____
Village _____

see attached

COPY

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

COPY

(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 ~~19~~2003 of the (County)(City)(Town)(Village) of Amity was duly passed by the Town Board of Amity on July 28, 2003, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law. (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.

COPY

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 19____ 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 _____ 19____, 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 19____ at the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 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 _____, above.

Rebecca Sue Fordham TOWN CLERK
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
REBECCA SUE FORDHAM

(Seal)

Date: July 29, 2003

(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 ALLEGANY

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.

Annette M. Harding
Signature

Town Attorney
Title

County _____
City of Amity
Town _____
Village _____

Date: July 29, 2003

COPY

LOCAL LAW NO. 2003-2

A Local Law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Amity.

Be it enacted by the Town Board of the Town of Amity as follows:

Section 1:

No civil actions shall be maintained against the town or town superintendent of highways, nor other employees or offices thereof acting in such capacity, 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 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 town clerk or town 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 written notice hereunder shall be verified and shall contain at least the following information:

- A. Name and mailing address of the person giving notice.
- B. A precise statement as to the nature and extent of any defective, unsafe, dangerous, or obstructed condition or the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert within the Town of Amity.
- C. The approximate date that such condition first became known to the person giving the notice.
- D. The exact location of such condition, giving wherever possible reference to a street address or addresses, utility pole numbers or such other geographic reference as will aid the town in properly locating such condition.

Section 3:

The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof, all written notices received pursuant to the local law and subdivision 2 of section 65-a of the Town Law. The town clerk shall cause 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 be sooner.

COPY

Section 4:

The town clerk shall keep a separate indexed record of all notices received pursuant to Town Law, Section 65-a, Subdivision 4.

Section 5:

This local law shall supersede in its application to the Town of Amity, subdivisions 1 and 3 of section 65-a of the Town Law.

Section 6:

This Local Law shall become effective immediately upon filing in the office of the Secretary of State, State of New York.

Memo Number 2003015424	Date 06/04/2003	Page 1 of 1
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Lawrence Dye, Inc.
73 Genesee St.
P.O. Box 107
Cuba, NY 14727
585-958-1182

MEMO

To: Town of Amity
1 Schuyler St.
Belmont, NY 14813

RE: PRIOR NOTICE LAW
Customer: Town of Amity <9AMI70>

After reviewing your present prior notice law, St. Paul recommends that you adopt the up-dated version which follows. Since your next meeting is June 19th, maybe you could have your attorney review it prior to that meeting and then move ahead with the adoption procedure at the June meeting. Please let me know your decision.



From: Lawrence W. Dye
President

RECEIVED JUN 04 2003
RF

Sample New York Town Local Prior Written Notice Law

Notice of Highway Defects

Local Law No. ___ of the Year 20 ____

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

Be it enacted by the Town Board of the Town of _____,

Section 1.

No civil actions shall be maintained against the town or town superintendent of highways, nor other employees or offices thereof acting in such capacity, 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 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 town clerk or town 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 written notice hereunder shall contain at least the following information:

- A. Name and mailing address of the person giving notice.
- B. A precise statement as to the nature and extent of any defective, unsafe, dangerous, or obstructed condition or the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert within the Town of _____.
- C. The approximate date that such condition first became known to the person giving the notice.
- D. The exact location of such condition, giving wherever possible reference to a street address or addresses, utility pole numbers or such other geographic reference as will aid the town in properly locating such condition.

Section 3.

The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law. The town clerk shall cause 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 be sooner.

Section 4.

The town clerk shall keep a separate indexed record of all notices received pursuant to Town Law, Section 65-a, Subdivision 4.

Disclaimer: This sample Local Prior Written Notice Law is intended as a guide, not legal advice, and is not for the benefit of any other party and does not amend, or otherwise affect the terms, conditions or coverages of any insurance policy issued by St. Paul. Enactment of any law suggested by this document is at your sole discretion. St. Paul makes no guarantee of results based on the use of this information, and disclaims all warranties whether implied, express or statutory, including without limitation, implied warranties of merchantability, fitness for use and fitness for a particular purpose. The entire risk as to the use of this information is assumed by you, and St. Paul assumes no liability in connection with either the information presented or use of the suggestions made in this document. You are strongly encouraged to review specific issues as they arise with knowledgeable legal counsel.

Sample New York Town Local Prior Written Notice Law

Section 5.

This local law shall supersede in its application to the Town of _____ subdivisions 1 and 3 of section 65-a of the Town Law.

Section 6.

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

Disclaimer: This sample Local Prior Written Notice Law is intended as a guide, not legal advice, and is not for the benefit of any other party and does not amend, or otherwise affect the terms, conditions or coverages of any insurance policy issued by St. Paul. Enactment of any law suggested by this document is at your sole discretion. St Paul makes no guarantee of results based on the use of this information, and disclaims all warranties whether implied, express or statutory, including without limitation, implied warranties of merchantability, fitness for use and fitness for a particular purpose. The entire risk as to the use of this information is assumed by you, and St. Paul assumes no liability in connection with either the information presented or use of the suggestions made in this document. You are strongly encouraged to review specific issues as they arise with knowledgeable legal counsel.

AFFIDAVIT

STATE OF NEW YORK

} ss.

ALLEGANY COUNTY

OAK DUKE being duly sworn, deposes and says that HE resides in the VILLAGE of WELLSVILLE, County of ALLEGANY, and the State of New York, that he is the PUBLISHER of the WELLSVILLE DAILY REPORTER, a public newspaper, published and printed DAILY in the VILLAGE of WELLSVILLE, and that a notice, of which the annexed is a printed copy, was published in said newspaper 1 time(s), said publication therein being on the following dates:

July 15, 2003

Subscribed and sworn to

before me this 23

Day of July, 20 03

Rosalie A. Evans
Notary Public

Rosalie A. Evans #4828355
Notary Public, State of New York
Qualified in Steuben County

LEGAL NOTICE
PUBLIC HEARING ON

Two Local Law

Notice is hereby given that the Town of Amity will hold two public hearings. Public Hearing #1 for Amendment to Local Law 91-2: Prior Written Notice of Highway Defects. Public hearing will be held at 7PM on Monday, July 28, 2003. Public Hearing #2 for Formation of the South Belmont Water District will be held immediately following Public Hearing #1 at 7PM on Monday July 28, 2003. Resolution for Public Hearing regarding Formation of the South Belmont Water District is printed in entirety as following:

At a meeting of the Town Board held at the Town Hall, 1 Schuyler Street in the Town of Amity, Village of Belmont, Allegany County, New York on the day of 2003.

PRESENT: Joseph Zajicek, Town Supervisor
Councilperson Daniel Hunt
Councilperson John Maynard
Councilperson Larry Tucker
ABSENT: Councilperson John Francisco

In the matter of the petition of the owners of more than one-half of the assessed valuation of all the taxable real property in the proposed South Belmont Water District in the Town of Amity, County of Allegany and State of New York and according to the latest completed assessment roll of the said town for the creation of the South Belmont Water District. WHEREAS a written petition dated January 17, 2003, has been presented to and filed with the Town Board of the Town of Amity praying that all the land situate in the South Belmont Water District, and more particularly bounded and described in the sketch entitled "Exhibit A" is to be erected and established into the South Belmont Water District, and WHEREAS the maximum amount proposed to be expended for said district shall not exceed the sum of

Five hundred thousand Dollars (\$500,000.) the Town of Amity will see the expenditure of Zero Dollars (\$0), and WHEREAS the expense occasioned by the creation of the South Belmont Water District shall be assessed, levied and collected from the several parcels of land within the said district in proportion as nearly may be to the benefit which each parcel of land in said district will derive there from.

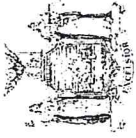
NOW on motion of Council person Larry Tucker, seconded by Council person Dan Hunt all members present voting therefore, it ORDERED that a meeting of the Town Board of the Town of Amity be held at the Town Hall, 1 Schuyler Street, in the Village of Belmont, on the 19th day of June, 2003, and it is FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the a newspaper, a certified copy of this order and by posting certified copies of this order in five public places within said proposed South Belmont Water District in the Town of Amity not less than ten nor more than twenty days before such hearing.

STATE OF NEW YORK
COUNTY OF ALLEGANY) ss.:

Town of Amity
I, Rebecca Fordham, Town Clerk of the Town of Amity DO CERTIFY that I have compared the preceding resolution with the original thereof filed or recorded in my office in the Town of Amity, Allegany County, New York on the 19th day of June, 2003, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town of Amity this 19th day of June, 2003.

Rebecca Sue Fordham
TOWN CLERK



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

August 15, 2003

Annette M Harding, Esq.
178 North Main Street
PO Box 411
Wellsville, NY 14895

RE: Town of Amity, Local Law 2, 2003, filed on 08/01/2003

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

ANNETTE M. HARDING, ESQ.
Attorney and Counselor at Law

178 NORTH MAIN ST., P.O. BOX 411, WELLSVILLE, NEW YORK 14895
TELEPHONE 585-593-1525
FAX 585-593-1533

COPY

July 29, 2003

Principal Clerk
Bureau of State Records
NYS Department of State
41 State Street
Albany, NY 12231

RE: town of Amity Local Law 2003-2 of the year 2003

Dear Sir or Madame:

Enclosed please find one original and two copies of Local Law 2003-2 of the year 2003 for the Town of Amity, Belmont, NY 14813.

Please file such law as required by appropriate statutory regulations and send a receipt to me as Town Attorney.

Very truly yours,

Annette M. Harding

ANNETTE M. HARDING, ESQ.
Town Attorney-Town of Amity

Cc: Joseph Zajicek, Town Supervisor

Annette,
1 original 2 copies sent to address
above via certified mail return
receipt requested. Have enclosed
certified copy for you.