

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~~ of ..... NEWPORT .....

Local Law No. .... I ..... of the year 19 ..89.....

A local law ... Providing for written notification of defects and obstructions on Town highways and sidewalks in the Town of Newport

Be it enacted by the ..... TOWN BOARD ..... of the (Name of Legislative Body)

~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of ..... NEWPORT ..... as follows:

Section 1. No civil action shall be maintained against the Tow of Newport or the Town Superintendent of Highways for damages or injuries to person or property (including those arising from the operation of snowmobiles) sustained by reason of any Highway, Bridge, Culvert, Highway Marking, Sign or Device or any property owned, operated or maintained by the Town being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the Town was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or nelgect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existance of snow or ice upon any highway, bridge 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 resonably safe within a resonable time after the 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 all written notices received by him pursuant to this Local Law and subdivision 2 of Section 65-a of the Town Law. The Town Clerk shall cause all written notices

Section 3. This Local Law shall supercede in its application to the  
Town of Newport subdivision 1 and 3 of section 65-a of  
the Town Law.

Section 4. This Local Law shall take effect immediately upon its  
filing in the office of the Secretary of State in accordance with the  
provisions of Section 27 of the Municipal Home Rule Law.

Section 5. This Local Law includes all vehicles, bicycles or any other  
conveyance.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. I of 19 89  
~~County~~  
of the ~~City~~ of NEWPORT was duly passed by the TOWN OF NEWPORT TOWN BOARD ..... (Name of Legislative Body)  
~~Town~~  
~~Village~~  
on 5/8 19 89 ~~not disapproved~~ and was approved repassed after disapproval by the Donald E. Henning TOWN SUPERVISOR ..... Elective Chief Executive Officer\*  
and was deemed duly adopted on May 8 19 89, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... ~~not disapproved~~ and was approved ~~repassed after disapproval~~ by the ..... Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive ~~general~~ annual thereon at the special election held on ..... 19 ....., in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... ~~not disapproved~~ and was approved ~~repassed after disapproval~~ by the ..... Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of ..... 19 ..... 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 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of §<sup>36</sup>/<sub>37</sub> 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 <sup>special</sup>/<sub>general</sub> 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..... of 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 of 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 ...2..... above.

*Patricia A. McKerraw*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

*May 8, 1989*

(Seal)

(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 ....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.

*David C. Kaufman*  
Signature

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