

Local Law Filing

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

DUPLICATE ORIGINAL

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.

~~X~~COUNTY  
~~X~~CITY of .....Victory.....  
~~X~~TOWN  
Village

Local Law No. .....1..... of the year 19 98...  
providing for written notification of defects and obstructions on village  
A local law highways, bridges, streets, sidewalks, crosswalks and culverts in the  
(Insert Title) Village of Victory

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

~~X~~COUNTY  
~~X~~CITY of .....Victory..... as follows:  
~~X~~TOWN  
Village

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

VILLAGE OF VICTORY, SARATOGA COUNTY, NEW YORK

LOCAL LAW NO. 1 OF THE YEAR 1998

A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON VILLAGE HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS AND CULVERTS IN THE VILLAGE OF VICTORY.

**SECTION 1 Prior Notice**

No civil action shall be maintained against the Village of Victory 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 actual written notice of such defective, out of repair, unsafe, dangerous or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the Village Clerk, 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 actual written notice thereof, specifying the particular place, was actually given to the Village Clerk 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 Definition of "Actual Written Notice"**

The term "actual written notice" appearing in Section 1 above, shall, for the purpose of this Local Law, mean a written notice which states, with particularity, the exact nature and location of the complained of condition and which is actually given to the Village Clerk at least twenty-four (24) hours prior to the occurrence of the damages or injuries allegedly occurring as a result of said condition.

**SECTION 3 Duties of Village Clerk**

3.1 The Village Clerk shall cause all written notices received pursuant to this Local Law to be presented to the Board of Trustees within ten (10) days of the receipt thereof, or at the next succeeding Village Board meeting, whichever shall be sooner.

3.2 The Village Clerk shall keep an indexed record, in a separate book, of all written notices which (s)he shall receive of the existence of a defective, out of repair, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Village highway, bridge, street, sidewalk, crosswalk or culvert, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of five (5) years after the date it is received. All notices received shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice.

**SECTION 4 Effect of Local Law on State Law**

This Local Law shall supersede, in its application to the Village of Victory, Sections 6-628 and 4-402(g) of the Village Law.

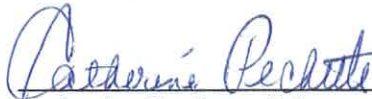
**SECTION 5 Severability**

If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be declared by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Local Law shall be valid and be enforced to the fullest extent permitted by law.

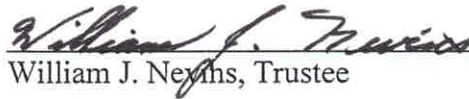
**SECTION 7 Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York and shall be known as Local Law No. 1 of the Year 1998 of the Village of Victory.

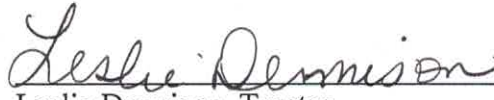
BE IT ENACTED, this 9<sup>th</sup> day of June, 1998 by the Board of Trustees of the Village of Victory, Saratoga County, New York.



Catherine Pechette, Mayor



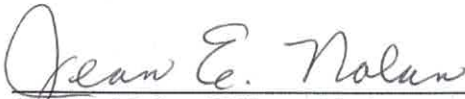
William J. Nexhs, Trustee



Leslie Dennison, Trustee

SEAL

ATTEST:



Jean E. Nolan, Village Clerk  
Village of Victory

(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. 1 of 19 98 of the ~~(County)(City)(Town)~~(Village) of Victory was duly passed by the Board of Trustees on June 9, 19 98, 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 \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_, 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 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(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 \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(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 means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman 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 19\_\_\_\_ 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 \_\_\_\_\_ 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 1, above.

*Jean E. Nolan*

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

Jean E. Nolan, Victory Village Clerk

Date: June 9, 1998

(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 WASHINGTON

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.

*Michael J. Catalfimo*  
Signature

VILLAGE ATTORNEY, MICHAEL J. CATALFIMO  
Title

~~CORNY~~  
~~CITY~~ of Victory  
~~TOWN~~  
Village

Date: 6/15/98