

## CHANGING NOTICE FOR HIGHWAY DEFECTS

TOWN OF HAMILTON LOCAL LAW NO. 1 OF THE YEAR 1980.

A local law providing for written notification of defects and obstructions on town highways and sidewalks in the Town of Hamilton.

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

Section 1. No civil action shall be maintained against any town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, sidewalk, bridge 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, sidewalk, bridge 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; but 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, sidewalk, 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 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 five days after the receipt thereof all written notices received by him pursuant to this local law and subdivision 2 of section 65-2 of the Town Law. The Town Clerk shall cause all written notices received by him or her 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 3. This local law shall supersede in its application to the Town of Hamilton subdivisions 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.

AFFIDAVIT OF MAILING

State of New York ]  
County of Madison ] ss.:  
Village of Hamilton ]

ELLA S. SOLLIEN, being duly sworn, deposes and says that she is the Town Clerk of the Town of Hamilton, Madison County, New York, herein. That on the 13 day of May, 1980, she mailed the within Changing Notice for Highway Defects by depositing a true copy of the same securely enclosed in a postpaid wrapper in the Post Office regularly maintained by the United States Government at Hamilton, New York, in said County of Madison, directed to the following: Robert B. Palmiter, 15 Payne Street, Hamilton, New York, 13346, Supervisor, and the following Town Board Members: Francis Campbell, Poolville, New York, 13432; Fenton York, Hubbardsville, New York, 13355; Emerson D. Jones, 24 East Pleasant Street, Hamilton, New York, 13346; and Jean Schwartz, R. D. Earlville, New York, 13332, that being the addresses within the State designated by them for that purpose, between which places there then was and now is a regular communication by mail. Deponent is over the age of 21 years.

Ella S. Sollien  
Ella S. Sollien

Sworn to before me, this 14 day of May, 1980.

Harold F. Swans  
Notary Public State of New York  
Appointed in Madison County  
Commission expires: