

**BOARD OF SUPERVISORS  
WAYNE COUNTY**

**RESOLUTION NO. 350-04: ADOPT LOCAL LAW TO AMEND LOCAL LAW NO. 2-1978 IN RELATION TO REQUIRING PRIOR WRITTEN NOTICE IN CONNECTION WITH CLAIMS FOR DAMAGES OR INJURIES SUSTAINED BY REASON OF DEFECTS, OBSTRUCTIONS OR ACCUMULATIONS OF ICE OR SNOW ON COUNTY HIGHWAYS, STREETS, BRIDGES, CULVERTS, CROSSWALKS OR SIDEWALKS**

Mr. Lyon presented the following:

WHEREAS, a local law amending Local Law No. 2-1978, in relation to requiring prior written notice in connection with claims for damages or injuries sustained by reason of defects, obstructions or accumulations of ice or snow on County highways, streets, bridges, culverts, crosswalks or sidewalks was presented to the Board of Supervisors on April 20, 2004; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on May 19, 2004 at 9:30 a.m., in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE - STATE OF NEW YORK  
LOCAL LAW NO. 4-2004**

A local law amending Local Law No. 2-1978, in relation to requiring prior written notice in connection with claims for damages or injuries sustained by reason of defects, obstructions or accumulations of ice or snow on County highways, streets, bridges, culverts, crosswalks or sidewalks.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

**SECTION 1.**

Section 1 of Local Law No. 2-1978 is hereby amended to read as follows:

“SECTION 1”. No Civil action shall be maintained against the County of Wayne or any of its officers or employees for damages or injuries to person or property sustained by reason of any highways, streets, bridges, culverts, crosswalks or sidewalks being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, street, bridge, culvert, crosswalk or sidewalk, was actually given to the Clerk of The Board of Supervisors or the County Superintendent of Highways, and there was a failure or neglect to repair or remove the defect, danger or obstruction complained of within a reasonable time after the receipt of such notice.

**SECTION 2.**

Section 2 of Local Law No. 2-1978 is hereby amended to read as follows:

“SECTION 2” No Civil action shall be maintained against the County of Wayne or any of its officers or employees for damages or injuries to person or property sustained solely by reason of the existence of snow or ice upon any highway, bridge, street, culvert, crosswalk or sidewalk, unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Board of Supervisors or the County 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 with a reasonable time after receipt of such notice.

**SECTION 3.**

Section 4 of Local Law No. 2-1978 is hereby amended to read as follows:

“SECTION 4” The Clerk of the Board of Supervisors shall keep an indexed record, in a separate book, of all written notices received of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of any accumulation of ice or snow upon any County highway, street, bridge, culvert, crosswalk or sidewalk, 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 years after the date it is received.

**SECTION 4.**

This local law shall take effect immediately upon the date it is filed in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

RESOLVED, that the Clerk of the Board is hereby directed to give at least five days notice of such hearing by posting such notice upon the bulletin board at the County Court House, Lyons, New York, and by publishing such notice at least once (1) in the official newspapers of the County of Wayne.

Dated: April 20, 2004  
Lyons, New York

Kim Park, Clerk  
Wayne County Board of Supervisors

Mr. Colvin moved the adoption of the resolution. Seconded by Mr. Jenkins. Upon roll call, adopted.

Clerk of the Board of Supervisors,  
County of Wayne

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a session held on the 19th day of May 2004 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 20th day of May 2004.

\_\_\_\_\_ Deputy Clerk