

(Please line this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County  
~~City~~ of Montgomery  
~~Town~~  
~~Village~~  
Local Law No. 2 of the year 19 78

A local law requiring actual notice of dangerous conditions.  
(insert title)

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

County  
~~City~~ of Montgomery as follows:  
~~Town~~

SECTION 1. (a) No action or special proceeding shall be commenced, maintained or prosecuted against the County of Montgomery for personal injury or damage to real or personal property alleged to have been caused by or sustained as a result of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, poorly designed, dangerous, or in a dangerous condition due to accumulated snow and ice thereon unless actual notice of such dangerous condition or defect was given to the Commissioner of Public Works of the county or in the event there is no Commissioner of Public Works, to the person exercising the powers and performing the duties of a Commissioner of Public Works 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 and to make the condition complained of reasonably safe.

(b) The Commissioner of Public Works of the County of Montgomery or in the event that there is no Commissioner of Public Works, the person exercising the powers and performing the duties of a Commissioner of Public Works shall keep a separate indexed record of all notices which he shall receive of the existence of any defective, out of repair, unsafe, poorly designed, dangerous or obstructed condition or of any dangerous accumulations of snow or ice on any street, highway, bridge, culvert, sidewalk or crosswalk, 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 was received.

SECTION 2. Nothing herein contained shall be construed to relieve any person claiming personal injuries or damage to real or personal property arising out of any condition or defect herein described from the obligation of complying with the provisions of Section 50-e of the General Municipal Law or any other or similar statute requiring the filing of a notice of a claim for such injuries or damages.

SECTION 3. This local law shall take effect upon the compliance with all statutes or requirements of other regulations.

(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.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 78  
County  
of the ~~XXX~~ Montgomery was duly passed by the Board of Supervisors  
~~XXXX~~ XXXX (Name of Legislative Body)  
~~XXXXX~~  
on November 28, 1978 in accordance with the applicable provisions of law.

~~(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the ~~City~~ of ..... was duly passed by .....  
Town ..... (Name of Legislative Body)  
Village .....  
on ..... 19..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the ~~City~~ of ..... was duly passed by the .....  
Town ..... (Name of Legislative Body)  
Village .....  
on ..... 19..... not disapproved  
and was approved by the .....  
repassed after disapproval 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  
thereon at the special election held on ..... 19....., in accordance with the appli-  
annual  
cable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the ~~City~~ of ..... was duly passed by the ..... on  
Town ..... (Name of Legislative Body)  
Village .....  
on ..... 19..... not disapproved  
and was approved by the ..... on  
repassed after disapproval Elective Chief Executive Officer  
on ..... 19..... Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
..... 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 board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

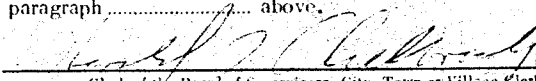
5. The above entitled local law, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the City of \_\_\_\_\_, has been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the <sup>special</sup> ~~general~~ election held on \_\_\_\_\_ 19 \_\_\_\_\_ became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 197 \_\_\_\_\_ 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 \_\_\_\_\_ above.

  
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: December 12, 1978

(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 Montgomery

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.

  
(Title of Officer) County Attorney

County  
~~CITY~~ of Montgomery  
~~TOWN~~  
~~VILLAGE~~

Dated: December 29, 1978

BASIL A. PATERSON  
Secretary of State



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
162 WASHINGTON AVENUE  
ALBANY, NEW YORK 12231

February 5, 1979

William E. Moore, Esq.  
42 Division Street  
Amsterdam, NY 12010


Dear Sir / Madam:

Please be advised that Local Law(s) No. 1 & 2  
of 1978 of the County of Montgomery  
~~was~~/were received and filed on January 22, 1979.

We are enclosing additional forms for your future  
use when filing local laws with this office.

Very truly yours,

BASIL A. PATERSON  
Secretary of State

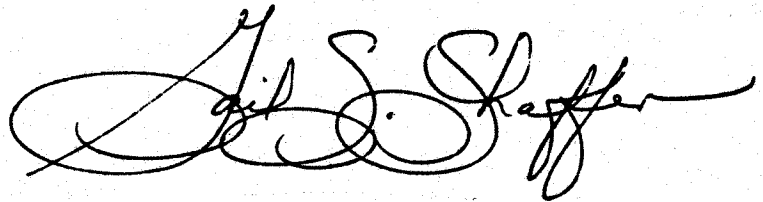
By:   
James C. Aube  
Director  
State Records  
& Law Bureau

cc: State Comptroller  
Division of Municipal Affairs

State of New York }  
DEPARTMENT OF STATE } ss.:

**It is Hereby Certified, That** the attached is a true copy of the document designated as Local Law No. 2 of the year 1978 of the County of Montgomery, entitled "A local law requiring actual notice of dangerous conditions", which was received and filed in the Office of the Secretary of State on January 22, 1979.

**Witness** my hand and the official seal of the  
Department of State at the City of  
Albany, this twenty-fifth day  
of November one thousand  
nine hundred and eighty-six.



Secretary of State

(Please use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County  
~~City~~ of Montgomery  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 19 78

A local law requiring actual notice of dangerous conditions.  
(Insert title)

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

~~County~~  
~~City~~  
~~Village~~ of Montgomery as follows:

SECTION 1. (a) No action or special proceeding shall be commenced, maintained or prosecuted against the County of Montgomery for personal injury or damage to real or personal property alleged to have been caused by or sustained as a result of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, poorly designed, dangerous, or in a dangerous condition due to accumulated snow and ice thereon unless actual notice of such dangerous condition or defect was given to the Commissioner of Public Works of the county or in the event there is no Commissioner of Public Works, to the person exercising the powers and performing the duties of a Commissioner of Public Works 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 and to make the condition complained of reasonably safe.

(b) The Commissioner of Public Works of the County of Montgomery or in the event that there is no Commissioner of Public Works, the person exercising the powers and performing the duties of a Commissioner of Public Works shall keep a separate indexed record of all notices which he shall receive of the existence of any defective, out of repair, unsafe, poorly designed, dangerous or obstructed condition or of any dangerous accumulations of snow or ice on any street, highway, bridge, culvert, sidewalk or crosswalk, 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 was received.

SECTION 2. Nothing herein contained shall be construed to relieve any person claiming personal injuries or damage to real or personal property arising out of any condition or defect herein described from the obligation of complying with the provisions of Section 50-e of the General Municipal Law or any other or similar statute requiring the filing of a notice of a claim for such injuries or damages.

SECTION 3. This local law shall take effect upon the compliance with all statutes or requirements of other regulations.

(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.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 78  
County  
of the ~~XXX~~ Montgomery was duly passed by the Board of Supervisors  
~~XXX~~  
~~XXX~~ (Name of Legislative Body)  
on November 28, 1978 in accordance with the applicable provisions of law.

~~(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ of \_\_\_\_\_ was duly passed by \_\_\_\_\_  
Town (Name of Legislative Body)  
Village  
on \_\_\_\_\_ 19\_\_\_\_\_, not disapproved \_\_\_\_\_  
and was approved \_\_\_\_\_ by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer  
and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

~~3. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town (Name of Legislative Body)  
Village  
on \_\_\_\_\_ 19\_\_\_\_\_, not disapproved \_\_\_\_\_  
and was approved \_\_\_\_\_ by the \_\_\_\_\_  
repassed after disapproval 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  
thereon at the special election held on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the appli-  
annual  
cable provisions of law.~~

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

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County  
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Town (Name of Legislative Body)  
Village  
\_\_\_\_\_ 19\_\_\_\_\_, not disapproved \_\_\_\_\_  
and was approved \_\_\_\_\_ by the \_\_\_\_\_ on \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer  
\_\_\_\_\_ 19\_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.~~

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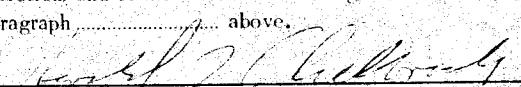
5. The above-named local law, designated as Local Law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_, was submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the <sup>special</sup> ~~general~~ election held on \_\_\_\_\_ 19\_\_\_\_ became operative.

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Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

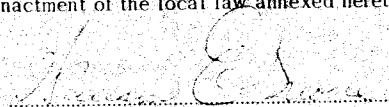
Date: December 12, 1978

(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 Montgomery

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.

  
(Title of Officer) **County Attorney**

County ~~XXX~~ of Montgomery  
~~XXX~~  
~~XXX~~

Dated: December 29, 1978



Dated: Fonda, N.Y., December 12, 1978

HAROLD L. PHILBROOK,  
Clerk, Board of Supervisors

WILLIAM E. MOORE,  
County Attorney

LOCAL LAW NO. 1  
1978

BE IT ENACTED by the Board of Supervisors of the County of Montgomery as follows:

SECTION 1. (a) No action or special proceeding shall be commenced, maintained or prosecuted against the County of Montgomery for personal injury or damage to real or personal property alleged to have been caused by or sustained as a result of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, poorly designed, dangerous, or in a dangerous condition due to accumulated snow and ice thereon unless actual notice of such dangerous condition or defect was given to the Commissioner of Public Works of the county or in the event there is no Commissioner of Public Works, to the person exercising the powers and performing the duties of a Commissioner of Public Works 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 and to make the condition complained of reasonably safe.

(b) The Commissioner of Public Works of the County of Montgomery or in the event that there is no Commissioner of Public Works, the person exercising the powers and performing the duties of a Commissioner of Public Works shall keep a separate indexed record of all notices which he shall receive of the existence of any defective, out of repair, unsafe, poorly designed, dangerous or obstructed condition or of any dangerous accumulation of snow or ice on any street, highway, bridge, culvert, sidewalk or crosswalk, 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 was received.

SECTION 2. Nothing herein contained shall be construed to relieve any person claiming personal injuries or damage to real or personal property arising out of any condition or defect herein described from the obligation of complying with the provisions of Section 50-e of the General Municipal Law or any other or similar statute requiring the filing of a notice of a claim for such injuries or damages.

SECTION 3. This local law shall take effect upon the compliance with all statutes or requirements of other regulations applicable to its adoption.

RESOLUTION NO. 271

Resolution Adopting Local Law No. 1, 1978 Requiring Actual Notice of Dangerous Conditions Prior to Maintenance of Legal proceedings Against County of Montgomery

Resolution by Supervisor Knoeck:

WHEREAS, a public hearing was held on the 11th day of April, 1978, on Local Law No. 1, 1978, for the County of Montgomery and

WHEREAS, copies of the said Local Law No. 1 were mailed to the members of the Board of Supervisors on Thursday, March 16, 1978, and have therefore been on the desks of the said Supervisors for more than eleven days prior to the adoption of said local law, now, therefore, be it and is hereby is

RESOLVED, that Local Law No. 1, 1978, is hereby adopted and the Clerk of the Board of Supervisors and the County Attorney be and they hereby are authorized, empowered and directed to take any and all other steps necessary or proper to complete the adoption and enactment of the said law, a copy of which is appended to this resolution and made a part hereof.

Seconded by Supervisor Bunker and duly adopted upon roll call, all members present (18) voting aye.

Ayes - 1003

FEE RECEIPT

ENTRY No. 150985

Received from Janet Tiemann  
Montgomery County  
County Annex Bldg.  
Address  
Fonda, NY 12068

Date received 11/25/86  
Amount received \$ 5.50  
Amount of fee \$ 5.50  
Refund due \$ \_\_\_\_\_

- Check
- Cash
- Money Order
- Other

was received in payment of a plain copy of Local Law #1 of 1978

and a jurat(certified copy) of Local Law #2 of 1978 for the County of Montgomery  
(Law Bureau)

Refund to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by: Ingoldsby/ahe  
for the Department of State

- 1st - Receipt Copy
- 2nd - Cashier's Copy
- 3rd - Office Copy

353403-002 (4/83)

