

LOCAL LAW NO. 9-1979  
CHAUTAUQUA COUNTY

A Local Law Providing for Written Notification of Defects and Obstruction on County Roads  
and Other Property in the County of Chautauqua A Condition Precedent to the Maintenance of a  
Civil Action

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

Section 1. No civil action shall be maintained against the County of Chautauqua or the Director of Public Works for damages or injuries to person or property sustained in consequence of any street, highway, road, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of such snow or ice, was actually given to the Clerk of the County Board of Legislators and/or the Director 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, or to cause the snow or ice to be removed, or the place otherwise made reasonable safe.

Section 2. The Clerk of the County Board of Legislators shall transmit to the Director of Public Works, immediately after the receipt of such written notice a copy of such written notice.

Section 3. The Director of Public Works shall keep an indexed record, in a separate book, of all written notices which are received of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which record shall state the date of receipt of this 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.

Section 4. Nothing herein contained shall be construed to relieve a claimant of the obligation to send a notice of claim as provided in Section 50-e of the General Municipal Law. Further, nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but, on the contrary, shall be held to be additional requirements of the right to maintain such action.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph, or part thereof directly involved in the controversy or action in which such judgement shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this law would have been adopted had any such provision not been included.

Section 5. This local law shall take effect on the date it is filed with the Secretary of State.

Adopted by Legislature: 5/16/79  
Approved by Executive: 6/19/79  
Adopted as Local Law 9-79

R/C Vote: 21 Yes; 4 Absent