

CHAPTER 16

LOCAL LAW NO. 2 OF 2015

A LOCAL LAW ENTITLED
NOTIFICATION OF
DEFECTS

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to provide for a notification of defects prior to any claim for damages against the Village.

SECTION 2. ENACTMENT.

A Chapter 16 of the Village Code entitled Notification of Defects is enacted, as follows:

§ 16-1. Legislative Intent.

The purpose of this Chapter 16, entitled a Notification of Defects Law, is to provide for notification of defects prior to any claim for damages against the Village.

§ 16-2. Requirements to be Met Before Civil Actions.

No civil action shall be maintained against the Village of Shoreham unless the requirements of this chapter are fully met.

§ 16-3. Filing of Notice of Dangerous Condition with Clerk.

No civil actions shall be maintained against the Village of Shoreham for damages or injuries to person or property sustained by reason of any defect in any street, sidewalk, boardwalk, deck, staircase, overhanging branch or tree, shrubbery, steps, stairs, walkway, parking lot, bulkhead, gate, culvert, curb or drain, or because of the existence of ice or snow on any street, sidewalk, boardwalk, deck, staircase, steps, stairs, walkway or parking lot, culvert, curb or drain, or because of any missing street sign of any type or street sign with obstructed visibility, or the failure to provide by local law or otherwise for the installation of any street sign of any type, unless written notice of such defective, unsafe, dangerous, obstructed or other

condition shall be filed with the Village Clerk at least fifteen (15) calendar days prior to the event giving rise to the alleged claim.

§ 16-4. Absence of Notice.

In the absence of written notice, as required hereinabove, no civil action shall be maintained against the Village of Shoreham, nor shall any civil action be maintained based upon an allegation that such defect, unsafe condition, danger, obstruction or otherwise existed for so long that the same should have been discovered and remedied in the exercise of reasonable care and diligence, nor shall any civil action be maintained based upon an allegation that a Village employee possessed actual notice of such condition, unless written notice is filed with the Village Clerk, as required hereinabove.

§ 16-5. Contents Absence of Notice.

The written notice required by this chapter shall state the exact location of the alleged defect, unsafe condition, dangerous condition, obstruction or otherwise and shall specifically state the exact condition complained of. If this requirement is not met, the notice shall be void and insufficient.

§ 16-5. Severability.

If any provision of this Chapter 16 is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: October 16, 2015

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk

Effective Date: November 5, 2015