

AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF
PLATTSBURGH, NEW YORK, HELD MARCH 31, 1960.

PRESENT: MAYOR TYRELL, ALDERMEN BRAULT, GIOIOSA, JABAUT,
BRANON AND FLYNN.

ABSENT: ALDERMAN HOLLAND:

BY ALDERMAN JABAUT; SECONDED BY ALDERMAN BRAULT:

LOCAL LAW NO. 1 OF 1960

ENTITLED " A LOCAL LAW AMENDING SECTION 143 OF
CHAPTER 269 OF THE LAWS OF 1902"

THE COMMON COUNCIL OF THE CITY OF PLATTSBURGH, IN REGULAR
SESSION, DOES HEREBY ENACT AS FOLLOWS:

SECTION 1: SECTION 143 OF CHAPTER 269 OF THE LAWS OF 1902,
IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 143: LIMITATIONS OF ACTIONS AGAINST THE CITY.

1. NO ACTION OR PROCEEDING TO RECOVER OR ENFORCE ANY CLAIM, DEBT OR DEMAND AGAINST THE CITY SHALL BE BROUGHT UNTIL THE EXPIRATION OF THIRTY DAYS AFTER THE CLAIM, DEBT OR DEMAND SHALL HAVE BEEN PRESENTED TO THE COMMON COUNCIL FOR AUDIT. ALL ACTIONS BROUGHT AGAINST THE CITY UPON ANY CONTRACT, LIABILITY EXPRESSED OR IMPLIED, MUST BE COMMENCED WITHIN ONE YEAR FROM THE TIME THAT THE CAUSE OF ACTION ACCRUED AND IN OTHER CASES WITHIN SIX MONTHS AFTER THE REFUSAL OF THE COMMON COUNCIL TO ALLOW THE CLAIM.
2. NO ACTION OR SPECIAL PROCEEDING SHALL BE PROSECUTED OR MAINTAINED AGAINST THE CITY FOR PERSONAL INJURY, DAMAGE TO REAL OR PERSONAL PROPERTY OR DEATH ALLEGED TO HAVE BEEN SUSTAINED BY REASON OF THE NEGLIGENCE OR WRONGFUL ACT OF THE CITY OR OF ANY OFFICER, EMPLOYEE OR AGENT THEREOF UNLESS A NOTICE OF CLAIM SHALL HAVE BEEN MADE AND SERVED, IN COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW AND UNLESS IT SHALL APPEAR BY AND AS ALLEGATION IN THE COMPLAINT OR MOVING PAPERS THAT AT LEAST THIRTY DAYS HAVE ELAPSED SINCE THE SERVICE OF SAID NOTICE AND THAT ADJUSTMENT OR PAYMENT THERE OF HAS BEEN NEGLECTED OR REFUSED. SAID ACTION OR SPECIAL PROCEEDINGS REFERRED TO IN THIS PARAGRAPH SHALL BE COMMENCED WITHIN ONE YEAR AND NINETY DAYS AFTER THE HAPPENING OF THE EVENT UPON WHICH THE CLAIM IS BASED.
3. NO CIVIL ACTION SHALL BE MAINTAINED AGAINST THE CITY FOR DAMAGES OR INJURIES TO PROPERTY, REAL OR PERSONAL OR FOR DAMAGES, INJURIES TO OR DEATH OF ANY PERSON SUSTAINED IN CONSEQUENCE OF ANY STREET, HIGHWAY, BRIDGE, CULVERT, SIDEWALK, CROSSWALK, GRATING, OPENING, DRAIN OR SEWER BEING OUT OF REPAIR, UNSAFE, DANGEROUS OR OBSTRUCTED, OR IN CONSEQUENCE OF THE EXISTENCE OF SNOW OR ICE THEREON UNLESS IT APPEARS THAT WRITTEN NOTICE OF THE DEFECTIVE, UNSAFE, DANGEROUS OR OBSTRUCTED CONDITION, OR OF THE EXISTENCE OF THE SNOW OR ICE, WAS ACTUALLY GIVEN TO THE SUPERINTENDENT 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 REASONABLY SAFE.

SECTION 2: THIS ACT SHALL TAKE EFFECT AFTER A PUBLIC HEARING AND APPROVAL BY THE MAYOR.

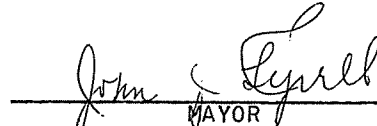
ON ROLL CALL, ALDERMEN BRAULT, GIOIOSA, JABAUT, BRANON AND FLYNN VOTED IN THE AFFIRMATIVE; NO ONE IN THE NEGATIVE; (ALDERMAN HOLLAND BEING ABSENT) CARRIED.

CERTIFIED TO THE MAYOR THIS 14TH DAY OF APRIL, 1960.


CITY CLERK

THE FOREGOING LOCAL LAW IS HEREBY APPROVED AFTER PUBLIC HEARING HELD APRIL 14, 1960.

(SEAL)


MAYOR