

August 8, 1983

\* \* \*

Mr. Hammill made a motion to adopt Resolution No. 159-83, seconded by Mr. Abrams.

By a roll call vote on Resolution No. 159-83, Resolution No. 159-83 was defeated with ten (10) yes votes, eleven (11) no votes, and one (1) Legislator absent as shown below:

		<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
District 1	Legislator Thompson			11	
District 2	Legislator Smith	10			
District 3	Legislator Marscher		11		
District 4	Legislator Otto		10		
District 5	Legislator Fay	12			
District 6	Legislator Peters	11			
District 7	Legislator Moore				11
District 8	Legislator Greco		9		
District 9	Legislator Dunham		11		
District 10	Legislator Livingston		12		
District 11	Legislator Hayden	9			
District 12	Legislator Morrill		11		
District 13	Legislator Sanford		12		
District 14	Legislator Bradley		11		
District 15	Legislator LaBaff	11			
District 16	Legislator Bixby		11		
District 17	Legislator Burns		9		
District 18	Legislator Rische	9			
District 19	Legislator Miller	7			
District 20	Legislator Viskovich	10			
District 21	Legislator Abrams	10			
District 22	Legislator Hammill	10			

YES	99	ABSENT	11	TOTAL	228
NO	118	ABSTAIN	0		

RESOLUTION NO. 160-83**ADOPTING LOCAL LAW NO. 17 FOR THE YEAR 1983**

By Mr. Hammill, Chairman, Legislative and Judicial Committee

**WHEREAS**, a public hearing on Local Law No. 17 for the year 1983 has been held on August 8, 1983, and

**WHEREAS**, notification of such public hearing has been held in accordance with Article 5, Section 227 (2) of County Law,

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 17 for the year 1983 is hereby adopted.

## LOCAL LAW NO. 17 FOR THE YEAR 1983

**A LOCAL LAW TO PROVIDE FOR PRIOR WRITTEN NOTICE OF DEFECTIVE,  
OUT OF REPAIR, UNSAFE, OR DANGEROUS CONDITION ON COUNTY PROPERTY**

Be it enacted by the Board of Legislators of the County of St. Lawrence  
as follows:

Section 1. Property: Prior Notice Required: Contents of Notice:  
Filing of Notice: Reasonable Time to Repair

No civil action shall be maintained against the County of St. Lawrence for damages or injuries to person or property sustained by reason of any property of the County of St. Lawrence other than as provided for in Local Law No. 2 for the year 1978, being out of repair, unsafe, or dangerous, unless written notice of such defective, unsafe, or dangerous condition, specifying the particular place, was actually given to the Clerk of the Board of Legislators or the Superintendent of Buildings and Grounds, and that there was failure or neglect within a reasonable time after the giving of such notice to repair the defect, danger, or unsafe condition complained of. No action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any property, unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Board of Legislators or Superintendent of Buildings and Grounds and there was a failure or neglect to cause such snow or ice to be removed, or to such notice provided however, that notwithstanding the provisions of any law defining real property owned by tax title or owned for the purposes of reimbursement of assistance granted, as held and used for a public purpose, and notwithstanding any such notice given, the County of St. Lawrence shall not be liable by reason of such property being defective, out of repair, unsafe, or dangerous, unless the County is in the actual physical possession, control, and operation thereof as owner, or deriving a direct income therefrom; and with no greater liability than that imposed upon the individual owner of property.

Section 2. Property: Superintendent of Buildings and Grounds: Duties.

The Superintendent of Buildings and Grounds shall transmit in writing to the Clerk of the Board of Legislators within ten days after the receipt all written notices received by him pursuant to this local law.

Section 3. Property: Clerk of Board of Legislators: Index Record:  
Contents of Record.

The Clerk of the Board of Legislators shall keep an index record in a separate book, of all written notices, which he shall receive pursuant to this local law of the existence of a defective, unsafe, or dangerous condition in or upon, or of an accumulation of ice or snow upon any property of the County other than as provided under Local Law No. 2 for the year 1978 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. Property: Definition

For the purposes of this title of this local law, property of the County of St. Lawrence shall include but not be limited to the interior and exterior of any building owned, operated, or controlled by the County of St. Lawrence, park lands, historic sites, recreation area, scenic sites, overlooks, garages, storage areas, other than a highway, bridge, or culvert, provided for in Local Law No. 2 for the year 1978, sidewalks, ramps, accessways, and other methods of egress to or from, within or without, such property provided, however, that property shall not include real property owned by tax title or owned for the purposes of reimbursement of assistance granted, as held and used for a public purpose, which said real property is defective, out of repair, unsafe, or dangerous, unless the County is in the actual physical possession, control, and operation thereof as owner, or deriving a direct income therefrom.

MISCELLANEOUS PROVISIONSSection 1. Clerk of Board of Legislators: Additional Duties

The Clerk of the Board of Legislators shall transmit a copy of every notice received by him pursuant to this local law to the County Attorney and to the Superintendent of Buildings and Grounds if the Superintendent of Buildings and Grounds was not the source of such notice.

Section 2. Effective Date

This local law shall take effect immediately.

\* \* \*

Mr. Hammill made a motion to adopt Resolution No. 160-83, seconded by Mr. LaBaff.

By a roll call vote as shown below, Resolution No. 160-83 was carried with twenty-one (21) yes votes and one (1) Legislator absent:

		<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
District 1	Legislator Thompson	11			
District 2	Legislator Smith	10			
District 3	Legislator Marscher	11			
District 4	Legislator Otto	10			
District 5	Legislator Fay	12			
District 6	Legislator Peters	11			
District 7	Legislator Moore			11	
District 8	Legislator Greco	9			
District 9	Legislator Dunham	11			

August 8, 1983

329

		<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
District 10	Legislator Livingston	12			
District 11	Legislator Hayden	9			
District 12	Legislator Morrill	11			
District 13	Legislator Sanford	12			
District 14	Legislator Bradley	11			
District 15	Legislator LaBaff	11			
District 16	Legislator Bixby	11			
District 17	Legislator Burns	9			
District 18	Legislator Rishe	9			
District 19	Legislator Miller	7			
District 20	Legislator Viskovich	10			
District 21	Legislator Abrams	10			
District 22	Legislator Hamill	10			
YES		217			
NO		0			
ABSENT		11			
ABSTAIN		0			
TOTAL		228			