

a penalty or other punishment for such violation has otherwise been provided.

Chapter 29

DEFECTS, NOTIFICATION OF

§ 29-1. Notification required.

§ 29-2. Maintenance of records; notification of receipt of notice.

§ 29-3. Effect on existing requirements; severability.

§ 29-4. When effective.

[HISTORY: Adapted by the Board of Trustees of the Village of Port Dickinson 8-6-85 as Local Law No. 2-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks—See Ch. 52.

§ 29-1. Notification required.

No civil action shall be maintained against the Village of Port Dickinson (hereinafter referred to as the “Village”) for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt 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. [Amended by Local Law No. 2 - 2002 on September 10, 2002]

§ 29-2. Maintenance of records; notification of receipt of notice.

The Village Clerk of the village shall keep an index record, in a separate book, of all written notices which the Village Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of any accumulation of ice and snow upon, any village street, highway, bridge, culvert or sidewalk or any other property owned by the village, which record shall state the date of the 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 such notice shall be preserved for a period of five (5) years from the date it is received. The Village Clerk, upon receipt of such written notice, shall immediately and in writing notify the Public Works Superintendent and Mayor of the village of the receipt of such notice.

§ 29-3. Effect on existing requirements; severability.

- A. Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village and its officers and employees any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.
- B. If any clause, sentence, phrase, paragraph of any part of this chapter for any reason shall be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter 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 judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions not been included.

§ 29-4. When effective.

This chapter shall take effect immediately upon its filing with the Secretary of State.

Chapter 30

DUMPING

- § 30-1. Legislative Intent and Title.
- § 30-2. Definitions.
- § 30-3. Prohibitions and Restrictions.
- § 30-3A. Garbage and Rubbish Removal.
- § 30-4. Enforcement and Penalties.
- § 30-5. Amendments.

[HISTORY: Adopted by The Board of Trustees of the Village of Port Dickinson January 13, 1998 as Local Law No. 1-1998. Amendments noted where applicable.]

§ 30-1. Legislative Intent and Title.

This local law is adopted in view of the increase in illegal dumping of garbage, rubbish, and other offensive materials, together with toxic materials due in part to the increasing costs associated with disposing of such materials at the Broome County landfill. It is the intent of the Board of Trustees of the Village of Port Dickinson to restrict and regulate, in a manner consistent with the interests of the residents of the Village of Port Dickinson, the dumping and/or other disposal of various wastes in order to promote the health, safety and general welfare of persons and property within the Village of Port Dickinson. This local law shall be known and cited as "The Dumping Local Law of the Village of Port Dickinson." Therefore, pursuant to the authority contained in the Municipal Home Rule Law, and pursuant to its police power as contained in the Village Law, Sections 20-2000, the Board of Trustees of the Village of Port Dickinson does hereby enact the following local law as Chapter 30 of the Code of the Village of Port Dickinson.