**This local law shall be known as Local Law No. 2 of 2015 the "Local Law To Require Prior Written Notice Of Certain Dangerous Conditions For The Village Of Aurora, Cayuga County, New York”.**

Be it enacted by the Village Board of the Village of Aurora as follows:

Section 2.

No civil action shall be maintained against the Village of Aurora (the “Village”), the Highway Department or the Department of Public Works of the Village, or against any improvement district in the Village for damages or injuries to person or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, road, bridge, culvert, highway or road marking, sign or device, sidewalk, steps or stairs, parkland and improvements thereupon, or any other property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition was actually given to the Clerk of the Village or the Supervisor of Public Works or Superintendent of Highways of the Village, and that 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; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, roadway, sidewalk, steps or stairs, parkland, bridge, culvert or any other property owned by the Village or any property owned by any improvement district in the Village unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Village or the Superintendent of Highways of the Village and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 3.

No civil action will be maintained against the Village and/or the Supervisor of Public Works, Superintendent of Highways of the Village for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Village or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Village, the Supervisor of Public Works, or the Superintendent of Highways of the Village pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Village or to the Supervisor of Public Works or Superintendent of Highways of the Village and there was a failure or neglect to remedy such defect, to remove such snow or ice, or to make the place otherwise reasonably safe within a reasonable time after receipt of such notice.

Section 4.

The Supervisor of Public Works or Superintendent of Highways of the Village shall transmit, in writing, to the Clerk of the Village, within five (5) days after the receipt thereof, all written notices received by him/her pursuant to this law, and he/she shall take any and all corrective action with respect thereto as soon as practicable.

Section 5.

The 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 an accumulation of ice and snow upon, any Village highway, roadway, bridge, culvert or sidewalk, steps or stairs, parkland, or any other property owned by the Village, or by any improvement district, 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 Supervisor of Public Works and/or Superintendent of Highways of the Village of the receipt of such notice.

Section 6.

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 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, its officers and employees, and/or any of its improvement districts 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.

Section 7.

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 judgment 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 judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provisions not been included.

Section 8.

This Local Law shall take effect immediately upon the filing with the New York State Secretary of State.

 The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Mayor Bonnie Bennett AYE

Trustee Janet Murphy AYE

Trustee Kit Van Orman AYE

Trustee Grace Bates AYE

Trustee Alan Ominsky AYE

Vote: Resolution carried by a vote of 5 to 0.