

## NIAGARA FALLS LOCAL LAW NO. 4 FOR THE YEAR 2021

A local law to amend the Niagara Falls City Charter, as amended May 23, 2018, by amending Article VI of the Niagara Falls City Charter, entitled "Department of Public Works," by amending the second paragraph of Section 5.14 as follows:

**BE IT ENACTED** by the City Council of the City of Niagara Falls, as follows:

### **Section 1. Authority**

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing City's to adopt a local law which may amend or supersede any provision of State law in relation to the property, affairs or government of the City unless there is a State legislative restriction on such amendment or supersession.

### **Section 2. Amendment**

The Niagara Falls City Charter is hereby amended by amending the second paragraph of Section 5.14 of Article VI, entitled "Department of Public Works," to read as follows:

#### SECTION 5.14 CONDITIONS PRECEDENT TO ACTIONS AGAINST THE CITY

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No civil action shall be maintained against the City for damage or injuries to person or property sustained in consequence of any [street,] part or portion of any street, [including the curb thereof and any encumbrances thereon or attachments thereto, tree,] bridge, viaduct, underpass, culvert, parkway, [or] park approach, sidewalk, [or crosswalk;] public way, path, pedestrian walk, [or path] or the functional equivalent of any of the foregoing, including any encumbrances thereon or attachments thereto, being defective, out of repair, unsafe, dangerous or obstructed, or sustained in consequence of the existence of an accumulation of water, snow and/or ice upon any of the foregoing, including their functional equivalents, [street, bridge, viaduct, underpass, culvert, parkway or park approach, sidewalk or crosswalk, pedestrian walk or path,] unless, previous to the occurrence resulting in such damage or injuries, written notice of such alleged condition relating to the particular place and location was manually subscribed by the complainant and actually delivered by certified mail, with a return receipt requested, [given] to the Director of the Department of Public Works [Operations and Technical Services] and there was a failure or neglect within a reasonable time thereafter to remedy or correct the alleged condition complained of.

### **Section 3. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such

judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the City Council of the City of Niagara Falls hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 4. Repealer**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 5. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

**Underlining** and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions.