

LOCAL LAW NO. ____ – 2026

**A LOCAL LAW AMENDING SECTION 265 OF
CHAPTER 490 OF THE LAWS OF 1922, AS
AMENDED, BEING THE CHARTER OF THE CITY
OF MOUNT VERNON, NEW YORK, ENTITLED
“LIABILITY OF CITY IN ACTIONS FOR DAMAGES
OR INJURIES TO PERSON OR PROPERTY”**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF
MOUNT VERNON, as follows:**

Section 1. Section 265 of Article XVIII of Chapter 490 of the Laws of 1922, being the Charter of the City of Mount Vernon, entitled “Liability of City in actions for damages or injuries to person or property,” is hereby amended to read as follows:

§ 265. Liability of City in actions for damages or injuries to person or property.

No civil action shall be maintained against the City for damages or injuries to person or property sustained in consequence of any street, highway, city tree, bridge, culvert, sidewalk, crosswalk, curb, sanitary sewer or storm drains, public parking lot or parking garage being defective, out of repair, unsafe, dangerous or obstructed unless, previous to the occurrence resulting in such damages or injury, written notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, city tree, bridge, culvert, sidewalk, crosswalk, curb, sanitary sewer or storm drains, public parking lot or parking garage was actually given to the Commissioner of Public Works and that 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. No such action shall be maintained for damages or injuries to the person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge, culvert, city tree, public parking lot or parking garage unless written notice thereof relating to the particular place was actually given to the Commissioner of Public Works, and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

The City shall not be liable in a civil action for damages or injuries to person or property or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the City, or any of its agents, officers or employees unless a written notice of claim shall have been made and served in compliance with Section 50-e of the General Municipal Law, nor unless an action shall be commenced thereon within one year after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect but no action shall be commenced to recover upon or enforce any such claim against the City until the expiration of three months after the service of said notice. The Mayor of said City may, within the period of three months from the time of the presentation of any claims against the City, require the claimant to be sworn before him with relation to such claim, and when so sworn, to swear orally as to any facts relating to the justice of such claim. Nothing contained in this section shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions but, on the contrary, shall be held to be additional requirements to the right 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 City any greater duty or obligation than it shall keep its streets and public places in a reasonably safe condition for public use and travel.

The term street as used herein shall include the curbstone, an avenue, underpass, road, alley, lane, boulevard, concourse, parkway, road or path within a park, park approach, driveway, thoroughfare, public way, public square, and public parking area. The term sidewalk as used herein shall include an underpass, pedestrian walk or path, step or stairway. The term bridge as used herein shall include a viaduct or overpass.

Notice of a defect submitted via email, the city's website, any service, website, or application the City uses to allow the public to submit reports or service requests to the City, comments on a social media page maintained by the City, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this section.

If any clause, sentence, phrase, paragraph or any part of this section 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 section 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 2. This local law shall take effect upon its filing with the New York State Secretary of State.

New matter underlined

Deleted matter in brackets []