

Sponsor: Mayor Dale Rife
First Reading: __11/7/11__
Second Reading: __12/5/11__

ORDINANCE #13-11

AN ORDINANCE REQUIRING NOTICE OF TORT CLAIMS AGAINST THE TOWN OF WYOMING TO BE PROVIDED WITHIN ONE YEAR OF THE DATE OF OCCURRENCE

WHEREAS, the General Assembly has authorized municipalities to enact notice requirements for tort claims under 10 *Del. C.* § 4013(c);

WHEREAS, the Town Council has determined it to be in the best interest of the town to require notice of tort claims to be provided to the Town of Wyoming within one year of the date of occurrence;

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #13-11 “An Ordinance Requiring Notice of Tort Claims Against the Town of Wyoming to be Provided Within One Year of the Date of Occurrence” be and hereby is enacted, as follows to wit:

Section 1. Notice Requirement; time limit. No person, joint venture, association, partnership, corporation, trust, guardian or other legal entity acting on its own behalf or on behalf of any other legal entity shall institute or file any lawsuit, legal action or claim, seeking recovery of damages grounded in tort, in any court of law or equity, in this or any other state, against the Town of Wyoming or any of its employees, as defined in 10 *Del. C.* § 4010(1), unless notice of the occurrence forming the basis of the claim or action is given to the town within one year of the date of occurrence.

Section 2. Form of notice; delivery; contents; failure to provide notice.

A. Such notice shall be in writing and shall be delivered to the Town Clerk at the Town Hall in Wyoming, Delaware.

B. The notice shall particularly describe the occurrence and the nature of the claim and shall state the date and place of the occurrence and the name and address of each claimant for whom the notice is being given.

C. Such notice shall be deemed to be a condition precedent to the filing of a suit, and failure to provide such notice within one year of the date of the occurrence shall be an absolute defense against any such claim, action or suit.

Synopsis

This ordinance requires any person or entity seeking to bring an action against the Town of Wyoming to recover damages ground in tort to notify the town of the occurrence within one

year of the occurrence. This ordinance outlines what must be included in the notice and how the notice must be delivered to the town.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2011.

Attest: Parula B. Haddick
Town Clerk

So Certifies:
Franko Dale Rife
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on 12/7, 2011.

12/7/11
Date

So Certifies:
Parula B. Haddick