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Incorporated Village of Garden City v. Zambardino

Supreme Court, Appellate Term, New York - March 7, 2019 - N.Y.S.3d - 2019 WL 1177709 - 2019 N.Y. Slip Op. 29065

Village sought to recover in commercial claims action the sum of \$937.50 against defendant for fees for services that had been rendered by village's fire department in responding to an automobile accident.

The District Court granted summary judgment in favor of defendant, and village appealed.

The Supreme Court, Appellate Term, held that exceptions to common law free public services doctrine did not apply.

Exceptions to common law free public services doctrine did not apply to claim brought by village who sought to recover \$937.50 against defendant for services that had been rendered by village's fire department in responding to an automobile accident; exceptions to doctrine only applied to statutes passed by state legislature, not to a village code, and village code was contrary to Home Rule law, which prohibited a village to charge individuals for expenses related to the aftermath of automobile accidents.