

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of ALLEGANY
City of
Town
Village

Local Law No. 4 of the year 19 85

A local law providing that written notice of defective conditions

(insert title)

of highways, sidewalks and other properties owned by the town or an improvement district therein, and failure by the town to remedy the same within a reasonable time after notice, are prerequisites to a civil action for damages arising out of said defective conditions.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County of ALLEGANY
City of
Town
Village as follows:

A local law providing that written notice of defective conditions of highways, sidewalks and other properties owned by the town or an improvement district therein, and failure by the town to remedy the same within a reasonable time after notice, are prerequisites to a civil action for damages arising out of said defective conditions.

Section 1. No civil action shall be maintained against the Town of Allegany (hereinafter referred to as "the Town") or the town superintendent of highways of the Town, or against any improvement district in the Town for damages or injuries to persons or property (including those from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Town or any property owned, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of said defective, unsafe, dangerous or obstructed condition of said highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Town, or any property owned, operated or maintained by an improvement district, was actually given to the town clerk of the Town or the town superintendent of highways of the Town, and there was a failure or neglect within a reasonable time after the giving of said notice to repair or remove the defect, danger, or obstruction complained of. No such an 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, bridge, culvert or any other property owned by the Town or any property owned by any improvement district in the Town unless written notice thereof,

(If additional space is needed, please attach sheets of the same size as this and number each)

specifying the particular place, was actually given to the town clerk of the Town or the town superintendent of highways of the Town and there was a failure or neglect to cause said snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of said notice.

Section 2. No civil action shall be maintained against the town or the town superintendent of highways of the Town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks, unless said sidewalks have been constructed or are maintained by the Town or the superintendent of highways of the Town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such a defect or in consequence of existence of snow or ice thereon unless written notice thereof, specifying the particular place was actually given to the town clerk of the Town or the town superintendent of highways of the Town and there was a failure or neglect to cause said defect to be remedied, said snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of said notice.

Section 3. The town superintendent of highways of the Town shall transmit, in writing to the town clerk of the Town within three days after receipt thereof, all written notices received by him pursuant to this local law, and he shall take any and all corrective action with respect thereto as soon as practicable.

Section 4. The town clerk of the Town shall keep an index record, in a separate book of all written notices which the town 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 town highway, bridge, culvert or sidewalk, or any other property owned by the Town, 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 said notice shall be preserved for a period of five (5) years from the date it is received. The town clerk, upon receipt of such a written notice shall immediately, and in writing, notify the town superintendent of highways of the Town of the receipt of said notice.

Section 5. Nothing contained in this local 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 said actions, 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 Town, its officers and employees, or any of its improvement districts, any greater duty or obligation than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

Section 6. If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, said judgement shall not affect, impair or invalidate the remainder of this local 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 said judgement shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had said provisions not been included

Section 7. This local law shall take effect immediately.