

(Use this form to file a 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.

~~XXXXXX~~  
~~XXXXXX~~  
Town  
~~XXXXXX~~

Stratford, New York

COPY

Local Law No. 1 of the year 1996

A local law Providing for the Written Notification of Defects and Obstructions on Town Highways, Bridges, Streets, Sidewalks, Crosswalks and Culverts in the Town of Stratford, New York

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~Society~~  
~~Village~~  
Town  
~~Village~~

of Stratford as follows:

**TOWN OF STRATFORD, NEW YORK**

**LOCAL LAW NO. 1 FOR THE YEAR 1996**

**A LOCAL LAW PROVIDING FOR THE WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS AND CULVERTS IN THE TOWN OF STRATFORD, NEW YORK**

BE IT ENACTED by the Town Board of the Town of Stratford, New York as follows:

- SECTION 1. TITLE
- SECTION 2. DEFINITION
- SECTION 3. PRIOR WRITTEN NOTICE
- SECTION 4. RECORDS
- SECTION 5. EFFECT ON OTHER REQUIREMENTS FOR STATUTES
- SECTION 6. SUPERSEDES SUBDIVISION 1 AND 3 OF SECTION 65-a OF THE TOWN LAW
- SECTION 7. SEPARABILITY
- SECTION 8. EFFECTIVE DATE

SECTION 1: TITLE:

A. The title of this local law is "A Local Law Providing for the Written Notification of Defects and Obstructions on Town Highways, Bridges, Streets, Sidewalks, Crosswalks and Culverts in the Town of Stratford, New York".

(If additional space is needed, attach pages the same size as this sheet, and number each.)  
(1)

**SECTION 2: DEFINITION:**

A. When the word "Town" is used, it shall mean the Town of Stratford, New York.

**SECTION 3: PRIOR WRITTEN NOTICE:**

A. No civil action shall be maintained against the town or the town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk and culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving 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 person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**SECTION 4: RECORDS:**

A. The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof all written notice received pursuant to this local law and subdivision 2 of section 65-a of the town law. The town clerk shall cause all written notice received pursuant to this local law and subdivision 2 of section 65-a of the town law, to be presented to the town board within five days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

**SECTION 5: EFFECT ON OTHER REQUIREMENTS FOR STATUTES:**

A. Nothing contained in this law shall be held to repeal or modify or waive any existing requirements 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 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, not to impose upon the town, its officers and employees and/or any of its improvement districts, and greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

**SECTION 6. SUPERSEDES SUBDIVISION 1 AND 3 OF SECTION 65-a OF THE TOWN LAW:**

A. This local law shall supersede in its application of the Town of Stratford Subdivisions 1 and 3 of Section 65-a of the town law.

**SECTION 7: SEPARABILITY**

A. If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally by a court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this 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 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 8: EFFECTIVE DATE:**

A. This local law shall take effect immediately upon its passage by the town board of the town and its filing with the secretary of state.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1996 of the ~~(County)(City)(Town)(Village)~~ of Stratford was duly passed by the Town Board on Jan. 11, 1996, in accordance with the applicable provisions of law. (Name of Legislative Body)

~~Passage by local legislative body only approved or disapproved or rescinded after disapproval by the Elective Chief Executive Officer~~  
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was ~~(approved)(not disapproved)(rescinded after disapproval)~~ by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ in accordance with the applicable provisions of law.

~~Final adoption by referendum~~  
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was ~~(approved)(not disapproved)(rescinded after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ in accordance with the applicable provisions of law.

~~Special referendum by referendum and final adoption by referendum~~  
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was ~~(approved)(not disapproved)(rescinded after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ Such local law was subject to a referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.