

TOWN OF STRATFORD, FULTON COUNTY, NEW YORK

Local Law no. 2 of the year 2019

A LOCAL LAW to rescind Local Law 1-2019 dated June 13, 2019 and to enact Local Law 2-2019 to require prior written notice of defects and/or obstructions on Town-owned or Town-maintained properties to the maintenance of a cause of action against the Town of Stratford

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

SECTION 1.

It is the intention of the Town Board to protect the health and safety of the community by requiring actual written notice of the defective and hazardous conditions existing on Town-owned or maintained properties. The receipt of actual written notice will enhance the Town's ability to remedy dangerous conditions on all properties under the management and care of Town personnel in an expeditious and safe manner.

SECTION 2.

Be it enacted by the Town Board of Stratford that no civil action shall be maintained against any Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, street, crosswalk, bridge, culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, street, crosswalk, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and that 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, nor such action shall be maintained for damages or injuries to person or property sustained solely in consequences of the existence of snow or ice upon any highway, street, crosswalk, bridge 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 a 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 3.

No civil action shall be maintained against any Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequences of the existence of snow or ice upon any of its sidewalks, unless such 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 defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Town Superintendent of Highways, and there was a failure to neglect to cause such defect to be remedied, 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.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten days after the receipt thereof all written notices received by him pursuant to this section.

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SECTION 5.

The Town Clerk of each Town shall keep an indexed record, in a separate book, of all written notices which she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town Highway, street, crosswalk, bridge, culvert or sidewalk, which record shall state the date of 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. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

SECTION 6.

It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portion of the §65-a of the Town Law of the State of New York. This Local Law shall supersede in its application NYS Town Law §65-a, sections 1 and 4. This local law shall supersede all previous laws, especially Local Law 1-1980 and Local Law 1-1996.

SECTION 7.

This local law will take effect immediately upon its filing in the office of the Secretary of State.