

LOCAL LAW NO. 1 OF 1992

A LOCAL LAW TO PROVIDE FOR WRITTEN NOTICE TO THE TOWN CLERK OF THE TOWN OF RICHFORD OR TO THE TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF RICHFORD WITH REGARD TO DEFECTIVE AND/OR SNOW AND ICE CONDITIONS OF HIGHWAYS AND SIDEWALKS AND/OR OTHER PROPERTY OWNED BY THE TOWN OF RICHFORD OR ANY OF ITS IMPROVEMENT DISTRICTS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RICHFORD IN THE COUNTY OF TIOGA AS FOLLOWS:

SECTION I

No civil action shall be maintained against the Town of Richford, or the Town Superintendent of Highways of the Town of Richford, or against any improvement district in the Town of Richford for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, or any other property owned by the Town of Richford or any property owned by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highways, bridge, culvert or any other property owned by the Town of Richford or any property owned by any improvement district, was actually given to the Town Clerk of the Town of Richford or the Town Superintendent of Highways of the Town of Richford 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; and no such 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 of Richford or any property owned by any improvement district in the Town of Richford unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town of Richford or the Superintendent of Highways of the Town of Richford, 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 II

No civil action shall be maintained against the Town of Richford and/or the Town Superintendent of Highways of the Town of Richford for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town of Richford or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town of Richford or the Superintendent of Highways of the Town of Richford pursuant to law, 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 of the Town of Richford or to the Town Superintendent of Highways of the Town of Richford, and there was a failure or 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 III

The Town Superintendent of Highways of the Town of Richford shall transmit, in writing, to the Town Clerk of the Town of Richford within ten (10) days after receipt thereof, all written notices received by him pursuant to this law, and he shall take any and all corrective action with respect thereto as soon as possible.

SECTION IV

The Town Clerk of the Town of Richford shall keep an index 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 an accumulation of ice and snow upon any Town highway, bridge, culvert or a sidewalk, or any other property owned by the Town of Richford, 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 such notice shall be preserved for a period of five years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing, notify the Town Superintendent of Highways of the Town of Richford of the receipt of such notice.

SECTION V

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, nor to impose upon the Town of Richford its officers and employees, and/or any of its improvement districts, any 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.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgement 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 judgement 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 VI

This law shall take effect immediately upon its passage by the Town Board of the Town of Richford and its filing with the Secretary of State.

Filed: