
(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 underline to indicate new matter.

County
City
Town of Clarendon
Village

Proposed Local Law No. 1 of the year 2022

A local law entitled Providing for Written Notification of Defects and Obstructions on Town Highways, Bridges, Streets, Sidewalks, Crosswalks and Culverts in the Town of Clarendon.

Be it enacted by the Town Board of the

County
City
Town of Clarendon

as follows:

Village

A Local Law entitled Providing for Written Notification of Defects and Obstructions on Town Highways, Bridges, Streets, Sidewalks, Crosswalks and Culverts in the Town of Clarendon.

SECTION 1.

No civil actions shall be maintained against the Town or Town Superintendent of Highways, nor other employees or offices thereof acting in such capacity, for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or 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 2.

The written notice hereunder shall contain at least the following information:

- A. Name and mailing address of person giving notice;
- B. A precise statement as to the nature and extent of any defective, unsafe, dangerous or obstructed condition or the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert within the Town of Clarendon;
- C. The approximate date that such condition first became known to the person giving notice;
- D. The exact location of such condition, giving wherever possible reference to a street address or addresses, utility pole numbers or such other geographic references as will aid the Town in properly locating such condition.

SECTION 3.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this Local Law and Subdivision 2 of Section 65-1 of the town law. The Town Clerk shall cause all written notices 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 4.

The Town Clerk shall keep a separate indexed record by location of all notices received pursuant to Town law, Section 65-a, Subdivision 4.

SECTION 5.

It is the intent of the Clarendon Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of Section 65-a of the Town Law of the State of New York. This Local Law shall supersede in its application NYS Town Law Section 65-a, Section 1, 2 and 3.

SECTION 6.

All prior, inconsistent Local Laws or Ordinances including Town of Clarendon Local Law No. 2 of the year 1988 and Town of Clarendon Local Law No. 1 of the year 2010 be and the same are hereby, rescinded and repealed.

SECTION 7.

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance.