

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

Text of Law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of Knox
~~Village~~
Town

Local Law No. 1 of the year 19 82

A local law to require prior written notice of town property defects
(Insert title)

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

~~County~~
~~City~~ of Knox as follows:
~~Town~~
~~Village~~

Section 1. No civil action shall be maintained against the town of Knox or the town superintendent of highways of the town, or against a property (including those arising 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, operated or maintained 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 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 any improvement district, was actually given to the town clerk of the town or the town superintendent of highways of the town, and there was thereafter a failure or neglect within a reasonable time 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 or any property owned by any improvement district in the town 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 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. No civil action will be maintained against the town and/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 such sidewalks have been constructed or are maintained by the town or the superintendent of highways of the town pursuant to statute.

If a second page is needed, please attach sheets of the same size as this, and number each.

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 or to the town superintendent of highways of the town 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 3. The town superintendent of highways of the town shall transmit, in writing, to the town clerk of the town within five (5) 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 practicable.

Section 4. The town clerk of the town shall keep an accurate record, 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 a sidewalk, or any other property owned by the town, or by any improvement district. The town clerk, upon receipt of such written notice, shall immediately and in writing notify the town superintendent of highways of the town of the receipt of such notice.

Section 5. Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations but, on the contrary, shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall 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, 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.

Section 6. This local law shall take effect immediately.