

TOWN OF SCHROON
Local Law No. 1 of the year 1975
CLAIMS AGAINST TOWN (CIVIL ACTION) LAW

A local law requiring written notification as a prerequisite to maintaining a civil action against the Town of Schroon.

Be it enacted by the Town Board of the Town of Schroon as follows:

SECTION 1: REQUIREMENT OF WRITTEN NOTIFICATION

SECTION 1. WRITTEN NOTICE REQUIRED FOR INJURIES ON HIGHWAYS AND TOWN PROPERTY

No civil action shall be maintained against the Town of Schroon or the Town Superintendent of Highways of the Town of Schroon or against any improvement district in the Town of Schroon, 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 Schroon, or any property owned by any improvement district, 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, or any other property owned by the Town of Schroon, or any property owned by any improvement district, was actually given to the Town Clerk of the Town of Schroon or the Town Superintendent of Highways of the Town of Schroon, 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 Schroon, or any property owned by any improvement district in the Town of Schroon, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town of Schroon or the Town Superintendent of Highways of the Town of Schroon 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. WRITTEN NOTICE REQUIRED FOR INJURIES ON TOWN SIDEWALKS

No civil action shall be maintained against the Town of Schroon and/or the Town Superintendent of Highways of the Town of Schroon for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town of Schroon 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 Schroon or the Superintendent of Highways of the Town of Schroon 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 of the Town of Schroon or to the Town Superintendent of Highways of the Town of Schroon, 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. DUTIES OF TOWN SUPERINTENDENT OF HIGHWAYS PERTAINING TO NOTICES

The Town Superintendent of Highways of the Town of Schroon shall transmit, in writing, to the Town Clerk of the Town of Schroon, within ten (10) days after receipt thereof, all written notices received by him pursuant to this law.

SECTION 4. DUTIES OF TOWN CLERK PERTAINING TO NOTICES

The Town Clerk of the Town of Schroon shall keep an index record, in a separate book, of all written notices which he 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 sidewalk, 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 each notice shall be preserved for a period of five (5) years after the date it is received.

SECTION 5. REPEAL OF EXISTING REQUIREMENTS NOT INTENDED

Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions 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 Schroon and/or any of its improvement districts any greater duty or obligation than it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

SECTION 6. EFFECT OF INVALIDITY

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 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.