

Chapter 81**NOTIFICATION OF DEFECTS**

§ 81-1. Prior written notice required for maintenance of civil actions.

§ 81-2. Duty of Superintendent of Highways.

§ 81-3. Statutes superseded.

[HISTORY: Adopted by the Town Board of the Town of Vernon 3-4-1996 as L.L. No. 1-1996.¹ Amendments noted where applicable.]

§ 81-1. Prior written notice required for maintenance of civil actions.

No civil actions shall be maintained against the town or Town Superintendent of Highways 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

¹ Editor's Note: This local law repealed former Ch. 81, Notification of Defects, adopted 9-8-1986 as L.L. No. 2-1986.

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.

§ 81-2. Duty of Superintendent of Highways.

The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within five (5) days after the receipt thereof all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five (5) days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 81-3. Statutes superseded.

This chapter shall supersede, in its application to the Town of Vernon, Subdivisions 1 and 3 of § 65-a of the Town Law.