

TOWN OF STRATFORD
FULTON COUNTY, NEW YORK 13470

LOCAL LAW No. 2-2023

NOTICE OF HIGHWAY DEFECTS

A local law providing for written notification of defects and obstructions on Town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Stratford, New York.

BE IT ENACTED by the Town Board of the Town of Stratford, New York

SECTION 1. 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 given to the Town Clerk or Superintendent of highways. There was a failure or neglect within a reasonable time after giving such notice to repair or remove the defect, danger, or obstruction complained of.

NO such action shall be maintained for damages or injuries to a 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 given to the Town Clerk or Town Superintendent of highways. 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 receiving such notice.

SECTION 2. The Town Superintendent of highways shall transmit in writing to the Town Clerk within five days after receiving all written notices from this local law and subdivision 2 of section 65-a 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 receipt or at the next succeeding Town Board meeting, whichever shall be sooner.

SECTION 3 This local law shall supersede it's application to the Town of Stratford subdivisions 1 and 3 of section 65-a of the Town Law.

SECTION 4 This local law shall take effect immediately upon its filing in the office of the Secretary of State.

Please note that Town Law Section 65-a, Subdivision 4, requires the Town Clerk to keep a separate indexed record (by location) of all such notices received. In the event of litigation, the Town will be expected to demonstrate compliance with this provision.

MOTION BY: Supervisor Richard Fogarty

SECOND BY: Councilman John Ploss

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ADOPTED SEPTEMBER 14, 2023

CERTIFICATION

I hereby certify that the aforementioned is a true and accurate copy of a Local Law adopted by the Town of Stratford Town Board.

SEAL

DATED: SEPTEMBER 14, 2023

Patricia A. W. Dineen, Town Clerk