

Chapter 109
NOTIFICATION OF DEFECTS

§ 109-1. Prior notice required.

§ 109-4. Indexed record.

§ 109-2. Supersession of Town Law.

§ 109-5. Other requirements.

§ 109-3. Distribution of notice.

[HISTORY: Adopted by the Town Board of the Town of Henderson 6-4-1981 by L.L. No. 1-1981. Amendments noted where applicable.]

§ 109-1. Prior notice required.

No action or special proceeding shall be prosecuted or maintained against the Town of Henderson for personal injury or damage to real or personal property alleged to have been sustained by reason of any highway, street, bridge, culvert, sidewalk or any other town property being defective, out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of ice or snow thereon, unless written notice of such defective, out of repair, unsafe, dangerous or obstructed condition, or the existence of ice or snow, was actually given to the Town Clerk or Town Highway Superintendent 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, or to cause the ice or snow to be removed, or the place otherwise made reasonably safe.

§ 109-2. Supersession of Town Law. [Added 8-14-1996 by L.L. No. 1-1996]

Pursuant to § 10, Subdivision 1(ii)d(3), of the Municipal Home Rule Law this chapter supersedes the provisions of § 65-a, Subdivisions 1 and 2, of the Town Law.

§ 109-3. Distribution of notice.

The Town Clerk shall transmit, in writing, to the Town Highway Superintendent, and the Town Highway Superintendent shall transmit, in writing, to the Town Clerk, within 24 hours after receipt thereof, a copy of said notice received pursuant to this chapter.

§ 109-4. Indexed record.

The Town Clerk shall keep an indexed record, in a separate book, of all written notices which are received of the existence of a defective, out of repair, unsafe, dangerous or obstructed condition, or of such ice and snow, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom said notice is received.

§ 109-5. Other requirements.

Nothing herein contained shall be construed to relieve a claimant of the obligation to file a notice of claim as provided by § 50-e of the General Municipal Law. Further, nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement of statute of limitations which is applicable to these classes of actions but, on the contrary, shall be held to be additional requirements of the right to maintain such action.