

Notice of Highway Defects

Town of Berkshire Local Law No. 1 of the year 1995

Be it enacted by the town board of the Town of Berkshire as follows:

◆SECTION I:

No civil action shall be maintained against any town or any 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 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 failure or neglect within a reasonable time after the given 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 neglect to cause such snow or ice to be removed, or to make place otherwise reasonable safe within a reasonable time after the receipt of such notice.

◆SECTION II:

The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof all written notices received pursuant to 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 the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

◆SECTION III:

This local law shall supersede in its application of the Town of Berkshire subdivisions 1 and 3 of section 65-a of the Town Law.

◆SECTION IV:

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