

## **TOWN OF OSSIAN LOCAL LAW NO. 2 OF 2019**

### **A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SDIEWALKS, CROSSWALKS, AND CULVERTS IN THE TOWN OF OSSIAN**

Be it enacted by the Town Board of the Town of Ossian.

Section 1. No civil action shall be maintained against the town, Town Supervisor 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, specifying the particular location and the defect or condition complained of, was actually given to the Town Clerk, Town Supervisor, 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 and condition complained of, was actually given to the Town Clerk, Town Supervisor, or Town Superintendent of Highways and 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 the receipt of such notice.

Such notice shall be dated, signed, and provide contact information for the person giving the notice.

Section 2. If the Town Supervisor or Town Superintendent of Highways initially receives said written notice pursuant to this Local Law and Town Law Section 65-a, subdivision 21, he/she shall transmit said written notice to the Town Clerk within two (2) business days after the receipt thereof. 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 (5) days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner. If the Town Clerk or Town Supervisor initially receives such notice, he/she must transmit a copy thereof to the Town Superintendent of Highways within one (1) business day after receipt

Section 3. Pursuant to Town Law 65-a, subdivision 4, the Town Clerk shall maintain a separate indexed record, by location, of all such notices received. This Prior Notice Register shall consist of a separate book or log in which all prior written notices are filed. The front of this book/log shall contain an index of all prior written notices received, and the back of the book shall

contain the actual written notices. The index shall contain (a) the date the written notice was received, (b) the name and address of the complainant, (c) the nature of the complaint and location thereof, and (d) the corrective actions taken (if any).

Section 4. This Local Law shall supersede in its application to the Town of Ossian subdivisions 1 and 3 of Section 65-a of the Town Law.

Section 5. This local law shall take effect immediately upon its filing in the office of the Secretary of State.