

## Chapter 105

### NOTICE OF DEFECTS

**[HISTORY: Adopted by the Town Board of the Town of Skaneateles 10-16-1997 by L.L. No. 3-1997.<sup>1</sup> Amendments noted where applicable.]**

#### GENERAL REFERENCES

Defense and indemnification of employees — See Ch. 6.  
Streets and sidewalks — See Ch. 129.

#### **§ 105-1. Title.**

This chapter shall be known as the "Prior Written Notice of Defective Conditions Local Law of the Town of Skaneateles, 1997."

#### **§ 105-2. Findings; purpose.**

Where claims for bodily injury or damage to property are asserted against the Town arising out of alleged defective conditions of property owned by or in the care, custody or control of the Town, adequate notice to the Town of any such conditions is of substantial importance to allow the Town the opportunity to investigate and correct such conditions, if found to exist. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town. To assure that the Town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It is the purpose of this chapter to require that notice of defective conditions of Town property be given to the Town by prior written notice actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Skaneateles.

#### **§ 105-3. Prior written notice required.**

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

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<sup>1</sup>. Editor's Note: This local law supersedes former Ch. 105, Notice of Defects, adopted 8-6-1985 by L.L. No. 2-1985.

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 the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**§ 105-4. Transmittal of notice; presentation to Town Board.**

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 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 days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

**§ 105-5. Supersession of statute.**

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