

Chapter 169

NOTIFICATION OF DEFECTS

§ 169-1. Written notice of defective or unsafe conditions.

§ 169-3. Transmittal of written notices.

§ 169-2. Written notice of snow or ice.

§ 169-4. Indexed record.

[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 8-13-1985 by L.L. No. 4-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification of employees — See Ch. 14.

Streets and sidewalks — See Ch. 228.

§ 169-1. Written notice of defective or unsafe conditions.

No civil action shall be maintained against the Village of St. Johnsville for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless:

- A. Written notice of such defective, unsafe, dangerous or obstructed condition was received by the Village Clerk or the Superintendent of Public Works; and
- B. 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.

§ 169-2. Written notice of snow or ice.

No civil 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 or culvert, unless:

- A. Written notice thereof, specifying the particular place, was actually received by the Village Clerk or Village Superintendent of Public works; and
- B. There was a 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.

§ 169-3. Transmittal of written notices.

The Village Superintendent of Public Works shall transmit in writing to the Village Clerk within 10 days after the receipt thereof, all written notices received by his Department pursuant to § 169-1 or 169-2 of this chapter.

§ 169-4. Indexed record.

The Village Clerk shall keep an indexed record in a separate book of all written notices which said Clerk shall receive pursuant to this chapter of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Village highway, bridge or culvert, 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 the notice is received. The record of each notice shall be preserved for a period of five years after the date it is received.