TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
Local Law No. ___ of the Year 2023

LOCAL LAW PROVIDING FOR PRIOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS AND CULVERTS IN THE TOWN OF TICONDEROGA

Be it enacted by the Town Board of the Town of Ticonderoga, in the County of Essex, as follows:

SECTION 1. PURPOSE AND INTENT

It is the intention of the Town Board of the Town of Ticonderoga to provide for prior written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Ticonderoga. .

SECTION 2. PRIOR WRITTEN NOTICE OF DEFECTS .

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 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.

SECTION 3. NOTIFICATION OF RECEIPT OF WRITTEN NOTICES

The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received pursuant to this local law.

SECTION 4. INDEXING OF WRITTEN NOTICES

The town clerk of each town shall keep an indexed record, in a separate book, of all written notices received of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any town highway, bridge, culvert or sidewalk, 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. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of

five years after the date it is received.

SECTION 5. SUPERSEDING OF TOWN LAW OF THE STATE OF NEW YORK

It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of § 65-a of the Town Law of the State of New York. This Local law shall supersede in its application NYS Town Law §65 a, Sections 1, 2 & 3.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.