

Chapter 58

NOTIFICATION OF DEFECTS

[HISTORY: Adopted by the Town Board of the Town of Benton 11-10-1983 by L.L. No. 1-1983. Amendments noted where applicable.]

§ 58-1. Notice required.

No civil action shall be maintained against any town or Town Superintendent of Highways 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 written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge 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; but 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 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 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.

§ 58-2. Transmittal of notice.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after receipt thereof all written notices received by him pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received by him or her 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.

§ 58-3. Supersession of Town Law.

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