

Local Law #1 - 1985

Legal Notice

NOTICE OF PUBLIC HEARING  
TOWN OF NEW SCOTLAND

PLEASE TAKE NOTICE THAT there has been introduced before the Town Board of the Town of New Scotland on December 4, 1985 Local Law No. 1 of the year 1985 entitled, "Prior Written Notice in Claims Against the Town of New Scotland" and providing for the requirement of the giving of certain written notices in certain civil actions against the Town of New Scotland for damages or injuries to persons or property.

PLEASE TAKE FURTHER NOTICE THAT pursuant to statute, the Town Board of the Town of New Scotland will hold a public hearing on the proposed Local Law No. 1 of the year 1985 at the Town Hall, Town of New Scotland, RD Slingerlands, New York at 9:00 a.m. on December 20, 1985 at which time all persons interested will be heard.

PLEASE TAKE FURTHER NOTICE THAT a special Town Board Meeting should be held at 9:15 a.m. following the aforesaid public hearing for the purpose of considering the adoption of the said Local Law and again,

PLEASE TAKE FURTHER NOTICE that copies of said Local Law may be obtained at Town Hall, Town of New Scotland, RD Slingerlands, New York.

DATED: December 4, 1985

BY ORDER OF THE TOWN BOARD, TOWN OF NEW SCOTLAND  
CORINNE COSSAC  
Town Clerk

Local Law 1 - 1985

"Prior Written Notice in Claims Against the Town of New Scotland."

Text

LOCAL LAW NO. 1 of 1985  
for the TOWN OF NEW SCOTLAND

INTRODUCTION:

A Local Law entitled, "Local Law No. 1 of 1985" to provide for the requirement of the giving of certain written notices in certain civil actions against the Town of New Scotland for damages or injuries to persons or property.

BE IT ENACTED by the Town Board of the Town of New Scotland as follows:

- SECTION I: No civil action shall be maintained against the Town 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. 1) Written notice of such defective, unsafe, dangerous or obstructed conditions was received by the Town Clerk or the highway superintendent; and
  - 2) There was a failure or neglect within a reasonable time after giving of such notice to repair or remove the defect, danger or obstruction complained of.
  - b. No such actions 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 or bridge or culvert, unless:
    - 1) Written notice thereof, specifying the particular place was actually received by the Town Clerk or the highway superintendent of the Town and,
    - 2) 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.

SECTION II: The highway superintendent of the Town shall transmit in writing to the Town Clerk within ten (10) days after the receipt thereof all written notices received by the highway superintendent pursuant to Section I of this Local Law.

SECTION III: The Town Clerk shall keep an indexed record in a separate book of all written notices, which

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SECTION III-CONTINUED:

dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town 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 records of each notice shall be preserved for a period of 5 years after the date it is received.

SECTION IV: This law shall take effect immediately.