

Local Law No.1 of the year 1978

A Local Law entitled

Liability of Town and Town Superintendent of Highways in Certain Actions

Be it enacted by the Town Board of the Town of Brighton as follows:

SECTION I. No civil action shall be maintained against the Town of Brighton on its 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, or in consequence of the existence of accumulation of snow or ice upon any street, highway, bridge or culvert, unless written notice of the existence of such condition, relating to the particular place, had theretofore actually been given to the Town Clerk or Town Superintendent of Highways and there had been a failure of neglect on the part of said Town to cause such condition or defect to be corrected or such snow or ice to be removed, or to make the place otherwise reasonably safe within reasonable time after the receipt of such notice.

SECTION II. The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten days after the receipt thereof of all written notices received by him pursuant to this Local Law.

SECTION III. The Town Clerk of each Town shall keep an indexed record, in a separate book, of all written notices which he/she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of snow or ice upon any Town Highway, bridge, culvert or sidewalk, which record shall state the date of receipt of 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.

SECTION IV. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by an existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the Town of Brighton.

SECTION V. This local law shall take effect immediately after filing with the Secretary of State of the State of New York.
I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 1978 of the Town of Brighton was duly passed by the Town Board on December 14, 1978 in accordance with applicable provisions of law.

Margaret Monteau
Town Clerk, Town of Brighton