

TOWN OF SPAFFORD LOCAL LAW NO. 7 OF 2025

“A LOCAL LAW TO PROVIDE FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS AND CULVERTS IN THE TOWN OF SPAFFORD

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to require prior written notification of defects of Town highways, bridges, streets, sidewalks, crosswalks or culverts as a condition precedent to any civil claim or action.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law Section 10.

SECTION 3. PRIOR WRITTEN NOTICE.

No civil actions shall be maintained against the Town of Spafford or the 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 physical 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 the 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 physical written notice thereof, specifying the particular place, was actually given to the Town Clerk or the 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.

Service of written notice of any defect described in this Local Law shall be accomplished by personal service or service by registered or certified mail actually received by the Town Clerk or Town Superintendent of Highways as specified herein. The written notice must be made by the witness to the condition, defect or obstruction. The written notice must identify, with particularity, the specific nature and location of each condition, defect or obstruction complained of. Notice of a defect submitted via email, the Town of Spafford’s website, any service, website, or application the Town uses to allow the public to submit reports or service requests to the Town, comments on a social media page maintained by the Town, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this Section.

SECTION 4. TRANSMITTAL OF NOTICE.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten (10) days after the receipt thereof all written notice received pursuant to this Local Law.

SECTION 5. RECORD OF NOTICES.

The Town Clerk 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 names 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 effective, 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 (5) years after the date it is received.

SECTION 6. SUPERSESION.

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 and §50-e of the General Municipal Law. This Local Law shall supersede in its application New York State Town Law §65-a Sections 1, 2 and 3 and § 50-e Section 4 of the General Municipal Law.

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, section, article, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall now affect, impair or invalidate the remainder of this Local Law, but shall be confined to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall be rendered.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York Secretary of State.”