

Local Law Number 1 of 2025

Town of Barre Notice of Defects Law

A local law providing for written notification of defects and obstruction on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Barre.

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

Section 1.

- A. No civil actions shall be maintained against the Town of Barre or Town of Barre Highway Superintendent 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 of Barre Town Clerk or Highway Superintendent, and there was a failure or neglect within a reasonable time after the giving such notice to repair or remove the defect, danger, or obstruction complained of.
- B. No civil 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, bridge, street, sidewalk, crosswalk, or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Highway Superintendent 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 2.

The Highway Superintendent shall transmit in writing to the Town Clerk within ten days after the receipt of all written notices received pursuant to this local law.

Section 3.

The Town Clerk will 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 4.

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 New York State Town Law §65-a, Sections 1, 2, and 3.

Section 5.

This local law shall be effective immediately upon filing with the New York Secretary of State.