

**TOWN OF GUILDERLAND
LOCAL LAW NO. 1 OF 2022**

**(REPLACING TOWN CODE ARTICLE 1 (“Notification of Defects”) of
CHAPTER 243 (“Streets”) WITH THE FOLLOWING
NEW ARTICLE 1 of Chapter 243)**

Be it enacted by the Town Board of the Town of Guilderland that Town Code Article 1 (“Notification of Defects”) of Chapter 243 (“Streets”) is stricken in its entirety, and replaced with the following:

Article 1 Notification of Defects

§243-1. Civil actions against Town.

- A. No civil actions shall be maintained against the Town of Guilderland or the 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 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 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.
- B. 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 written notice thereof, specifying the particular place, was actually given to the Town Clerk or Superintendent of Highways 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.

§243-2. Record of written notices.

The Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this article and NYS Town Law §65-a (2). The Town Clerk shall cause all written notices received pursuant to this article and NYS Town Law §65-a (2) 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.

§243-3. Validity.

In the event that any section, paragraph, clause or other provision of this article is or shall be held or adjudged invalid or unconstitutional, such validity shall not affect the validity of any other provision of this article.

§243-4. Supersede.

This section shall supersede in its application NYS Town Law §65-1 (1) & (2).

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

Dated: January __, 2022

Lynne M. Buchanan, Town Clerk