

TOWN OF GENOA
LOCAL LAW No. 1 of the year 1986

A local law which requires prior written notice of defects in any Town property real or personal, or obstructions, or accumulations of ice or snow on Town highways, bridges, culverts, and other real property, in connection with claims for damages or injuries sustained by reason thereof. Town property is defined as the real estate and personal property owned by the Town of Genoa or that owned by any special district of the Town of Genoa to include but not limited to its water districts or any other district of the Town now in existence or hereafter established by the Town.

BE IT ENACTED by the Town Board of the Town of Genoa as follows:

SECTION 1.

No civil action shall be maintained against the Town of Genoa or any of its officers or employees for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, or any other real or personal property of the Town and or any real or personal property of the Town's special districts, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, or other Town or district real or personal property was actually given to the Clerk of the Town or the Town Superintendent of Highways, and there was a failure or neglect to repair or remove the defect, danger or obstruction complained of within a reasonable time after the receipt of such written notice. Town property is defined as the real estate and personal property owned by the Town of Genoa, or that owned by any special district of the Town of Genoa to include but not limited to its water districts or any other district of the Town now in existence or hereafter established by the Town.

SECTION 2.

No civil action shall be maintained against the Town of Genoa or its special districts or any of its officers or employees for damages or injuries to person or property sustained solely by reason of the existence of snow or ice upon any highway, bridge, culvert, or sidewalk, or other Town property, unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Town 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 receipt of such written notice. Town property is defined as the real estate and personal property owned by the Town of Genoa or that owned by any special district of the Town of Genoa to include but not limited to its water districts or any other district of the Town now in existence or hereafter established by the Town.

SECTION 3.

The Town Superintendent of Highways shall transmit in writing to the Clerk of the town within (10) days after the receipt thereof received by him pursuant to this law.

SECTION 4.

The Clerk of the Town 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 any Town property, or of an accumulation of ice or snow upon any Town highway, bridge, culvert, or sidewalk or other Town property which record shall state the date of the 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 record of each notice shall be preserved for a period of five (5) years after the date it is received.

SECTION 5.

If any clause, sentence, paragraph, section, part or provision of this law shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder

of this law, but shall be confined in its operation and effect to the clause, sentence, paragraph, section, part or provision thereof directly involved in the controversy or action in which such judgment shall have been rendered.

SECTION 6.

This Local Law shall take effect immediately.

Note:

There are spelling and other typographical errors in the document. These are errors that exist in the actual law itself, and have merely been ignored during transferal to electronic format in the interest of continuity. However, if there seems to be an error not present in the law itself, contact the webmaster.