

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

Local Law No. B of 2025

**LOCAL LAW REQUIRING PRIOR NOTIFICATION OF DEFECTS**

**BE IT ENACTED** by the Town Board of the Town of Germantown as follows:

**SECTION 1. TITLE.**

This Local Law shall be entitled “A Local Law Requiring Prior Notification of Defects.”

**SECTION 2. PURPOSE.**

This Local Law provides for and requires prior written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Germantown.

**SECTION 3. AUTHORITY AND SUPERSESION.**

This Local Law is adopted pursuant to the State Constitution Article IX and Municipal Home Rule Law section 10. It is the intend of the Town Board, pursuant to the Municipal Home Rule Law to supersede such portions of Town Law § 65-a, subsections 1, 2, and 3.

**SECTION 4. PRIOR NOTIFICATION REQUIRED.**

- A. No civil actions shall be maintained against the town or 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 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 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 written notice thereof, specifying the particular place, was actually given to the town clerk or town 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.
- B. The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received pursuant to this local law.

- C. 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 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 5. REPEAL.**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION 6. SEVERABILITY.**

If any section, provision or part thereof of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

**SECTION 7. WHEN EFFECTIVE.**

This local law shall take effect immediately upon filing with the Secretary of State.