

Prior Written Notice Statute: TOWNS

Notice of Defects Law

LOCAL LAW NO. 01 - 2026

of the year 2026

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

Be it enacted by the Town Board of the Town of Franklin.

Section 1. 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.

Section 2. 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.

Section 3. The town clerk of each 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, 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 NYS Town Law §65 a, Sections 1, 2 & 3.

Section 5. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

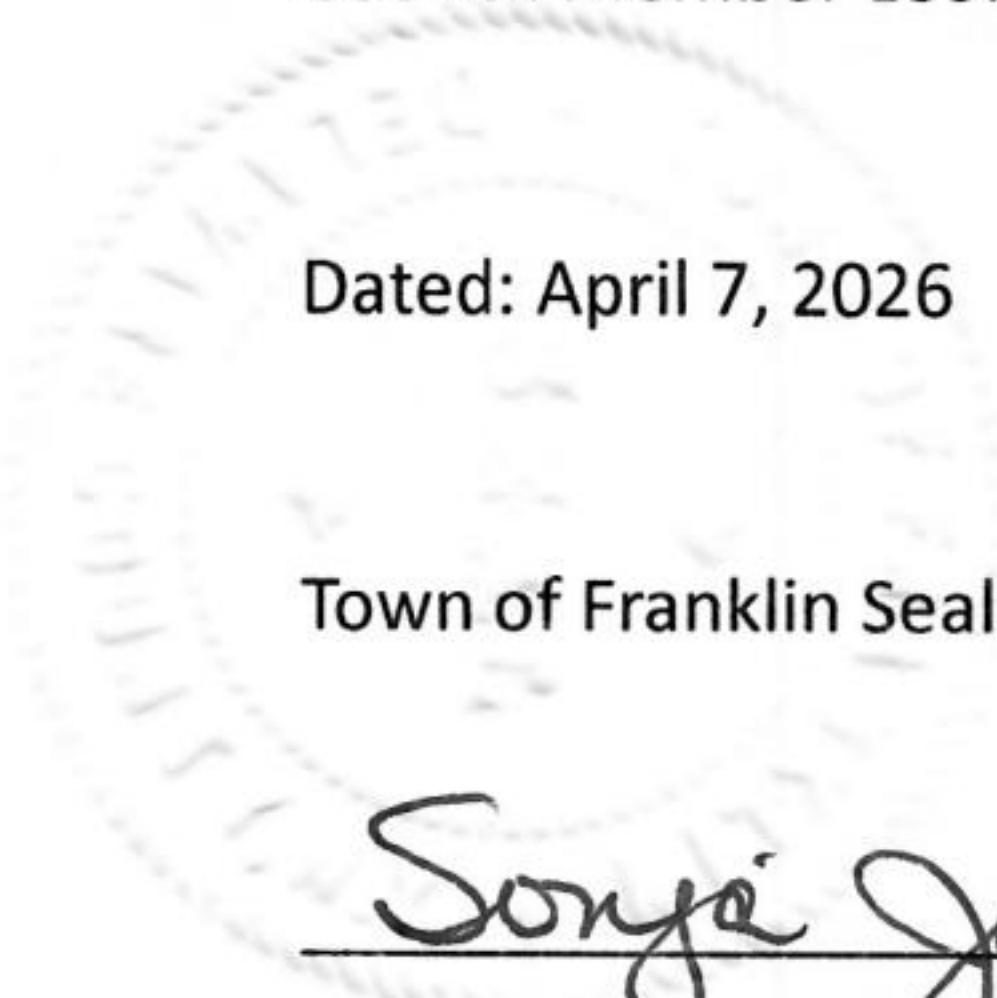
CERTIFICATION

I, Sonja Johns, do hereby certify that I am the Town Clerk of the Town of Franklin and that the foregoing constitutes a true, correct and complete copy of a Local Law No. 1 – 2026, duly adopted by the Town Board of the Town of Franklin at a meeting thereof held at the Town Highway Garage, 12480 County Hwy 21, Franklin NY on the 7th day of April, 2026. Said Town Law was adopted by the following roll call vote:

Supervisor Donald T. Smith:	Aye
Council Member Dwight Bruno:	Aye
Council Member Heather Ross:	Aye
Council Member Garrett Sitts:	Aye
Council Member Leonarda "Teddie" Storey:	Aye

Dated: April 7, 2026

Town of Franklin Seal


Sonja Johns, Town Clerk
Sonja Johns, Town Clerk