

1/84 Require prior written notice of village property defects

Be it enacted by the Board of Trustees of the Village of Fonda as follows:

Section 1 No civil action shall be maintained against the village of Fonda or the village superintendent of highways of the village or against an improvement district in the village for damages or injuries to person or property including those arising from the operation of snowmobiles sustained by reason of any highway bridge culvert highway marking sign or device or device or any other property owned operated or maintained by the village or any improvement district therein 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 highway marking sign or devise or any other property owned operated or maintained by the village or any property owned operated or maintained by any improvement district was actually given to the village clerk of the village or the village superintendent of highways of the village and there was thereafter a failure or neglect within a reasonable time to repair or remove the defect danger or obstruction complained of and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway bridge culvert or any other property owned by the village or any property owned by any improvement district in the village unless written notice thereof specifying the particular place was actually given to the village clerk of the village or the village superintendent of highway of the village 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 the receipt of such notice

Section 2 No civil action will be maintained against the village and or the village superintendent of highway so the village for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the village or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the village or the superintendent of highways of the village pursuant to stature nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of which existence of snow or ice unless written notice thereof specifying the particular place was actually given to the village clerk of the village or to the village superintendent of highways of the village and there was a failure or neglect to cause such defect to be remedied 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 3 The village superintendent of highways of the village shall transmit in writing to the village clerk of the village within 5 days after receipt thereof all written notices received by him pursuant to this law and he shall take any and all corrective action with respect hereto as soon as practicable.

Section 4 The village clerk of the village shall keep an accurate record of all written notices which the village clerk shall receive of the existence of a

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defective unsafe dangerous or obstructed condition in or upon or of an accumulation of ice and snow upon any village highway bridge culvert or a sidewalk or any other property owned by the village or by any improvement district. The village clerk upon receipt of such written notice shall immediately and in writing notify the village superintendent of highways of the village of the receipt of such notice

Section 5 Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations but on the contrary shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village its officers and employees and or any of its improvement districts any greater duty or obligations than that it shall keep its street sidewalks and public places in a reasonable safe condition for public use and travel.

Section 6 This local law shall take effect immediately.