

Chapter 28

NOTIFICATION OF DEFECTS

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 1-8-1996 as L.L. No. 1-1996. Amendments noted where applicable.]

§ 28-1. Notification required.

No action or special proceeding shall be commenced, prosecuted or maintained against the Village of Alden, any officers, agents, employees or appointees of the Village of Alden for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such Village of Alden, any officers, agents, employees or appointees of the Village of Alden for the defective, unsafe, out-of-repair, dangerous or obstructed condition, including the existence of snow, ice, loose gravel or other foreign substance thereon, of any village-owned, leased or otherwise controlled property of any kind, including but not limited to streets, roads, highways, sidewalks, bridges, land, culverts, sluices, street or traffic control signs, poles, standards, gravel pits, driveways, buildings and other structures, equipment, disposal sites, streams or bodies of water, drains, parks, playgrounds, recreation areas, tennis courts, swimming pools, wading pools, pavilions, waterlines, sewer lines and utilities, either aboveground or underground, unless written notice thereof was actually given to the Village Clerk of the Village of Alden previously thereto and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove such condition complained of.

§ 28-2. Contents of notice.

Such written notice shall contain the name and address of the person giving such notice, the date of existence and condition complained of, the location of the condition and a description of the condition.

§ 28-3. Notification of Clerk.

The Code Enforcement Officer, Superintendent of Public Works or Trustees of the Village of Alden shall transmit, in writing, to the Village Clerk of the Village of Alden, within ten (10) days after the receipt thereof, all written notices received by said officer, Superintendent or elected official.

§ 28-4. Recordkeeping.

Recordkeeping requirements pertaining to such notices, including preservation of the notices, shall be as set forth in Subdivision g of § 4-402 of the Village Law of the State of New York, as amended from time to time, or other statute amendatory thereto.

§ 28-5. Liability restrictions.

Nothing herein shall be construed as enlarging in any way the liability of the Village of Alden, any officers, agents, employees or appointees of the Village of Alden.

§ 28-6. Construal of provisions.

Nothing herein shall be deemed in any way to alter or amend the time limitations nor service requirements of §§ 50-e through 50-i of the General Municipal Law of the State of New York as the same now exists or may be hereafter amended.

§ 28-7. Applicability.

Nothing contained herein, however, shall be held to revive any claim or cause of action now barred by any existing requirements or statute of limitation or to waive any existing limitation now applicable to any claim or cause of action against the Village of Alden.