

LOCAL LAW INTRO. NO. 2024

A LOCAL LAW a Local Law amending Chapter 780 of the Laws of Westchester County relating to the requirement that the County receive prior written notice of a defective condition to maintain a civil action.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 780 of the Laws of Westchester County is hereby amended to read as follows:

Chapter 780

Sec. 780.01. - Notice of defective condition required prior to maintenance of civil action.

- a. No civil action shall be maintained against the County or any of its departments, agencies, offices, boards, commissions, subdivisions, its officers or employees for damages or injuries to person or property sustained ~~in consequences~~ by reason of any road, street, parking lot and parking field, highway, guide rail, bridge, viaduct or overpass, culvert, sidewalk, ~~or~~ crosswalk, walkway, pathway, boardwalk, step, stairs, or stairway, crosswalk, underpass, ramp, runway or taxiway, tree, tree limb, bush, or vegetation, or building or other property and land, or any part or portion of any of the foregoing including any encumbrances thereon or attachments thereto, under the jurisdiction of the County, allegedly being defective, out of repair, unsafe, dangerous, or obstructed, or in consequence of the existence of snow or ice thereon, unless the County received prior written notice within a reasonable time before said injury or property damage was sustained, of such defective, unsafe, dangerous, or obstructed condition, or that snow or ice existed on or around the items identified above, specifying the particular place and nature of the alleged condition, ~~was actually given to the Clerk of the Board of Legislators or the Commissioner of Public~~

~~Works and Transportation 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, or snow or ice complained of or to make the place otherwise reasonably safe, in the absence of such notice, unless such defective, unsafe, dangerous, or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence; nor shall any civil action be maintained against the County, its officers or employees for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any road, street, highway, bridge, culvert, sidewalk or crosswalk, unless prior written notice thereof, specifying the particular place, was actually given to the Clerk of the Board of Legislators or Commissioner of Public Works and Transportation 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.~~

- b. “Reasonable time” shall mean (i) at least 30 days for conditions other than ice and snow, and (ii) at least 72 hours for conditions caused by snow or ice prior to an incident, in which damages or injuries to a person or property occurred.
- c. Prior written notice shall be made in writing by certified or registered mail to the Clerk of the Board of Legislators or Commissioner of Public Works and Transportation.

Sec. 780.11. - Submission of notices to Clerk.

The Commissioner of Public Works and Transportation shall transmit in writing to the Clerk of the Board of Legislators, within ten days after receipt thereof, all written notices received by him or her pursuant to section 780.01.

Sec. 780.21. – Record of notices.

The Clerk of the Board of Legislators shall keep an indexed record, in a separate book, of all written notices which he or she shall receive pursuant to section 780.01 or section 780.11 of the existence of such defective, unsafe, dangerous, ~~or~~ obstructed condition, or snow or ice which record shall set forth the date of receipt of such notice, the nature and locations 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 years after the date it is received.

Sec. 780.31. – Other duties not affected.

Nothing set forth in this chapter shall relieve a claimant from compliance with any other provision of law, including but not limited to timely service of a notice of claim in accordance with law.

Section 3. Effective Date. This Local Law shall take effect immediately after enactment.

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