

Chapter 295, NOTIFICATION OF DEFECTS

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Sub-Part XV of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Claims against City -- See Ch. 33.
Streets and sidewalks -- See Ch. 355.

§ 295-1. Liability of City in certain actions limited; prior notice required.

Second Class Cities Law § 244 is hereby superseded and amended in its application to the City of Binghamton, to read as follows:

§ 244. Liability of city in certain actions.

No civil action shall be maintained against the City of Binghamton for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed in consequence of the existence of ice or snow thereon, or out of repair, defective, dangerous, unsafe or obstructed in any other way or manner unless it is made to appear that written notice thereon relating to the particular time and place and condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Commissioner of Public Works at least 24 hours previous to such damage or injury and that there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of.

The City shall not be liable in a civil action for damages or injuries to person or property, or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the City, or any of its agents, officers or employees, unless a notice of claim shall have been made and served in compliance with § 50-e of the General Municipal Law, nor unless an action shall be commenced thereon within one year after the happening of such accident or injury, or the occurrence of such act, omission, fault or neglect; but no action shall be commenced to recover upon or enforce any such claim against the City until the expiration of three months after the service of said notice. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations, nor to waive any existing limitation now applicable to any claim or cause of action against the City.