

Chapter 6

LIABILITY OF TOWN

§ 6-1. Written notice of highway defects required.

§ 6-2. Written notice of sidewalk defects required.

§ 6-3. Transmittal of notices; corrective action.

§ 6-4. Record of *notices*.

§ 6-5. Applicability.

§ 6-1. Written notice of highway defects required.

No civil action shall be maintained against the Town of Canton, hereinafter referred to as the "town", or the Superintendent of Highways of the town, or against any improvement district in the town for damages or injuries to person or property, including those arising from the operation of snowmobiles and all terrain vehicles, sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town or any property owned, operated or maintained by 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 device or any other property owned, operated or maintained by the town or any property owned, operated or maintained by any improvement district was actually given to the Town Clerk or the Superintendent of Highways of the town 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; 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 town or any property owned by any improvement district in the town, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or the Superintendent of Highways of the town 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.

§ 6-2. Written notice of sidewalk defects required.

No civil action will be maintained against the town and/or the Superintendent of Highways of the town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the town 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 town or the Superintendent of Highways of the town pursuant to statute; nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Superintendent of Highways of the town and there was a failure or neglect to cause such defect to be remedied or 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.

§ 6-3. Transmittal of notices; corrective action.

The Superintendent of Highways of the town shall transmit, in writing, to the Town Clerk, within ten (10) days after receipt thereof, all written notices received by him pursuant to this chapter, and he shall take and document any and all corrective action with respect thereto as soon as practicable.

§ 6-4. Record of notices.

The Town Clerk shall keep an index record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any town highway, bridge, culvert, sidewalk or any other property owned by the town or by any improvement district, which record shall state the date of the 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. The record of such notice shall be preserved for a period of five (5) years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Highways of the town of the receipt of such notice.

§ 6-5. Applicability.

Nothing contained in this chapter shall be held to repeal, modify or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the town, its officers and employees and/or any of its improvement districts any greater duty or obligation than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.