

Chapter 112

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Board of the Town of Conklin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Littering from Vehicles [Adopted 6-5-1945]

§ 112-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

VEHICLE — Includes any and all carts, wagons or conveyances which are run on wheels or runners and shall be propelled or drawn by man, beast or power.

§ 112-2. Prohibited acts

Every person, firm or corporation is hereby prohibited from the deposit of any dirt, filth, waste, rubbish, wastepaper, garbage cans or any other obstruction within the bounds of the highways in the Town of Conklin, Broome County, New York. Refuse such as rubbish, dirt, metal fillings and particles, pieces of junk and other waste material dropped or spread from a moving vehicle through and upon the highways and streets of said town shall constitute a violation of this article.

§ 112-3. Penalties for offenses. ¹

Any person, firm or corporation violating any provision of any section of the foregoing article, or who or which violates or shall fail to comply with said article, shall forfeit and pay a penalty of not more than \$250 and/or imprisonment for not more than 15 days for each offense.

ARTICLE II Notification of Defects [Adopted 5-13-1975 by L.L. No. 1-1975]

§ 112-4. Standards for liability. ²

- A. No civil action shall be maintained against the Town of Conklin, the Town Superintendent of Highways or any other town official or employee for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually given to

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the Town Clerk or Town Superintendent of Highways and that 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 or, 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 or reasonable care and diligence; but no action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways 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. No civil action shall be maintained against the Town of Conklin, the Town Superintendent of Highways or any other town official or employee for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless said sidewalks have been constructed or are maintained by the town or the Town Superintendent of Highways 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 Town Superintendent of Highways 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 receipt of such notice.