Town of Lyonsdale Local Law No. 2025-01: Road Hazard Management and Safety

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Section 1. Title

This law shall be known as the **"Road Hazard Management and Safety Law"** of the Town of Lyonsdale.

Section 1-A. Statutory Authority

This Local Law is enacted pursuant to the authority granted under Article IX of the New York State Constitution and the Municipal Home Rule Law §§ 10(1)(i) and 10(1)(ii)(a)(12), which allow towns to enact laws to promote public safety and welfare. Additional authority is provided under New York Town Law § 64 and Highway Law §§ 140 and 142 concerning highway maintenance and town governance.

Section 2. Purpose and Disclaimer of Liability

The purpose of this law is to promote public safety by establishing standards for identifying and responding to hazardous conditions on town roads. However, **this law shall not be construed to create any affirmative duty or liability on the part of the Town**, its officers, or employees for any damages or injuries unless expressly required by statute and only when all applicable notice and response requirements, as defined herein, have been met.

Disclaimer of Liability:
No civil action shall lie against the Town, its agents, or employees for injuries or damages arising from any defect, condition, or hazard in or upon any road, right-of-way, sidewalk, or public way unless:

1. The Town or its Highway Superintendent is legally responsible for the maintenance of such location under applicable statute, **and**
2. **Actual written notice** of the specific defect or hazard was provided to the **Town Clerk, Town Supervisor, and Town Highway Superintendent**, specifying the precise location, nature, and condition, and

3. The Town failed to act within the timelines and capabilities reasonably available, as set forth herein.

Section 3. Definitions

- **Road Hazard**: Any physical condition on a Town-maintained public road that poses a potential risk to the safe movement of traffic or pedestrians.
- **Emergency Road Hazard**: A severe and immediate danger requiring urgent action (e.g., downed wires, washed-out roads).
- **Complete Road Hazard Report**: A formal, fully documented notification including:
  a. Reporter's full name and contact info
  b. Exact location (street, nearest cross/intersection, or coordinates)
  c. Detailed description (size, type, visibility)
  d. Timestamp and date of observation
  e. At least one photograph or video
- **Public Reporter**: Any resident, visitor, business, or motorist utilizing the Town's public roadways.

Section 4. Public Duty to Report

4.1 Reporting Requirement:
Any road user observing a potential Road Hazard is **encouraged**—and in the case of hazards caused by the individual or their operations, **required**—to submit a **Complete Road Hazard Report** to the Town Clerk, Town Supervisor, and Highway Superintendent, or via the Town's designated online portal, within 24 hours.

4.2 Anonymous Reports Prohibited:
Only reports with complete identifying information will be acted upon for liability or legal purposes. Anonymous or incomplete submissions shall not be deemed "notice" for the purposes of this law or any tort claim.

4.3 Contractors and Responsible Parties:
Contractors, utility companies, or others engaged in road-related activities who fail to report conditions created or exacerbated by their work may be held **liable** for any resulting harm or cost of remediation.

Section 5. Town Responsibilities (Conditioned)

5.1 Inspection Timeline:
Upon receiving a **Complete Road Hazard Report**, the Town Highway Superintendent shall, to the extent practicable and subject to funding and staffing, inspect the site within 48 hours (non-emergencies) or within 12 hours (emergencies).

5.2 Remediation:
Non-emergency hazards shall be addressed within a **reasonable time** after inspection, not to exceed **7 business days**, unless weather, budgetary constraints, or third-party coordination justifies a longer period. Emergency hazards shall be acted on **as soon as reasonably possible**.

5.3 No Guarantee of Immediate Action:
The Town assumes **no legal obligation** to remedy or prioritize any hazard except as outlined herein and after full compliance with reporting and procedural requirements.

5.4 Public Advisories:
In cases of high-risk hazards, the Town may, at its discretion, issue advisories via local media or digital channels. The **absence of a public advisory does not imply Town fault or awareness.**

Section 6. Monitoring and Preventive Efforts

The Highway Superintendent may conduct periodic road inspections **as staffing, weather, and resources permit**. Prioritization shall be based on traffic volume, past incidents, and infrastructure significance.

Section 7. Preventive Maintenance

The Town shall undertake preventive maintenance as is feasible, including pothole repair, signage upkeep, vegetation control, and drainage clearing, but **expressly disclaims any guarantee of continuous or universal maintenance.**

Section 8. Enforcement and Penalties

8.1 Failure to Report Hazard Creation:
Any person, business, or contractor who causes a road hazard and fails to notify the Town may be fined up to **$500 per incident** and held responsible for mitigation costs.

8.2 Obstruction of Mitigation:
Any interference with authorized mitigation efforts may result in fines, removal, legal action, and/or revocation of permits.

Section 9. Emergency Response

In cases of large-scale or unmanageable hazards, the Town shall seek assistance from county, state, or federal agencies. The Town bears no liability for delay where jurisdiction or resources are insufficient.

Section 10. Severability

If any part of this law is found invalid, the remaining sections shall remain in effect.

Section 11. Effective Date

This law shall take effect upon adoption by the Town Board and filing with the Department of State

Town of Lyonsdale Town Board
[Date]