

General Claim Form & Information

General Claims:

The liability of the Town of Ipswich is set and limited by state law. Generally, the Town is liable only for specific acts of negligence in responding to dangerous conditions, not for the dangerous conditions themselves. For example, the Town is liable if it does not repair a pothole within a reasonable time after discovering it – the Town is not responsible for keeping the streets free of potholes. The law also imposes strict requirements for filing claims. Claims involving streets (potholes, road defects, etc) must be filed within 30 days of the incident. If you believe you meet the criteria, you should file an insurance claim against the Town.

Pothole Claims:

Potholes are generally caused by the combination of the expansion and contraction of freezing and thawing water underneath the road surface and the compression and recompression caused by motor vehicles passing over the surface. Once the surface of the road is broken, the pieces are knocked away by passing cars and the material underneath is washed away by rain. The freezing and thawing conditions can produce a very large number of potholes overnight. DPW puts crews out to repair potholes. Pothole reports can be submitted to DPW online with the Pothole Report Form or by calling the DPW Clerk at 978-356-6612.

Under state law, the city is responsible for repairing defects in public ways. The law does not guaranty the safe condition of public ways. The law makes the city liable for damages caused by defects only if the Town fails to make repairs within a reasonable time after the defect appears on the road. We use 72 hours as a reasonable time to repair a pothole after it is reported. Even if the Town is negligent for not repairing a pothole on a timely basis, state law prevents the city from paying the claim if the driver was also negligent. Exceeding the speed limit is the most common form of driver negligence.

If you believe that the Town was negligent by not repairing a pothole or if it appears that the pothole was within a portion of a street opened and patched by a contractor, you should file a claim against the Town