S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to permits for cellular antennas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 28-103.14.1 of the administrative code of the city of New York, as added by local law number 33 of the city of New York for the year 2007, is amended to read as follows:

S28-103.14.1 [List of permits] PERMITS for cellular antenna; LIST; INSPECTIONS. 1. PRIOR TO THE ISSUANCE OF AN ALTERATION PERMIT FOR THE ERECTION OR PLACEMENT OF ANTENNAE USED TO PROVIDE CELLULAR TELEPHONE OR SIMILAR SERVICE OR ANY STRUCTURE RELATED TO SUCH SERVICE, THE COMMISSIONER SHALL CONSIDER THE AGGREGATE TOTAL NUMBER OF ANTENNAS IN EXISTENCE AT AND PROPOSED FOR THE SUBJECT PROPERTY AT THE TIME OF SUBMISSION OF THE APPLICATION FOR A PERMIT.

2. The commissioner shall maintain a separate list of alteration permits issued for the erection or placement of antennae used to provide cellular telephone or similar service or any structure related to such service which shall, at a minimum, set forth the name, business address and business telephone number of the applicant, the date of the application, the date the permit was issued, the location for which the permit was issued, including the premises address and the zoning district, whether residential, commercial, or manufacturing, [and] the number of permits issued for such purpose at the same location AND THE NAME OF THE COMPANY THAT IS OR WILL BE UTILIZING THE ANTENNAE TO PROVIDE CELLULAR TELEPHONE OR SIMILAR SERVICE. UPON COMPLETION OF THE INSPECTION REQUIRED BY SUBDIVISION THREE OF THIS SECTION, SUCH LIST SHALL BE UPDATED TO SET FORTH THE ELECTROMAGNETIC FREQUENCY BEING EMITTED FROM EACH CELLULAR ANTENNA FOR WHICH A PERMIT WAS ISSUED. Such list shall be

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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made available to the public upon request between regular business hours and shall be available to the public in electronic format on a 24-hour basis on the department's website. THE INFORMATION CONTAINED ON SUCH LIST SHALL ALSO BE INCLUDED ON THE DEPARTMENT'S BUILDING INFORMATION SYSTEM AND ASSOCIATED WITH THE ENTRY FOR THE APPROPRIATE PROPERTY.

3. IN ADDITION TO OTHER REQUIRED INSPECTIONS, THE COMMISSIONER SHALL, WITHIN THIRTY DAYS OF ISSUANCE OF AN ALTERATION PERMIT FOR THE ERECTION OR PLACEMENT OF ANTENNAE USED TO PROVIDE CELLULAR TELEPHONE OR SIMILAR SERVICE OR ANY STRUCTURE RELATED TO SUCH SERVICE, MAKE OR REQUIRE INSPECTIONS OF SUCH ANTENNAE TO ASCERTAIN COMPLIANCE WITH THE PROVISIONS OF THIS CODE, THE PROVISIONS SET FORTH IN THE APPLICATION FOR AN ALTERATION PERMIT AND ANY OTHER LAWS, RULES OR REGULATIONS THAT ARE ENFORCED BY THE DEPARTMENT, AS WELL AS TO ANALYZE COMPLIANCE WITH THE STANDARDS OF THE FEDERAL COMMUNICATIONS COMMISSION FOR ELECTROMAGNETIC FREQUENCY EMISSIONS. SUCH INSPECTIONS MAY BE MADE ON BEHALF OF THE DEPARTMENT BY OFFICERS AND EMPLOYEES OF THE DEPARTMENT AND OTHER CITY DEPARTMENTS AND GOVERNMENTAL AGENCIES AND BY APPROVED AGENCIES, SPECIAL INSPECTORS OR OTHER PERSONS WHEN THE COMMISSIONER IS SATISFIED AS TO THEIR QUALIFICATIONS AND RELIABILITY. THE COMMISSIONER MAY ACCEPT INSPECTION AND TEST REPORTS FROM PERSONS AUTHORIZED BY THIS CODE OR BY THE COMMISSIONER TO PERFORM SUCH INSPECTIONS. SUCH REPORTS SHALL BE FILED WITH THE DEPARTMENT.

4. UPON COMPLETION OF THE INSPECTION REQUIRED BY SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER SHALL ISSUE A CERTIFICATION OF COMPLIANCE TO THE HOLDER OF THE PERMIT THAT SHALL INCLUDE ALL OF THE INFORMATION CONTAINED ON THE LIST MAINTAINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

S 2. This act shall take effect immediately.