

333

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 requiring the city of New York to repair any sidewalk damaged by a tree under its exclusive care

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 18-105.2 to read as follows:
3 S 18-105.2 TREES AND SIDEWALKS REPAIR PROGRAM. A. THE COMMISSIONER
4 SHALL ARRANGE FOR THE REPAIR OF ANY SIDEWALK FLAG DAMAGED BY THE GROWTH
5 OF ROOTS OF ANY TREE UNDER THE EXCLUSIVE CARE OF THE COMMISSIONER AND
6 THAT IS ADJACENT TO ANY CLASS ONE PROPERTY OR CLASS TWO PROPERTY THAT IS
7 A RESIDENTIAL CONDOMINIUM OR RESIDENTIAL COOPERATIVE, AS SUCH CLASSES OF
8 PROPERTY ARE DEFINED IN SUBDIVISION ONE OF SECTION EIGHTEEN HUNDRED TWO
9 OF THE REAL PROPERTY TAX LAW, THAT IS IN WHOLE OR IN PART OWNER OCCUPIED
10 AND USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES OR ADJACENT TO ANY HOUSE
11 OF RELIGIOUS WORSHIP.
12 B. BEFORE MAKING THE SIDEWALK FLAG REPAIR, AS REQUIRED UNDER SUBDIVI-
13 SION A OF THIS SECTION, THE COMMISSIONER SHALL PRUNE THE ROOTS OF THE
14 TREE CAUSING THE DAMAGE TO THE SIDEWALK FLAG.
15 C. ALL SIDEWALK FLAG REPAIRS SHALL CONFORM WITH THE RULES AND SPECIFI-
16 CATIONS PROMULGATED BY THE COMMISSIONER OF TRANSPORTATION FOR SIDEWALK
17 REPAIRS.
18 S 2. This act shall take effect on the sixtieth day after it shall
19 have become a law.

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

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