

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the general municipal law, in relation to limiting the presence of hazardous wildlife attractants near certain airports located in cities having a population of one million or more persons

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

1     Section 1. Section 355 of the general municipal law, as amended by  
2 chapter 840 of the laws of 1977, is amended to read as follows:  
3     S 355. Acquisition of rights and property surrounding airports. 1. Any  
4 county, city, village or town which has established and is operating, or  
5 will hereafter establish and operate, an airport, landing field or seaplane harbor, is hereby authorized to condemn, or acquire by purchase or  
6 gift, the right to abate or remove any flight hazard including any  
7 structure, building, tower, pole, wire, tree or other thing, or portion  
8 thereof, located within the flight hazard area being the approach and  
9 turning zones which lie within three thousand feet of such airport,  
10 landing field or seaplane harbor or within such greater distance as the  
11 Federal Civil Aeronautics Administration or its successor may declare to  
12 be necessary with respect to any particular airport, landing field or  
13 seaplane harbor for the approach and turning zones appurtenant thereto,  
14 and which the governing body of such county, city, village or town shall  
15 determine to constitute a menace to the safety of aircraft using such  
16 airport, landing field or seaplane harbor, or to the safety of persons  
17 and property within the flight hazard area above defined, including the  
18 right of ingress to and egress from the place upon which such structure,  
19 building, tower, pole, wire, tree or other thing exists, for the purpose  
20 of such abatement or removal. Any such county, city, village or town is  
21 further authorized to condemn or acquire by purchase or gift, the right  
22 to unobstructed use of such portion of the air space within three thou-  
23

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

1 sand feet of such airport, landing field or seaplane harbor or within  
2 such greater distance as may be certified to be necessary in the manner  
3 heretofore provided in this section so that nothing will interfere with  
4 the ascent or the descent of any aircraft at a gliding angle of one foot  
5 in height to every thirty feet of horizontal distance from the nearest  
6 point of such airport, landing field or seaplane harbor or at such other  
7 angles as may be declared by the Federal Civil Aeronautics Adminis-  
8 tration, or its successor, as necessary for the approach and turning  
9 zones with respect to any particular airport, landing field or seaplane  
10 harbor. Any such county, city, village or town is further authorized to  
11 condemn, or acquire by purchase or gift, for a term of years or perpetu-  
12 ally, the right to place and maintain, obstruction markers and/or lights  
13 upon any structure, building, tower, pole, wire, tree, or other thing  
14 located within three thousand feet of such airport, landing field or  
15 seaplane harbor or within such greater distance as may be certified to  
16 be necessary in the manner heretofore provided in this section, which  
17 the governing body of such county, city, village or town shall determine  
18 to constitute a menace to aerial navigation to or from said airport,  
19 landing field or seaplane harbor, including the right to lay and main-  
20 tain conduits and wires to such obstruction markers and/or lights. Any  
21 such property or property right in any structure, land, building, tower,  
22 pole, wire, tree or other thing or portion thereof shall be acquired by  
23 purchase, if the county, city, village or town is able to agree with the  
24 owners on the terms thereof, and otherwise any such property or property  
25 right in any structure, land, building, tower, pole, wire, tree or other  
26 thing or portion thereof may be taken by acquisition, in the manner  
27 provided by and subject to the provisions of the eminent domain proce-  
28 dure law.

29 2. ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE PERSONS OR ANY  
30 PUBLIC AUTHORITY OPERATING IN SUCH CITY, SUBJECT TO THE PROVISIONS OF  
31 THIS SUBDIVISION WHICH HAS ESTABLISHED AND IS OPERATING, OR WILL HERE-  
32 AFTER ESTABLISH AND OPERATE, AN AIRPORT, LANDING FIELD OR SEAPLANE  
33 HARBOR, SHALL, PROHIBIT THE CONSTRUCTION, DEVELOPMENT OR SITING OF  
34 HAZARDOUS WILDLIFE ATTRACTANTS AT OR NEAR SUCH AIRPORT, LANDING FIELD OR  
35 SEAPLANE HARBOR. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "HAZARDOUS  
36 WILDLIFE ATTRACTANTS" SHALL MEAN COMMERCIAL DISPOSAL OPERATIONS, WASTE  
37 TRANSFER STATIONS, WASTEWATER TREATMENT PLANTS AND COMMERCIAL AGRICUL-  
38 TURE AND COMMERCIAL AQUACULTURE ACTIVITIES. ADDITIONALLY, ANY CITY  
39 HAVING A POPULATION OF ONE MILLION OR MORE PERSONS OR ANY PUBLIC AUTHOR-  
40 ITY OPERATING IN SUCH CITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND  
41 REGULATIONS GOVERNING THE PROHIBITION OF HAZARDOUS WILDLIFE ATTRACTANTS  
42 SO LONG AS THEY ARE CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION.  
43 THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ANY MUNICIPALITY WITH  
44 A POPULATION OF ONE MILLION OR MORE, OR TO A PUBLIC AUTHORITY WHICH  
45 ESTABLISHES AND OPERATES AN AIRPORT, LANDING FIELD OR SEAPLANE HARBOR  
46 WITHIN SUCH MUNICIPALITY.

47 S 2. This act shall take effect on the one hundred eightieth day after  
48 it shall have become a law.