

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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.