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

2381

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to prohibiting the location of manufacturing facilities within five hundred feet of schools and residential areas

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

Section 1. The general municipal law is amended by adding a new section 137 to read as follows:

S 137. LOCATION OF CERTAIN MANUFACTURING FACILITIES. 1. THE GOVERNING BOARD OF ANY MUNICIPAL CORPORATION SHALL NOT ISSUE OR RENEW A PERMIT FOR THE CONSTRUCTION AND USE OF ANY MANUFACTURING OR WAREHOUSE FACILITY WITHIN FIVE HUNDRED FEET OF ANY ELEMENTARY, MIDDLE OR SECONDARY SCHOOL, AREA ZONED FOR ANY RESIDENTIAL USE, OR PARK WHERE SUCH MANUFACTURING OR WAREHOUSE FACILITY WOULD NEGATIVELY AFFECT AIR QUALITY AND POSE A SAFETY HAZARD OR UNREASONABLY INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY WITHIN FIVE HUNDRED FEET OF SUCH FACILITY OR AREA.

2. THIS SECTION SHALL NOT BE CONSTRUED TO AFFECT OR SUPERSEDE ZONING ORDINANCES OR LOCAL LAWS WHICH PROVIDE GREATER RESTRICTIONS TO THE LOCATION OF MANUFACTURING FACILITIES THAN PROVIDED IN THIS SECTION NOW IN EFFECT OR HEREAFTER ENACTED BY ANY MUNICIPALITY WITHIN THE PROPER EXERCISE OF THE POLICE POWER OF SUCH A MUNICIPALITY.

S 2. This act shall take effect immediately.

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

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