

3436

2009-2010 Regular Sessions

I N   S E N A T E

March 19, 2009

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Introduced by Sen. MONSERRATE -- read twice and ordered printed, and  
when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to limiting the  
presence of hazardous wildlife attractants near airports

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  
6     harbor, is hereby authorized to condemn, or acquire by purchase or  
7     gift, the right to abate or remove any flight hazard including any  
8     structure, building, tower, pole, wire, tree or other thing, or portion  
9     thereof, located within the flight hazard area being the approach and  
10    turning zones which lie within three thousand feet of such airport,  
11    landing field or seaplane harbor or within such greater distance as the  
12    Federal Civil Aeronautics Administration or its successor may declare to  
13    be necessary with respect to any particular airport, landing field or  
14    seaplane harbor for the approach and turning zones appurtenant thereto,  
15    and which the governing body of such county, city, village or town shall  
16    determine to constitute a menace to the safety of aircraft using such  
17    airport, landing field or seaplane harbor, or to the safety of persons  
18    and property within the flight hazard area above defined, including the  
19    right of ingress to and egress from the place upon which such structure,  
20    building, tower, pole, wire, tree or other thing exists, for the purpose  
21    of such abatement or removal. Any such county, city, village or town is  
22    further authorized to condemn or acquire by purchase or gift, the right  
23    to unobstructed use of such portion of the air space within three thousand  
24    feet of such airport, landing field or seaplane harbor or within  
25    such greater distance as may be certified to be necessary in the manner

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

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

27 2. ANY COUNTY, CITY, VILLAGE, TOWN OR PUBLIC AUTHORITY WHICH HAS  
28 ESTABLISHED AND IS OPERATING, OR WILL HEREAFTER ESTABLISH AND OPERATE,  
29 AN AIRPORT, LANDING FIELD OR SEAPLANE HARBOR, SHALL, TO THE GREATEST  
30 EXTENT PRACTICABLE, LIMIT THE PRESENCE OF HAZARDOUS WILDLIFE ATTRACTANTS  
31 AT OR NEAR SUCH AIRPORT, LANDING FIELD OR SEAPLANE HARBOR. FOR PURPOSES  
32 OF THIS SUBDIVISION, THE TERM "HAZARDOUS WILDLIFE ATTRACTANTS" SHALL  
33 MEAN STRUCTURES AND AREAS OF LAND THAT ATTRACT WILDLIFE AND INCREASE THE  
34 LIKELIHOOD OF CONFLICT AND STRIKES BETWEEN WILDLIFE AND AIRCRAFT.  
35 HAZARDOUS WILDLIFE ATTRACTANTS SHALL INCLUDE, BUT NOT BE LIMITED TO,  
36 FAST FOOD RESTAURANTS, TAXICAB STAGING AREAS, RENTAL CAR FACILITIES,  
37 AIRCRAFT VIEWING AREAS, PUBLIC PARKS, LAND AREAS WITH POOR DRAINAGE,  
38 DETENTION AND RETENTION PONDS, BUILDINGS AND LANDSCAPING WHICH PROVIDE  
39 ROOSTING HABITATS FOR WILDLIFE, AREAS CONTAINING PUTRESCIBLE WASTE,  
40 DISPOSAL OPERATIONS, WASTE TRANSFER STATIONS, WASTEWATER TREATMENT  
41 PLANTS, AGRICULTURE AND AQUACULTURE ACTIVITIES, SURFACE MINING, AND  
42 WETLANDS.

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