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

467

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the general municipal law, in relation to prohibiting wireless communication facilities on school property

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 79 to read as follows:

S 79. PROHIBITION OF WIRELESS COMMUNICATION FACILITIES; SCHOOL PROPERTY. 1. A MUNICIPAL CORPORATION OR OTHER ENTITY HAVING THE AUTHORITY TO ISSUE A PERMIT OR LICENSE TO AUTHORIZE THE PLACEMENT, ERECTION OR CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY SHALL PROHIBIT SUCH PLACEMENT, ERECTION OR CONSTRUCTION OF SUCH FACILITIES ON SCHOOL GROUNDS OR BUILDINGS UNLESS THE APPLICANT FOR THE PLACEMENT, ERECTION OR CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY SHALL, IN ADDITION TO COMPLIANCE WITH ANY OTHER LOCAL, STATE OR FEDERAL REQUIREMENT:

A. DEMONSTRATE A COMPELLING REASON FOR THE PLACEMENT OF THE TOWER ON SCHOOL PROPERTY;

B. PROVE IT IS A WIRELESS TELECOMMUNICATIONS PROVIDER WITH A VALID FEDERAL COMMUNICATIONS COMMISSION LICENSE TO PROVIDE SERVICE TO THE AREA;

C. PRESENT PROOF THAT ALTERNATIVE SITES HAVE BEEN CONSIDERED AND THAT THE SCHOOL PROPERTY IS THE ONLY SITE WHICH WILL NOT RESULT IN SIGNIFICANT GAPS IN COVERAGE THAT WOULD OTHERWISE EXIST IF A FACILITY WAS PLACED ON ANY OF THE ALTERNATIVE SITES; AND

D. DEMONSTRATE THAT THE FACILITY SHALL EMIT THE LOWEST RADIOFREQUENCY EMISSION LEVEL PRACTICABLE.

2. FOR THE PURPOSES OF THIS SECTION, "WIRELESS COMMUNICATION FACILITY" SHALL MEAN AN UNSTAFFED FACILITY USED IN THE RECEIPT AND TRANSMISSION OF WIRELESS TELEPHONE SERVICE, INCLUDING, BUT NOT LIMITED TO, ANTENNAS,

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

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ANCILLARY TELECOMMUNICATIONS EQUIPMENT AND TELECOMMUNICATIONS TOWERS AND POLES.

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