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

9198

2009-2010 Regular Sessions

I N A S S E M B L Y

October 21, 2009

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Agriculture

AN ACT in relation to prohibiting the issuance of permits to operate, construct or develop slaughterhouses within a fifteen hundred foot radius of a residential dwelling

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

Section 1. a. Notwithstanding any law, rule or regulation promulgated pursuant to the authority of state or local law to the contrary, on and after November 1, 2009, no building permit or approval applying to the development of real estate shall be issued to any person, firm, partnership or corporation to operate, develop or construct any commercial place or establishment where animals and/or fowl are slaughtered or butchered for food if any portion of such facility is located within a fifteen hundred foot radius of a residential dwelling.

b. The provisions of this act shall not apply to any premises upon which a person, firm, partnership or corporation has been continuously conducting business as described in subdivision a of this section from a date prior to the effective date of this act.

c. The provisions of this act shall apply to all real estate development permits and approvals issued pursuant to the authority of state or local law on or after November 1, 2009.

d. The provisions of this section shall not apply to any city having a population in excess of one million people.

e. As used in this section, the term "authority of state or local law" means authority conferred pursuant to any general, special or local law, rule or regulation, charter, ordinance or administrative code pertaining to the planning or zoning of housing accommodations, commercial facilities and incidental facilities, including but not limited to subdivision approvals, variance approvals, special use permits, site plan approvals, county planning board approvals and county health department approvals.

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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