

3436

2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

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 ASSEM-
BLY, 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 seap-
6 lane 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 thou-
24 sand 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.