

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

3436--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 thou-

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

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

29 2. ANY COUNTY, CITY, VILLAGE, TOWN OR PUBLIC AUTHORITY WHICH HAS
30 ESTABLISHED AND IS OPERATING, OR WILL HEREAFTER ESTABLISH AND OPERATE,
31 AN AIRPORT, LANDING FIELD OR SEAPLANE HARBOR, SHALL, PROHIBIT THE
32 CONSTRUCTION, DEVELOPMENT OR SITING OF HAZARDOUS WILDLIFE ATTRACTANTS AT
33 OR NEAR SUCH AIRPORT, LANDING FIELD OR SEAPLANE HARBOR. FOR PURPOSES OF
34 THIS SUBDIVISION, THE TERM "HAZARDOUS WILDLIFE ATTRACTANTS" SHALL MEAN
35 AREAS OF LAND THAT ATTRACT WILDLIFE AND INCREASE THE LIKELIHOOD OF
36 CONFLICT AND STRIKES BETWEEN WILDLIFE AND AIRCRAFT. HAZARDOUS WILDLIFE
37 ATTRACTANTS ARE LAND AREAS WITH POOR DRAINAGE, DETENTION AND RETENTION
38 PONDS, AREAS CONTAINING PUTRESCIBLE WASTE, DISPOSAL OPERATIONS, WASTE
39 TRANSFER STATIONS, WASTEWATER TREATMENT PLANTS, AGRICULTURE AND AQUACUL-
40 TURE ACTIVITIES, SURFACE MINING, AND WETLANDS. ANY COUNTY, CITY,
41 VILLAGE OR TOWN IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS
42 GOVERNING THE PROHIBITION OF HAZARDOUS WILDLIFE ATTRACTANTS.

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