

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

3436--B

2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

Introduced by Sens. MONSERRATE, ADAMS, DIAZ, HASSELL-THOMPSON, C. JOHNSON, MAZIARZ, MONTGOMERY, ONORATO, OPPENHEIMER, STAVISKY -- 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 -- 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 certain 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

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

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

32 2. ANY MUNICIPALITY OR PUBLIC AUTHORITY SUBJECT TO THE PROVISIONS OF
33 THIS SUBDIVISION WHICH HAS ESTABLISHED AND IS OPERATING, OR WILL HERE-
34 AFTER ESTABLISH AND OPERATE, AN AIRPORT, LANDING FIELD OR SEAPLANE
35 HARBOR, SHALL, PROHIBIT THE CONSTRUCTION, DEVELOPMENT OR SITING OF
36 HAZARDOUS WILDLIFE ATTRACTANTS AT OR NEAR SUCH AIRPORT, LANDING FIELD OR
37 SEAPLANE HARBOR. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "HAZARDOUS
38 WILDLIFE ATTRACTANTS" SHALL MEAN COMMERCIAL DISPOSAL OPERATIONS, WASTE
39 TRANSFER STATIONS, WASTEWATER TREATMENT PLANTS AND COMMERCIAL AGRICUL-
40 TURE AND COMMERCIAL AQUACULTURE ACTIVITIES. ADDITIONALLY, ANY MUNICI-
41 PALITY OR PUBLIC AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND
42 REGULATIONS GOVERNING THE PROHIBITION OF HAZARDOUS WILDLIFE ATTRACTANTS
43 SO LONG AS THEY ARE CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION.
44 THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ANY MUNICIPALITY WITH
45 A POPULATION OF ONE MILLION OR MORE, OR TO A PUBLIC AUTHORITY WHICH
46 ESTABLISHES AND OPERATES AN AIRPORT, LANDING FIELD OR SEAPLANE HARBOR
47 WITHIN SUCH MUNICIPALITY.

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