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

581

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. MARCELLINO -- 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 prohibiting the construction of wireless communication facilities within fifteen hundred feet of 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 99-v to read as follows:

S 99-V. CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES ON OR NEAR SCHOOL PROPERTY; PROHIBITION. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SCHOOL PROPERTY" SHALL MEAN ALL BUILDINGS, STRUCTURES AND LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.

(B) "WIRELESS COMMUNICATION FACILITY" SHALL MEAN AN UNSTAFFED FACILITY USED IN THE RECEIPT AND TRANSMISSION OF WIRELESS TELEPHONE SERVICE, INCLUDING, BUT NOT LIMITED TO, ANTENNAS, ANCILLARY TELECOMMUNICATIONS EQUIPMENT AND TELECOMMUNICATIONS TOWERS AND POLES.

2. 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 FACILITY ON SCHOOL PROPERTY OR WITHIN FIFTEEN HUNDRED FEET OF SCHOOL PROPERTY.

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

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

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