

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

7157--A

2011-2012 Regular Sessions

I N A S S E M B L Y

April 14, 2011

Introduced by M. of A. MENG, SIMANOWITZ, JAFFEE, LAVINE, MOYA, ROBERTS, LINARES -- Multi-Sponsored by -- M. of A. CROUCH, P. RIVERA, TOBACCO, WEISENBERG -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- 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 located in cities having a population of one million or more persons

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 harbor, is hereby authorized to condemn, or acquire by purchase or
6 gift, the right to abate or remove any flight hazard including any
7 structure, building, tower, pole, wire, tree or other thing, or portion
8 thereof, located within the flight hazard area being the approach and
9 turning zones which lie within three thousand feet of such airport,
10 landing field or seaplane harbor or within such greater distance as the
11 Federal Civil Aeronautics Administration or its successor may declare to
12 be necessary with respect to any particular airport, landing field or
13 seaplane harbor for the approach and turning zones appurtenant thereto,
14 and which the governing body of such county, city, village or town shall
15 determine to constitute a menace to the safety of aircraft using such
16 airport, landing field or seaplane harbor, or to the safety of persons
17 and property within the flight hazard area above defined, including the
18 right of ingress to and egress from the place upon which such structure,
19

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

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

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

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