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

1632

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sens. STEWART-COUSINS, OPPENHEIMER -- 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 authorizing the local legislative body of a municipality located in the county of Westchester to require any utility company involved in a vegetation management plan to give prior notice to the local legislative body and the residents of the affected community and to hold a public meeting prior to implementation of such plan

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 96-b of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. THE LOCAL LEGISLATIVE BODY OF ANY COUNTY, CITY, TOWN OR VILLAGE LOCATED IN THE COUNTY OF WESTCHESTER IS HEREBY EMPOWERED TO ENACT A LOCAL LAW, RULE OR REGULATION CONTAINING THE FOLLOWING PROVISIONS:

A. ANY UTILITY COMPANY INVOLVED IN A VEGETATION MANAGEMENT PLAN THAT SPECIFICALLY INCLUDES THE CUTTING, TRIMMING AND/OR REMOVAL OF TREES IN ANY COUNTY, CITY, TOWN OR VILLAGE SHALL GIVE SIXTY DAYS NOTICE PRIOR TO THE IMPLEMENTATION OF SUCH ACTIVITY TO THE RESIDENTS OF THE COMMUNITY AFFECTED THEREBY. NO SUCH ACTIVITY SHALL BE COMMENCED UNTIL AFTER SUCH UTILITY COMPANY HAS HELD A PUBLIC MEETING IN RELATION THERETO AT LEAST THIRTY DAYS PRIOR, AT WHICH THE LOCAL LEGISLATIVE BODY AND THE RESIDENTS OF SUCH AFFECTED COMMUNITY SHALL BE PROVIDED WITH THE DETAILS OF SUCH TRIMMING, CUTTING, REMOVAL AND/OR VEGETATION MANAGEMENT PLAN AND WITH AN OPPORTUNITY TO BE HEARD ON SUCH MATTERS;

B. IN THE EVENT OF AN EMERGENCY SITUATION DEEMED TO BE A THREAT TO PUBLIC SAFETY AND WELFARE, SUCH UTILITY COMPANY SHALL NOT BE REQUIRED TO GIVE NOTICE OR TO HOLD A PUBLIC MEETING PRIOR TO THE IMPLEMENTATION OF SUCH A VEGETATION MANAGEMENT PLAN; AND

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

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C. ANY UTILITY COMPANY THAT VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE LIABLE TO A CIVIL PENALTY WHICH SHALL RESULT IN A FINE OF UP TO FIVE THOUSAND DOLLARS FOR A FIRST TIME VIOLATION AND UP TO TEN THOUSAND DOLLARS FOR TWO OR MORE VIOLATIONS INCURRED WITHIN A FIVE YEAR PERIOD. SUCH MONEYS COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED INTO AN ACCOUNT MAINTAINED BY THE LOCAL LEGISLATIVE BODY OF THE AFFECTED LOCALITY. SUCH LOCAL LEGISLATIVE BODY SHALL ESTABLISH SUCH ACCOUNT, TO BE KNOWN AS THE TREE CONSERVATION FUND, FOR THE RECEIPT OF ALL SUCH MONEYS, AND SAID MONEYS SHALL BE UTILIZED BY SUCH LOCAL LEGISLATIVE BODY EXCLUSIVELY TO DEVELOP, IMPLEMENT AND/OR MAINTAIN TREE CONSERVATION PROJECTS WITHIN THE AFFECTED LOCALITY.

D. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY UTILITY COMPANY THAT OPERATES AN INTERSTATE NATURAL GAS PIPELINE THAT IS SUBJECT TO THE JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION.

S 2. This act shall take effect immediately.