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

6494

I N S E N A T E

February 16, 2012

Introduced by Sens. MARTINS, 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 parkland protection

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 article 19-C to read as follows:

ARTICLE 19-C

PARKLAND PROTECTION

SECTION 995. PRESERVATION OF PARKLAND BY PETITION AND REFERENDUM.

S 995. PRESERVATION OF PARKLAND BY PETITION AND REFERENDUM. A. THE RESIDENTS OF ANY TOWN, CITY, VILLAGE OR COUNTY, MAY CIRCULATE A PETITION TO PROVIDE FOR THE DEDICATION OF A PARCEL OF PROPERTY LOCATED WITHIN SUCH TOWN, CITY, VILLAGE OR COUNTY AS PARKLAND. SUCH PETITION SHALL PROVIDE AN EXACT LEGAL DESCRIPTION OF THE PROPERTY, WHICH SHALL BE EITHER PROPERTY OWNED BY THE TOWN, CITY, VILLAGE OR COUNTY, OR PROPERTY OWNED BY A PERSON OR CORPORATION WHERE THE OWNER OR AUTHORIZED OFFICER OF WHICH HAS MADE A SWORN AUTHORIZATION CONSENTING TO HAVE SUCH PARCEL OF PROPERTY CONVERTED EXCLUSIVELY AND PERMANENTLY TO PARKLAND PURPOSES. THE COMPLETE LEGAL DESCRIPTION OF SUCH PARCEL, WHICH SHALL BE DESIGNATED ON THE PETITION AS "LEGAL DESCRIPTION OF PARKLAND TO BE PRESERVED" SHALL BE PRINTED ON THE PETITION UNDER THE TITLE: "PETITION FOR PRESERVATION OF PARKLAND BY PRESERVATION OF PARKLAND BY REFERENDUM."

B. IF THE PARCEL THAT IS SUBJECT OF THE PETITION IS OWNED BY:

1. THE TOWN, THEN THE PETITION MUST BE CIRCULATED IN THE TOWN, WITH ONLY ENROLLED VOTERS OF THE TOWN BEING ELIGIBLE TO SIGN THE PETITION;

2. THE CITY, THEN THE PETITION MUST BE CIRCULATED IN THE CITY, WITH ONLY ENROLLED VOTERS OF THE CITY BEING ELIGIBLE TO SIGN THE PETITION;

3. THE VILLAGE, THEN THE PETITION MUST BE CIRCULATED IN THE VILLAGE, WITH ONLY ENROLLED VOTERS OF THE VILLAGE BEING ELIGIBLE TO SIGN THE PETITION;

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

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4. THE COUNTY, THEN THE PETITION MUST BE CIRCULATED IN THE COUNTY, WITH ONLY ENROLLED VOTERS OF THE COUNTY BEING ABLE TO SIGN THE PETITION; OR

5. A PERSON OR CORPORATION, WHERE THE OWNER OR AUTHORIZED OFFICER OF WHICH HAS MADE A SWORN AUTHORIZATION CONSENTING TO HAVE SUCH PARCEL OF PROPERTY CONVERTED EXCLUSIVELY AND PERMANENTLY TO USE FOR PARKLAND PURPOSES, THEN THE PETITION MAY BE CIRCULATED IN THE TOWN, CITY, VILLAGE OR COUNTY IN WHICH THE PARCEL IS LOCATED, AT THE SELECTION OF THE PETITIONERS, WITH ONLY ENROLLED VOTERS OF SUCH SELECTED TOWN, CITY, VILLAGE OR COUNTY BEING ELIGIBLE TO SIGN THE PETITION.

C. FOR A PETITION UNDER THIS SECTION TO BE VALID, IT MUST CONTAIN THE NAMES AND ADDRESSES OF THREE PERSONS WHO HAVE AGREED TO SERVE AS A COMMITTEE TO RECEIVE NOTICES.

D. UPON THE CONCLUSION OF THE CIRCULATION OF SUCH PETITION DESCRIBED IN SUBDIVISION A OF THIS SECTION, THE PETITION MAY BE FILED WITH THE COUNTY OR CITY BOARD OF ELECTIONS IN WHICH THE PARCEL OF PARKLAND IS LOCATED. SUCH PETITION MUST CONTAIN SIGNATURES OF REGISTERED VOTERS OF SUCH TOWN, CITY, VILLAGE OR COUNTY IN WHICH IT WAS CIRCULATED, IN AN AMOUNT OF:

1. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE TOWN, IF THE PETITION WAS CIRCULATED IN A TOWN, OR ONE THOUSAND ENROLLED VOTERS OF THE TOWN, WHICHEVER IS LESS;

2. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE CITY, IF THE PETITION WAS CIRCULATED IN A CITY, OR ONE THOUSAND ENROLLED VOTERS OF THE CITY, WHICHEVER IS LESS, UNLESS THE CITY CONTAINS A POPULATION OF ONE MILLION OR MORE PEOPLE;

3. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE CITY, IF THE PETITION WAS CIRCULATED IN A CITY, OR FIVE THOUSAND ENROLLED VOTERS OF THE CITY, WHICHEVER IS LESS, IF THE CITY CONTAINS A POPULATION OF ONE MILLION OR MORE PEOPLE;

4. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE VILLAGE, IF THE PETITION WAS CIRCULATED IN A VILLAGE, OR FIVE HUNDRED ENROLLED VOTERS OF THE VILLAGE, WHICHEVER IS LESS;

5. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE COUNTY, IF THE PETITION WAS CIRCULATED IN A COUNTY, OR FIFTEEN HUNDRED ENROLLED VOTERS OF THE COUNTY, WHICHEVER IS LESS, UNLESS THE COUNTY IS WHOLLY CONTAINED WITHIN A CITY; AND

6. NOT LESS THAN FIVE PERCENT OF THE TOTAL NUMBER OF ENROLLED VOTERS OF THE COUNTY, IF THE PETITION WAS CIRCULATED IN A COUNTY, OR THREE THOUSAND ENROLLED VOTERS OF THE COUNTY, WHICHEVER IS LESS, IF THE COUNTY IS WHOLLY CONTAINED WITHIN A CITY.

E. FOR THE PETITION TO BE VALID IT MUST CONTAIN A SUFFICIENT NUMBER OF SIGNATURES, AS SET FORTH IN PARAGRAPH D OF THIS SECTION, COLLECTED WITHIN ONE HUNDRED TWENTY DAYS OF THE EARLIEST DATE OF A SIGNATURE ON THE PETITION SO FILED. IF THE PETITION HAS A SIGNIFICANT NUMBER OF SIGNATURES, THEN THE BOARD OF ELECTIONS SHALL PLACE A REFERENDUM ON THE BALLOT, AT THE NEXT GENERAL ELECTION AT WHICH CANDIDATES APPEAR, ASKING THE VOTERS WHETHER THE PARCEL WHICH IS SUBJECT OF THE PETITION SHALL BE DEDICATED AS PARKLAND. IN THE REFERENDUM THE BOARD SHALL INCLUDE THE LEGAL DESCRIPTION OF THE PROPERTY CONTAINED IN THE PETITION. IF THE PETITION IS FILED WITH THE BOARD OF ELECTIONS AFTER THE TWENTIETH DAY IN SEPTEMBER BUT BEFORE THE THIRTY-FIRST OF DECEMBER, THEN THE BOARD OF ELECTIONS SHALL PLACE THE REFERENDUM ON THE BALLOT AT THE GENERAL ELECTION AT WHICH CANDIDATES APPEAR OF THE FOLLOWING YEAR. THE REFERENDUM SHALL APPEAR ON THE BALLOT OF THE TOWN, CITY, VILLAGE OR COUNTY IN WHICH IT WAS CIRCULATED.

F. UPON THE CERTIFICATION OF THE ELECTION BY THE BOARD OF ELECTIONS, IF THE BOARD OF ELECTIONS DETERMINES THAT THE ELECTORS OF THE TOWN, CITY, VILLAGE OR COUNTY, HAVE VOTED IN FAVOR OF DEDICATING SUCH PARCEL AS PARKLAND, THEN THE COMMISSIONERS OF THE BOARD OF ELECTIONS SHALL NOTIFY THE CLERK OF SUCH DEDICATION OF SUCH PARCEL AS PARKLAND WITH THE RECORDS OF THE TOWN, CITY, VILLAGE OR COUNTY, AND SUCH PARCEL SHALL THEREAFTER BE DETERMINED TO BE DEDICATED AS PARKLAND CONSISTENT WITH THE PUBLIC TRUST DOCTRINE OF THE CONSTITUTION OF THE STATE OF NEW YORK.

G. ANY PARKLAND DEDICATED BY MEANS OF A PETITION AND REFERENDUM UNDER THIS SECTION MAY BE ALIENABLE PURSUANT TO AN ACT OF THE STATE LEGISLATURE AS CONSISTENT WITH THE PUBLIC TRUST DOCTRINE OF THE CONSTITUTION OF THE STATE OF NEW YORK.

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