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

3257

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

Introduced by M. of A. RABBITT, McDONOUGH, FINCH -- Multi-Sponsored by -- M. of A. TENNEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to permitting municipalities to grant exceptions to air pollution control requirements

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

Section 1. Section 19-0709 of the environmental conservation law is amended to read as follows:

S 19-0709. Local laws, ordinances and regulations.

1. Any local laws, ordinances or regulations of any governing body of a county, city, town or village which are not inconsistent with this article or with any code, rule or regulation which shall be promulgated pursuant to this article shall not be superseded by it, and nothing in this article or in any code, rule or regulation which shall be promulgated pursuant to this article shall preclude the right of any governing body of a county, city, town or village to adopt local laws, ordinances or regulations which are not inconsistent with this article or with any code, rule or regulation which shall be promulgated pursuant to this article provided, however, that the exercise of such right by a county shall relate only to the area thereof outside any city, village or area of any town outside the village or villages therein during such time as such city, village or town has local laws, ordinances or regulations consistent with this article or with any code, rule or regulation which shall be promulgated pursuant to this article. [Any] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, ANY local laws, ordinances or regulations of a county, city, town or village which comply with at least the minimum applicable requirements set forth in any code, rule or regulation promulgated pursuant to this article shall be deemed consistent with this article or with any such code, rule or regulation.

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

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2. A COUNTY, CITY, TOWN OR VILLAGE MAY PERMIT EXCEPTIONS TO ANY CODE, RULE OR REGULATION PROMULGATED PURSUANT TO THIS ARTICLE UPON APPLICATION BY A RESIDENT ONLY AFTER COMPLETION OF AN ON-SITE INSPECTION.

S 2. This act shall take effect immediately.