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

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring the city of New York to repair any sidewalk damaged by a tree under its exclusive care

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

Section 1. The administrative code of the city of New York is amended by adding a new section 18-105.2 to read as follows:

S 18-105.2 TREES AND SIDEWALKS REPAIR PROGRAM. A. THE COMMISSIONER SHALL ARRANGE FOR THE REPAIR OF ANY SIDEWALK FLAG DAMAGED BY THE GROWTH OF ROOTS OF ANY TREE UNDER THE EXCLUSIVE CARE OF THE COMMISSIONER AND THAT IS ADJACENT TO ANY CLASS ONE PROPERTY OR CLASS TWO PROPERTY THAT IS A RESIDENTIAL CONDOMINIUM OR RESIDENTIAL COOPERATIVE, AS SUCH CLASSES OF PROPERTY ARE DEFINED IN SUBDIVISION ONE OF SECTION EIGHTEEN HUNDRED TWO OF THE REAL PROPERTY TAX LAW, THAT IS IN WHOLE OR IN PART OWNER OCCUPIED AND USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES OR ADJACENT TO ANY HOUSE OF RELIGIOUS WORSHIP.

B. BEFORE MAKING THE SIDEWALK FLAG REPAIR, AS REQUIRED UNDER SUBDIVISION A OF THIS SECTION, THE COMMISSIONER SHALL PRUNE THE ROOTS OF THE TREE CAUSING THE DAMAGE TO THE SIDEWALK FLAG.

C. ALL SIDEWALK FLAG REPAIRS SHALL CONFORM WITH THE RULES AND SPECIFICATIONS PROMULGATED BY THE COMMISSIONER OF TRANSPORTATION FOR SIDEWALK REPAIRS.

S 2. This act shall take effect on the sixtieth 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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