

5129

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

Introduced by Sen. MARTINS -- 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:

1 Section 1. The general municipal law is amended by adding a new arti-  
2 cle 19-C to read as follows:

3 ARTICLE 19-C

4 PARKLAND PROTECTION

5 SECTION 995. PRESERVATION OF PARKLAND BY PETITION AND REFERENDUM.

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

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

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

22 2. THE CITY, THEN THE PETITION MUST BE CIRCULATED IN THE CITY, WITH  
23 ONLY ENROLLED VOTERS OF THE CITY 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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1 3. THE VILLAGE, THEN THE PETITION MUST BE CIRCULATED IN THE VILLAGE,  
2 WITH ONLY ENROLLED VOTERS OF THE VILLAGE BEING ELIGIBLE TO SIGN THE  
3 PETITION;

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

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

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

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

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

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

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

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

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

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

45 E. FOR THE PETITION TO BE VALID IT MUST CONTAIN A SUFFICIENT NUMBER  
46 OF SIGNATURES, AS SET FORTH IN PARAGRAPH D OF THIS SECTION, COLLECTED  
47 WITHIN ONE HUNDRED TWENTY DAYS OF THE EARLIEST DATE OF A SIGNATURE ON  
48 THE PETITION SO FILED. IF THE PETITION HAS A SIGNIFICANT NUMBER OF  
49 SIGNATURES, THEN THE BOARD OF ELECTIONS SHALL PLACE A REFERENDUM ON THE  
50 BALLOT, AT THE NEXT GENERAL ELECTION AT WHICH CANDIDATES APPEAR, ASKING  
51 THE VOTERS WHETHER THE PARCEL WHICH IS SUBJECT OF THE PETITION SHALL BE  
52 DEDICATED AS PARKLAND. IN THE REFERENDUM THE BOARD SHALL INCLUDE THE  
53 LEGAL DESCRIPTION OF THE PROPERTY CONTAINED IN THE PETITION. IF THE  
54 PETITION IS FILED WITH THE BOARD OF ELECTIONS AFTER THE TWENTIETH DAY IN  
55 SEPTEMBER BUT BEFORE THE THIRTY-FIRST OF DECEMBER, THEN THE BOARD OF  
56 ELECTIONS SHALL PLACE THE REFERENDUM ON THE BALLOT AT THE GENERAL

1 ELECTION AT WHICH CANDIDATES APPEAR OF THE FOLLOWING YEAR. THE REFEREN-  
2 DUM SHALL APPEAR ON THE BALLOT OF THE TOWN, CITY, VILLAGE OR COUNTY IN  
3 WHICH IT WAS CIRCULATED.

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

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

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