

697--A

Cal. No. 176

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, in relation to requiring written request and review of proposed reductions in the level of fire services

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

1 Section 1. Section 204-d of the general municipal law, as amended by
2 section 44 of part B of chapter 56 of the laws of 2010, is amended to
3 read as follows:
4 S 204-d. Duties of the fire chief. (1) The fire chief of any fire
5 department or company shall, in addition to any other duties assigned to
6 him OR HER by law or contract, to the extent reasonably possible deter-
7 mine or cause to be determined the cause of each fire or explosion which
8 the fire department or company has been called to suppress. He OR SHE
9 shall file with the office of fire prevention and control a report
10 containing such determination and any additional information required by
11 such office regarding the fire or explosion. The report shall be in the
12 form designated by such office. He OR SHE shall contact or cause to be
13 contacted the appropriate investigatory authority if he OR SHE has
14 reason to believe the fire or explosion is of incendiary or suspicious
15 origin. For all fires that are suspected to have been ignited by a ciga-
16 rette, within fourteen days after completing the investigation into such
17 fire, the fire chief shall forward to the office of fire prevention and
18 control information detailing, to the extent possible: (a) the specific
19 brand and style of the cigarette suspected of having ignited such fire;
20 (b) whether the cigarette package was marked as required by subdivision

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

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1 six of section one hundred fifty-six-c of the executive law; and (c) the
2 location and manner in which such cigarette was purchased.

3 (2) REDUCTION OF FIRE SERVICES; PRIOR APPROVAL REQUIRED. A. THE HIGH-
4 EST RANKING FIRE OFFICIAL OF ANY CITY WITH A POPULATION OF OVER ONE
5 HUNDRED THOUSAND PEOPLE SHALL PROVIDE WRITTEN REQUEST WITH SUPPORTING
6 DOCUMENTATION PRIOR TO THE PERMANENT CLOSING OF ANY FIREHOUSE OR THE
7 PERMANENT REMOVAL OR RELOCATION OF ANY FIRE FIGHTING UNIT TO THE COUNCIL
8 MEMBERS, COMMUNITY BOARDS AND BOROUGH PRESIDENTS WHOSE DISTRICTS ARE
9 SERVED BY SUCH FACILITY OR UNIT AND THE CHAIRPERSON OF THE COUNCIL'S
10 PUBLIC SAFETY COMMITTEE OR CHAIRPERSON OF THE COMMITTEE WITH OVERSIGHT
11 OF FIRE SERVICES. FOR THE PURPOSES OF THIS SECTION, THE TERM "PERMANENT"
12 SHALL MEAN A TIME PERIOD IN EXCESS OF SIX MONTHS.

13 B. THE WRITTEN REQUEST, REQUIRED BY PARAGRAPH A OF THIS SUBDIVISION,
14 SHALL INCLUDE AN ENVIRONMENTAL IMPACT STATEMENT, WHICH SHALL INCLUDE BUT
15 SHALL NOT BE LIMITED TO:

16 (I) CURRENT AND PROJECTED RESPONSE TIMES OF THE SUBJECT FIREHOUSE OR
17 FIRE FIGHTING UNIT, WHICH SHALL MEAN THE SUM OF DISPATCH TIME AND TRAVEL
18 TIME IN RESPONSE TO A CALL DIRECTED TO THE FACILITY OR UNIT, FOR THE
19 AREA AFFECTED BY CLOSURE, WHICH MUST INCLUDE GEOGRAPHIC AND TRAFFIC
20 ANALYSES AS THEY AFFECT RESPONSE TIMES;

21 (II) CURRENT AND PROJECTED ALLOCATION OF RESOURCES, INCLUDING STAFFING
22 LEVELS, FOR THE FIREHOUSES OR FIRE FIGHTING UNITS IN THE DISTRICT OR
23 DISTRICTS SERVED BY THE FACILITY OR UNIT WHICH IS PROPOSED TO BE CLOSED,
24 REMOVED OR RELOCATED; AND

25 (III) DISTANCE OF OTHER FIREHOUSES OR FIRE FIGHTING UNITS IN THE AREA
26 AFFECTED BY CLOSURE.

27 C. THE PROPOSED CLOSURE, REMOVAL OR RELOCATION SHALL BE SUBJECT TO A
28 THIRTY DAY REVIEW PERIOD BY THE COUNCIL MEMBERS, COMMUNITY BOARDS AND
29 BOROUGH PRESIDENTS WHOSE DISTRICTS ARE SERVED BY THE SUBJECT FIREHOUSE
30 OR FIRE FIGHTING UNIT WHICH SHALL COMMENCE UPON RECEIPT OF THE WRITTEN
31 REQUEST TO COUNCIL MEMBERS, COMMUNITY BOARDS AND BOROUGH PRESIDENTS.

32 (I) IF ANY OR ALL OF THE AFFECTED COUNCIL MEMBERS, COMMUNITY BOARDS OR
33 BOROUGH PRESIDENTS SUPPORT THE PROPOSAL, THE COUNCIL WILL BE GIVEN A
34 THIRTY DAY PERIOD TO REVIEW THE PROPOSAL AND A MAJORITY VOTE WILL BE
35 REQUIRED TO APPROVE THE MEASURE;

36 (II) IF ALL OF THE AFFECTED COUNCIL MEMBERS, COMMUNITY BOARDS AND
37 BOROUGH PRESIDENTS OPPOSE THE PROPOSAL, THE COUNCIL WILL BE GIVEN A
38 THIRTY DAY PERIOD TO REVIEW THE PROPOSAL AND A TWO-THIRDS MAJORITY VOTE
39 WILL BE REQUIRED TO APPROVE THE MEASURE.

40 D. IN THE EVENT THAT THE PERMANENT CLOSING OF ANY FIREHOUSE OR THE
41 PERMANENT REMOVAL OR RELOCATION OF ANY FIRE FIGHTING UNIT DOES NOT OCCUR
42 WITHIN FOUR MONTHS OF THE DATE OF APPROVAL AFTER REVIEW, IN THE MANNER
43 PROVIDED BY PARAGRAPH C OF THIS SUBDIVISION, THE COMMISSIONER SHALL
44 ISSUE ANOTHER WRITTEN REQUEST WITH SUPPORTING DOCUMENTATION PRIOR TO
45 SUCH PERMANENT CLOSURE, REMOVAL OR RELOCATION, WITH ANOTHER REVIEW
46 PROCEDURE REQUIRED AS PROVIDED BY PARAGRAPH C OF THIS SUBDIVISION. THE
47 FOUR MONTHS DURING WHICH THE APPROVAL IS EFFECTIVE SHALL BE TOLLED FOR
48 ANY PERIOD IN WHICH A RESTRAINING ORDER OR INJUNCTION PROHIBITING THE
49 CLOSING OF SUCH FACILITY OR UNIT SHALL BE IN EFFECT.

50 S 2. This act shall take effect immediately.