STATE OF NEW YORK

7812

IN SENATE

February 27, 2018

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to exempting manure deposited incidentally from noisome or unwholesome substances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 71-3501 of the environmental conservation law is amended to read as follows:

§ 71-3501. Putting noisome or unwholesome substances or maintaining noisome business on or near highway.

A person, who deposits, leaves or keeps, on or near a highway or route of public travel, either on the land or on the water, any noisome or unwholesome substance, or establishes, maintains or carries on, upon or near a public highway or route of public travel, either on the land or on the water, any business, trade or manufacture which is noisome or detrimental to public health, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, or by imprisonment not less than three nor more than six months, or both. **A person shall not be guilty of a misdemeanor under this section if manure is incidentally deposited on or near a highway by such person, by livestock owned by such person or by agricultural equipment owned or used by such person. Manure shall be determined to be dropped incidentally if, during the course of transporting livestock or tending to livestock, manure is unknowingly deposited on or near a highway.**

§ 2. This act shall take effect immediately.

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

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