File #: Int 0083-2004, **Version:** *

Int. No. 83

By Council Members Lopez, Barron, Brewer, Gerson, Jackson, James, Gennaro, Vann, Perkins and Vallone Jr.

A Local Law to amend the administrative code of the city of New York in relation to establishing Asthma Free School Zones.

Be it enacted by the Council as follows:

Section 1. Legislative findings. Childhood asthma is a serious health problem in the City of New York, affecting as many as one-quarter of all children in some neighborhoods. Hospitalization costs alone related to childhood asthma total $225 million a year, and many millions more are spent in lost wages, medical expenses and other costs associated with this disease. In addition to such costs and the obvious physical sufferings of children afflicted with childhood asthma, this disease also causes children to miss needed school days, thus negatively affecting their education.

§ 2. Title 17 of the administrative code of the city of New York is hereby amended to add a new chapter 9 to read as follows:

§ 17-901a. For purposes of this section, the following terms shall have the following meanings:

1. "Asthma Free School Zone" means those areas of the city of New York designated pursuant to subdivision b of this section, created for the purpose of protecting children from certain environmental hazards that may contribute to the development or aggravation of childhood asthma.

2. "Public school" means any building, structure, facility, athletic playing field, playground, parking lot or land, or any portion thereof, that is located within the city of New York and owned, occupied or utilized by the department of education of the city of New York for the purpose of providing educational instruction or extra curricular activities to students at or below the twelfth grade level.

b. An Asthma Free School Zone shall be established for each public school. Each Asthma Free School Zone shall include each public school, extend five hundred feet outward from the legal property line of such school, and encompass the entire area within such boundary.

c. 1. The department of transportation shall erect signs, in consultation with the local police precinct, to be prominently displayed at all intersections of public streets within Asthma Free School Zones, that contain the words "ASTHMA

FREE SCHOOL ZONE" in capital letters of a size and type to be determined by such department. Such signs may also contain such other words or design as the department of transportation may determine.

2. The department of transportation, in coordination with the department of education, shall promulgate rules regulating vehicular use and sidewalk and street construction activity within Asthma Free School Zones, including, but not limited to:

(i) when streets and sidewalks are open to public traffic within Asthma Free School Zones, including but not limited to rules that require that such openings occur, as much as practicable, during time periods other than those during which public schools are open for educational instruction or extra curricular activities;

(ii) dust abatement requirements within Asthma Free School Zones, including but not limited to requirements that dust abatement activity occur, as much as practicable, during time periods other than those during which public schools are open for educational instruction or extra curricular activities; and

(iii) prohibitions on idling of motor vehicles within Asthma Free School Zones.

d. 1. The department of buildings shall promulgate rules with respect to exterior building construction, renovation and repair that occurs within Asthma Free School Zones, including but not limited to:

(i) requirements that such construction, renovation or repair activity occur, as much as practicable, during time periods other than those during which public schools are open for educational instruction or extra curricular activities; and

(ii) dust abatement requirements within Asthma Free School Zones, including but not limited to requirements that dust abatement activity occur, as much as practicable, during time periods other than those during which public schools are open for educational instruction or extra curricular activities.

2. The department of buildings shall revoke the permit of any individual or entity that violates the requirements set forth in the rules promulgated pursuant to paragraph one of this subdivision.

e. 1. The department of education shall ensure that all school nurses are trained to treat childhood asthma.

2. The department of education shall ensure that each school facility under its jurisdiction has appropriate medical equipment to provide effective, emergency treatment to children suffering from childhood asthma.

3. The department of education shall develop a program to obtain medical and other information regarding students who suffer from asthma and make such information available to designated medical professionals and school administrators at each such student's school, consistent with state and federal privacy laws.

f. The department, the department of education, the department of health and mental hygiene and the department of transportation shall together develop a public outreach program to inform the residents of the city of New York, including, but not

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limited to, parents, teachers and students, about Asthma Free School Zones and the rules pertaining thereto.

§ 3. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§ 4. This local law shall take effect 90 days after its enactment.

MHG
LS # 331
January 28, 2004

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