

S. 4439

A. 6316

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

March 20, 2015

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to the establishment, extension, powers and expenses of tick control districts

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

1     Section 1. Section 190 of the town law, as amended by chapter 378 of  
2     the laws of 2012, is amended to read as follows:  
3     S 190. Establishment or extension of improvement districts. Upon a  
4     petition as hereinafter provided, the town board of any town may establish or extend in said town a sewer, drainage, water, water quality  
5     treatment, park, public parking, lighting, snow removal, water supply,  
6     sidewalk, a fallout shelter district or refuse and garbage district,  
7     aquatic plant growth control district, ambulance district, watershed  
8     protection improvement district, TICK CONTROL DISTRICT, and in any town  
9     bordering upon or containing within its boundaries any navigable waters  
10    of this state, a harbor improvement district, a public dock district, or  
11    beach erosion control district, and provide improvements or services, or  
12    both, in any such district, wholly at the expense of the district; but  
13    no water supply district shall be established or extended to include  
14    lands situate within the boundaries of a water district. No such  
15    district shall be established or extended in a city or in an incorporated village provided, however, that such a district may be established  
16    or extended wholly or partly within an incorporated village on consent  
17    of the village expressed in a local law, ordinance or resolution,  
18    subject to a referendum on petition under section twenty-four of the  
19    municipal home rule law or a permissive referendum under article nine of  
20    the village law, as the case may be, and except, in the case of a water  
21    quality treatment district, on consent of a village expressed in a local  
22    quality treatment district, on consent of a village expressed in a local  
23

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

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1 law or by resolution of the board of trustees and not subject to any  
2 referendum.

3 S 2. Paragraph a of subdivision 1 of section 193 of the town law, as  
4 amended by chapter 378 of the laws of 2012, is amended to read as  
5 follows:

6 a. Whenever a petition shall be presented to the town board pursuant  
7 to this article, for the establishment or extension of a sewer, wastewa-  
8 ter disposal, drainage, water, water quality treatment, park, public  
9 parking, lighting, snow removal, water supply, sidewalk, refuse and  
10 garbage, aquatic plant growth control district, ambulance district,  
11 harbor improvement district, public dock district, beach erosion control  
12 district, watershed protection improvement district, TICK CONTROL  
13 DISTRICT, or a fallout shelter district, the board shall adopt an order  
14 and enter the same in the minutes of its proceedings, reciting in gener-  
15 al terms the filing of such petition, the boundaries of the proposed  
16 district, the improvements proposed, the maximum amount proposed to be  
17 expended for the improvement as stated in the petition or the maximum  
18 amount to be expended for the performance or supplying of services if a  
19 maximum amount is stated in the petition, the estimated cost of hook-up  
20 fees, if any, to, and the cost of the district or extension to, the  
21 typical property and, if different, the typical one or two family home,  
22 and specifying the time when and place where said board will meet to  
23 consider the petition and to hear all persons interested in the subject  
24 thereof, concerning the same. The board shall cause a copy of such  
25 order, certified by the town clerk, to be published at least once in the  
26 official paper, the first publication thereof to be not less than ten  
27 nor more than twenty days before the day set therein for the hearing as  
28 aforesaid, and shall also cause a copy thereof to be posted on the sign-  
29 board of the town maintained pursuant to subdivision six of section  
30 thirty of this chapter, not less than ten nor more than twenty days  
31 before the day designated for the hearing as aforesaid. In the event  
32 that the town maintains a website, such information may also be provided  
33 on the website. Prior to the publication of a copy of the order, the  
34 board shall cause to be prepared, and file for public inspection with  
35 the town clerk, a detailed explanation of how the estimated cost of  
36 hook-up fees, if any, to, and the cost of the district or extension to,  
37 the typical property and, if different, the typical one or two family  
38 home was computed.

39 S 3. Section 198 of the town law is amended by adding a new subdivi-  
40 sion 10-h to read as follows:

41 10-H. TICK CONTROL DISTRICT. AFTER A TICK CONTROL DISTRICT HAS BEEN  
42 ESTABLISHED, THE TOWN BOARD MAY TAKE SUCH ACTION AS MAY BE REQUIRED TO  
43 ADOPT PLANS AND SPECIFICATIONS AND ENTER INTO A CONTRACT OR CONTRACTS,  
44 OR TAKE SUCH OTHER ACTIONS AS MAY BE REQUIRED, AND SHALL BE AUTHORIZED  
45 TO USE EVERY MEANS FEASIBLE AND PRACTICAL TO CONDUCT SURVEILLANCE AND  
46 INVESTIGATIONS RELATED TO TICK POPULATIONS AND PRESENCE OF TICK-BORNE  
47 DISEASES AND TO SUPPRESS TICKS WHICH ARE VECTORS OF HUMAN DISEASE  
48 REQUIRING PUBLIC ACTION FOR THEIR CONTROL. IN CARRYING OUT ITS RESPONSI-  
49 BILITY HEREUNDER, THE TOWN SHALL HAVE THE POWER AND AUTHORITY TO ENTER  
50 WITHOUT HINDRANCE UPON ANY OR ALL LANDS WITHIN THE TOWN FOR THE PURPOSE  
51 OF PERFORMING ALL ACTS WHICH, IN ITS OPINION AND JUDGMENT, MAY BE NECES-  
52 SARY AND PROPER FOR THE CONTROL OF TICKS, BUT SUCH MEASURES SHALL NOT BE  
53 INJURIOUS TO WILDLIFE, HUMAN HEALTH, OR THE ENVIRONMENT.

54 S 4. Subdivision 3 of section 202 of the town law, as amended by chap-  
55 ter 378 of the laws of 2012, is amended to read as follows:

1 3. The expense of the establishment of a park, public parking, water,  
2 lighting, snow removal, water supply, water, water storage and distrib-  
3 ution, sidewalk, refuse and garbage, aquatic plant growth control  
4 district, ambulance district, harbor improvement district, watershed  
5 protection improvement district, TICK CONTROL DISTRICT, public dock  
6 district, fallout shelter district, or beach erosion control district,  
7 and providing improvements or services, or both, therefor, and of  
8 constructing lateral water mains pursuant to paragraph (b) of subdivi-  
9 sion one of section one hundred ninety-nine OF THIS ARTICLE, shall be  
10 assessed, levied and collected from the several lots and parcels of land  
11 within the district for each purpose in the same manner and at the same  
12 time as other town charges, except as otherwise provided by law. In the  
13 event that any order adopted pursuant to section two hundred nine-d of  
14 this chapter for the establishment of a water district, sidewalk  
15 district, a public parking district, a refuse and garbage district, an  
16 aquatic plant growth control district, lighting district, watershed  
17 protection improvement district, TICK CONTROL DISTRICT, or beach erosion  
18 and control district or that any petition for the establishment of a  
19 water district, sidewalk district, a public parking district, a refuse  
20 and garbage district, an aquatic plant growth control district, lighting  
21 district, or beach erosion control district, shall contain a statement  
22 that the cost of constructing the water system, sidewalks, lighting  
23 system, or acquiring and improving lands for public parking or for  
24 refuse and garbage purposes or for beach erosion control, or for  
25 watershed protection improvement district or for aquatic plant growth  
26 control, shall be assessed by the town board in proportion as nearly as  
27 may be to the benefit which each lot or parcel will derive therefrom,  
28 the amount to be raised for the payment of the principal and interest of  
29 the bonds issued for the construction of the water system, sidewalks,  
30 lighting system, or acquiring and improving lands for public parking or  
31 for refuse and garbage purposes or for beach erosion control, or for  
32 aquatic plant growth control, or for watershed protection improvement  
33 district pursuant to such petition or order, shall be assessed on the  
34 lands within such district in the same manner as provided in the case of  
35 trunk sewers. The expense of constructing lateral water mains pursuant  
36 to paragraph (c) of subdivision one of section one hundred ninety-nine  
37 OF THIS ARTICLE shall be assessed, levied and collected from the several  
38 lots and parcels of land within the district in proportion to the area  
39 of such lot or parcel of land to the total area of the district.

40 S 5. Subdivision 2 of section 202-b of the town law, as amended by  
41 chapter 378 of the laws of 2012, is amended to read as follows:

42 2. The town board may, on behalf of a park, public parking, ambulance,  
43 lighting, snow removal, refuse and garbage, public dock, watershed  
44 protection improvement district, TICK CONTROL DISTRICT, or beach erosion  
45 control district, and within the limitations of section one hundred  
46 ninety-eight of this chapter, acquire additional apparatus and equipment  
47 and replace obsolete, inadequate, damaged, destroyed or worn-out appa-  
48 ratus and equipment, and it may construct additional facilities and  
49 appurtenances thereto or reconstruct or replace obsolete, inadequate,  
50 damaged, destroyed or worn-out facilities and appurtenances thereto.  
51 Such expenditure shall be authorized in the manner provided in subdivi-  
52 sion one of this section, except that the map and plan described by said  
53 subdivision one shall not be required. However, nothing herein contained  
54 shall be construed to limit or supersede the provisions of section  
55 seventy-two hundred three of the education law.

1 S 6. Subdivision 1 of section 209-a of the town law, as amended by  
2 chapter 378 of the laws of 2012, is amended to read as follows:

3 1. the term "improvement district" shall include only a sewer, waste-  
4 water disposal, drainage, water, park, public parking, lighting, snow  
5 removal, water supply, sidewalk, refuse and garbage, aquatic plant  
6 growth control, or watershed protection improvement district, TICK  
7 CONTROL DISTRICT, or ambulance district in any town, and, in any town  
8 bordering upon or containing within its boundaries any navigable water  
9 of this state a public dock or beach erosion control district;

10 S 7. Subdivision 1 of section 209-d of the town law, as amended by  
11 chapter 378 of the laws of 2012, is amended to read as follows:

12 1. Subsequent to the date of the filing of the map, plans and report  
13 in the office of the town clerk as required in section two hundred  
14 nine-c of this article the town board may adopt an order and enter the  
15 same in the minutes of its proceedings reciting a description of the  
16 boundaries of the proposed district or extension in a manner sufficient  
17 to identify the lands included therein as in a deed of conveyance, the  
18 improvements proposed, the maximum amount proposed to be expended for  
19 the improvement, the estimated cost of hook-up fees, if any, to, and the  
20 cost of the district or extension to, the typical property and, if  
21 different, the typical one or two family home, the proposed method of  
22 financing to be employed, the fact that a map, plan and report describ-  
23 ing the same are on file in the town clerk's office for public  
24 inspection and specifying the time when and the place where said board  
25 will meet and hold a public hearing to hear all persons interested in  
26 the subject thereof, concerning the same. If such order proposes only  
27 the performance or supplying of certain services, it may state the maxi-  
28 mum amount to be expended annually for such services. The board shall  
29 cause a copy of such order to be published at least once in the official  
30 paper, the first publication thereof to be not less than ten nor more  
31 than twenty days before the day set therein for the hearing as afore-  
32 said, and shall also cause a copy thereof to be posted on the sign-board  
33 of the town maintained pursuant to subdivision six of section thirty of  
34 this chapter, not less than ten nor more than twenty days before the day  
35 designated for the hearing as aforesaid. Such order may further state  
36 such place other than the town clerk's office where the map, plan and  
37 report may be examined in advance of the hearing, if the town board  
38 determines that, in the public interest, some other additional place is  
39 necessary or desirable. If a water district, sidewalk district, a public  
40 parking district, a refuse and garbage district, aquatic plant growth  
41 control district, watershed protection improvement district, TICK  
42 CONTROL DISTRICT, or beach erosion control district is proposed, such  
43 order may contain a statement that the cost of constructing the water  
44 system, sidewalks or acquiring lands for public parking or for refuse  
45 and garbage purposes, or aquatic plant growth control purposes or for  
46 beach erosion control or for watershed protection improvement purposes,  
47 OR FOR TICK CONTROL DISTRICT PURPOSES, shall be assessed by the town  
48 board in proportion as nearly as may be to the benefit which each lot or  
49 parcel will derive therefrom. Prior to the publication of the order, the  
50 board shall cause to be prepared, and file for public inspection with  
51 the town clerk, a detailed explanation of how the estimated cost of  
52 hook-up fees, if any, to, and the cost of the district or extension to,  
53 the typical property and, if different, the typical one or two family  
54 home, was computed.

55 S 8. This act shall take effect immediately.