

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

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.

LBD09407-01-5

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.