

STATE OF NEW YORK

5801

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the town law, in relation to aquatic growth 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 § 190. Establishment or extension of improvement districts. Upon a
4 petition as hereinafter provided, the town board of any town may estab-
5 lish or extend in said town a sewer, drainage, water, water quality
6 treatment, park, public parking, lighting, snow removal, water supply,
7 sidewalk, a fallout shelter district or refuse and garbage district,
8 aquatic [~~plant~~] growth control district, ambulance district, watershed
9 protection improvement district, and in any town bordering upon or
10 containing within its boundaries any navigable waters of this state, a
11 harbor improvement district, a public dock district, or beach erosion
12 control district, and provide improvements or services, or both, in any
13 such district, wholly at the expense of the district; but no water
14 supply district shall be established or extended to include lands situ-
15 ate within the boundaries of a water district. No such district shall be
16 established or extended in a city or in an incorporated village
17 provided, however, that such a district may be established or extended
18 wholly or partly within an incorporated village on consent of the
19 village expressed in a local law, ordinance or resolution, subject to a
20 referendum on petition under section twenty-four of the municipal home
21 rule law or a permissive referendum under article nine of the village
22 law, as the case may be, and except, in the case of a water quality
23 treatment district, on consent of a village expressed in a local law or
24 by resolution of the board of trustees and not subject to any referen-
25 dum.

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

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

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

36 § 3. Subdivision 10-e of section 198 of the town law, as added by
37 chapter 602 of the laws of 1967, is amended to read as follows:

38 10-e. Aquatic [~~plant~~] growth control district. After an aquatic growth
39 control district has been established, the town board may take such
40 action as may be required to adopt plans and specifications and enter
41 into a contract or contracts, or take such other action as may be
42 required, for the control of aquatic growth within the district as it
43 may deem to be necessary or desirable. For purposes of this chapter,
44 "aquatic growth" means aquatic invertebrate species and aquatic plants,
45 identified as invasive pursuant to title seventeen of article nine of
46 the environmental conservation law.

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

49 3. The expense of the establishment of a park, public parking, water,
50 lighting, snow removal, water supply, water, water storage and distrib-
51 ution, sidewalk, refuse and garbage, aquatic [~~plant~~] growth control
52 district, ambulance district, harbor improvement district, watershed
53 protection improvement district, public dock district, fallout shelter
54 district, or beach erosion control district, and providing improvements
55 or services, or both, therefor, and of constructing lateral water mains
56 pursuant to paragraph (b) of subdivision one of section one hundred

1 ninety-nine, shall be assessed, levied and collected from the several
2 lots and parcels of land within the district for each purpose in the
3 same manner and at the same time as other town charges, except as other-
4 wise provided by law. In the event that any order adopted pursuant to
5 section two hundred nine-d of this chapter for the establishment of a
6 water district, sidewalk district, a public parking district, a refuse
7 and garbage district, an aquatic [plant] growth control district, light-
8 ing district, watershed protection improvement district, or beach
9 erosion and control district or that any petition for the establishment
10 of a water district, sidewalk district, a public parking district, a
11 refuse and garbage district, an aquatic [plant] growth control district,
12 lighting district, or beach erosion control district, shall contain a
13 statement that the cost of constructing the water system, sidewalks,
14 lighting system, or acquiring and improving lands for public parking or
15 for refuse and garbage purposes or for beach erosion control, or for
16 watershed protection improvement district or for aquatic [plant] growth
17 control, shall be assessed by the town board in proportion as nearly as
18 may be to the benefit which each lot or parcel will derive therefrom,
19 the amount to be raised for the payment of the principal and interest of
20 the bonds issued for the construction of the water system, sidewalks,
21 lighting system, or acquiring and improving lands for public parking or
22 for refuse and garbage purposes or for beach erosion control, or for
23 aquatic [plant] growth control, or for watershed protection improvement
24 district pursuant to such petition or order, shall be assessed on the
25 lands within such district in the same manner as provided in the case of
26 trunk sewers. The expense of constructing lateral water mains pursuant
27 to paragraph (c) of subdivision one of section one hundred ninety-nine
28 shall be assessed, levied and collected from the several lots and
29 parcels of land within the district in proportion to the area of such
30 lot or parcel of land to the total area of the district.

31 § 5. Subdivision 1 of section 209-a of the town law, as amended by
32 chapter 378 of the laws of 2012, is amended to read as follows:

33 1. the term "improvement district" shall include only a sewer, waste-
34 water disposal, drainage, water, park, public parking, lighting, snow
35 removal, water supply, sidewalk, refuse and garbage, aquatic [plant]
36 growth control, or watershed protection improvement district or ambu-
37 lance district in any town, and, in any town bordering upon or contain-
38 ing within its boundaries any navigable water of this state a public
39 dock or beach erosion control district;

40 § 6. Subdivision 1 of section 209-d of the town law, as amended by
41 chapter 378 of the laws of 2012, is amended to read as follows:

42 1. Subsequent to the date of the filing of the map, plans and report
43 in the office of the town clerk as required in section two hundred
44 nine-c of this article the town board may adopt an order and enter the
45 same in the minutes of its proceedings reciting a description of the
46 boundaries of the proposed district or extension in a manner sufficient
47 to identify the lands included therein as in a deed of conveyance, the
48 improvements proposed, the maximum amount proposed to be expended for
49 the improvement, the estimated cost of hook-up fees, if any, to, and the
50 cost of the district or extension to, the typical property and, if
51 different, the typical one or two family home, the proposed method of
52 financing to be employed, the fact that a map, plan and report describ-
53 ing the same are on file in the town clerk's office for public
54 inspection and specifying the time when and the place where said board
55 will meet and hold a public hearing to hear all persons interested in
56 the subject thereof, concerning the same. If such order proposes only

1 the performance or supplying of certain services, it may state the maxi-
2 mum amount to be expended annually for such services. The board shall
3 cause a copy of such order to be published at least once in the official
4 paper, the first publication thereof to be not less than ten nor more
5 than twenty days before the day set therein for the hearing as afore-
6 said, and shall also cause a copy thereof to be posted on the sign-board
7 of the town maintained pursuant to subdivision six of section thirty of
8 this chapter, not less than ten nor more than twenty days before the day
9 designated for the hearing as aforesaid. Such order may further state
10 such place other than the town clerk's office where the map, plan and
11 report may be examined in advance of the hearing, if the town board
12 determines that, in the public interest, some other additional place is
13 necessary or desirable. If a water district, sidewalk district, a public
14 parking district, a refuse and garbage district, aquatic [~~plant~~] growth
15 control district, watershed protection improvement district or beach
16 erosion control district is proposed, such order may contain a statement
17 that the cost of constructing the water system, sidewalks or acquiring
18 lands for public parking or for refuse and garbage purposes, or aquatic
19 [~~plant~~] growth control purposes or for beach erosion control or for
20 watershed protection improvement purposes shall be assessed by the town
21 board in proportion as nearly as may be to the benefit which each lot or
22 parcel will derive therefrom. Prior to the publication of the order, the
23 board shall cause to be prepared, and file for public inspection with
24 the town clerk, a detailed explanation of how the estimated cost of
25 hook-up fees, if any, to, and the cost of the district or extension to,
26 the typical property and, if different, the typical one or two family
27 home, was computed.

28 § 7. This act shall take effect immediately.