§ 360. Powers granted to municipal corporations to establish, own and operate certain public utility services. 1. "Public utility service" as used in this article shall mean any service authorized to be furnished by any public utility company pursuant to article four of the public service law and shall include works, structures, poles, lines, wires, conduits, mains, systems, waterpower and any and all other real and personal property used or necessary for, connected with or appertaining to the furnishing of such service. "Municipal corporations" as used in this article shall mean a county, city, town or village.

2. Notwithstanding any general or special law, any municipal corporation may construct, lease, purchase, own, acquire, use and/or operate any public utility service within or without its territorial limits, for the purpose of furnishing to itself or for compensation to its inhabitants, any service similar to that furnished by any public utility company specified in article four of the public service law. For such purpose, any municipal corporation may purchase gas or electrical energy from the state, or from any state agency, or other municipal corporation, or from any private or public corporation.

3. The proposed method of constructing, leasing, purchasing, acquiring, the plant and facilities for such service, together with both the maximum and the estimated costs thereof, and the method of furnishing such service shall be fixed by a local law in the case of a city, or by a village ordinance or local law in the case of a village, or by a resolution of the board of supervisors in the case of a county, or by a resolution of the town board in the case of a town.

4. Authority to enact such a local law for a city is hereby conferred upon the local legislative body of the city as defined in the municipal home rule law. Authority to enact such an ordinance or a local law for a village is hereby conferred upon the board of trustees of the village. Authority to adopt such a resolution for a county is hereby conferred upon the board of supervisors of the county. Authority to adopt such a resolution for a town is hereby conferred upon the town board of the town.

5. Any such action by the local legislative body of a city, before taking effect, shall be submitted for the approval of the electors of the city at the next general election or at a special election called for such purpose, in the manner provided by, and in accordance with the provisions of the municipal home rule law relative to the submission of other local laws required thereby to be submitted in a mandatory referendum and according to the procedure provided by the election law for general or special elections. Any such action by the board of supervisors of a county, before taking effect, shall be submitted for the approval of the electors of the county at the next general election in such county held not less than ninety days after the adoption thereof; or at a special election called in the same manner as far as practicable as provided in the election law with respect to special elections called by the governor. Any such action by the board of trustees of a village, before taking effect, shall be submitted for the approval of the electors of the village at the next general election in such village to be held not less than ninety days after the adoption thereof; or at a special election called in the same manner as provided in the village law for the submission of a proposition at a special village election. Such submission shall be in the manner provided by, and in accordance with the provisions of the village law for the submission of any other question by referendum on petition, except that the referendum on the proposition provided for in this section shall be mandatory. Any such action by the town board of a town shall be submitted for the approval of the electors of the town at the next general election to be held not less than ninety days after the adoption of such resolution; or at a special election called in the same manner as provided in the town law for submission of a proposition at a special town meeting or a special town election. Such submission shall be in the manner provided by, and in accordance with the provisions of the town law for the submission of any other question by referendum on petition, except that the referendum on the proposition provided for in this section shall be mandatory. Every such local law, village ordinance, resolution of the board of supervisors or resolution of the town board, as the case may be, and notice of the submission thereof, shall be published in one or more newspapers published within the city, village, county or town, as the case may be, to be designated by the legislative

body of the municipal corporation affected, once in each week for six consecutive weeks immediately preceding such election; and if there be no such newspaper in such city, village, county or town, then in one or more newspapers published in an adjoining city, village, county or town, most likely to come to the attention of the electors of the municipal corporation affected.

6. Such municipal corporation may for such purpose acquire the public utility service of any public utility company operating pursuant to article four of the public service law or any other public utility service within or without its territorial limits, by purchase, or by condemnation in the manner provided by law for condemnation by such municipal corporation of private property for a public use. Such municipal corporation shall have the power to construct or acquire by purchase or condemnation any transmission lines or pipes connecting it with any source or sources of gas, either natural, artificial or mixed or electric power or production and to share with other municipal corporations the cost of such transmission lines or pipes.

7. The method of operation of and the rates, rentals and charges for such service and the procedure for their collection shall be fixed by the legislative body of the municipal corporation.