§ 170. Establishment and extension of fire, fire alarm and fire protection districts. 1. The town board of any town or, if the proposed district or extension includes territory in more than one town, the town boards of each of the towns in which such proposed district or extension is situated, acting jointly by a majority vote of the members of each of such town boards, upon a written petition as hereinafter provided, may establish or extend fire districts, fire alarm districts and fire protection districts in said town or towns; provided, however, that any such district or extension shall be outside of any incorporated village or city, or existing fire, fire alarm or fire protection district. A fire district shall not be extended pursuant to the provisions of this subdivision except upon the consent in writing of a majority of the commissioners of such fire district. Such consent shall be acknowledged or proved in the same manner as a deed to be recorded.

2. Upon its own motion and without a petition, the town board of any town or, if the district as proposed or proposed to be extended includes territory in more than one town, the town boards of each of the towns acting jointly by a majority vote of the members of each of such boards may establish or extend fire districts or fire protection districts in such town or towns outside of any incorporated village or city or existing fire, fire alarm or fire protection district therein, after a public hearing thereon. The notice of such hearing shall be published and posted and such hearing shall be held in the manner provided in this article for a hearing upon the establishment of a fire district or fire protection district upon petition. After such hearing and upon the evidence given thereat, the town board or boards shall determine by resolution whether it be in the public interest to establish the proposed fire district or fire protection district or extend the existing fire district or fire protection district, as the case may be. If it be determined that the establishment or extension of such district be in the public interest, the town board or boards shall determine whether all the property, property owners and interested persons within the proposed district are benefited thereby and whether all property or property owners benefited are included therein and such town board or boards shall so alter the boundaries of the proposed district or extension, so that all property and property owners and only such

property and property owners as are benefited shall be included within its limits. In the event, however, that it is found that any property, property owners or any interested persons not included in the district, as originally proposed, will be benefited thereby, a further notice shall be posted and published and another hearing held as provided herein, unless all said additional property owners or interested persons execute and file written consents to be included in such district or extension. When the boundaries of such fire protection district or extension shall have been finally determined, the town board or boards shall adopt a resolution establishing or extending the district and shall comply with the provisions of subdivision one of section one hundred seventy-three of this chapter. When the boundaries of such fire district or extension shall have been finally determined the town board or boards shall adopt a resolution approving the establishment or extension of the district, and shall comply with the provisions of subdivisions two and four of section one hundred seventy-three of this chapter, other than filing a certified copy of a petition as provided in such subdivision two. A fire district shall not be extended pursuant to the provisions of this subdivision except upon the consent in writing of a majority of the commissioners of such fire district. Such consent shall be acknowledged or proved in the same manner as a deed to be recorded.

3. If a fire alarm district or fire protection district is proposed to be established, or extended, and the district or extension will be situated in whole or in part in any town which is wholly or partly within the Adirondack park and has within the town boundaries state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of the town as determined from the assessment rolls of the town, as completed from time to time, the town board or boards shall not adopt a resolution establishing or extending any such fire alarm district or fire protection district unless the state comptroller, on behalf of the state, previously has consented to the establishment or extension of the district.

4. Notwithstanding the provisions of subdivision one of this section, and subdivisions one and two of section one hundred seventy-one of this

chapter, if a fire district embraces an area outside a village and also embraces more than fifty per centum of the area of such village, and if the village was incorporated after the fire district was established, the town board of the town in which such fire district and such village are situated, after a public hearing and upon the petition of the village board of such village and the board of fire commissioners of such fire district, may adopt a resolution, subject to permissive referendum, extending such fire district to include the portion of such village which is not in such fire district. The notice of public hearing shall be posted and published, and such hearing shall be held in the manner provided in this article for a hearing upon the establishment or extension of a fire district. The provisions of sections ninety and ninety-one of this chapter shall apply in relation to such referendum except that a petition filed pursuant to such section ninety-one only need be signed by twenty-five qualified electors of the area of such extension, or if there are not twenty-five electors, then by at least fifty per centum of the qualified electors of such area. All of the other provisions of this article not inconsistent herewith shall be complied with in relation to any such extension.