§ 198. Powers of town boards with respect to improvement districts. The town board of every town, except as otherwise provided by law, shall have authority to and may exercise the following powers with respect to improvement districts, heretofore or hereafter established, subject to the provisions of this article:

1. Sewer districts. After a sewer district shall have been established, the town board may: (a) lay out, open, design, construct, alter and maintain sanitary sewers, sewage disposal plants or any necessary work appurtenant thereto, for the benefit of any sewer district in said town, provided, however, that any such improvement shall be consistent with, so far as possible, any comprehensive plan for sewers developed and maintained pursuant to section ninety-nine-f of the general municipal law;

(b) contract with any person or corporation, municipal or otherwise, for supplying the inhabitants of such district with sanitary sewer facilities;

(c) contract for the purchase from any person or corporation, municipal or otherwise, of any trunk sewer, lateral sewer, sewer system or disposal plant, rights of way and appurtenances, for the purpose of supplying the inhabitants of any such district with sanitary sewer facilities, provided that prior to the purchase of a lateral sewer a petition for such purpose stating the maximum amount to be expended therefor shall be filed with the town clerk, signed by the owners of taxable real property fronting or abutting upon either side of any street or highway, or part of a street or highway, in said district wherein said lateral is constructed to the extent of at least one-half of the entire frontage on both sides of said street or highway, or part aforesaid, as shown upon the latest completed assessment roll of said town, and the procedure thereon and for the financing of such purchase and the levy of assessments therefor shall be the same as provided in this chapter for the construction of a lateral sewer in a sewer district;

(d) regulate the construction of all private sewers and prescribe the manner in which sewer connections shall be made, provided, however, that such construction shall be consistent with, so far as possible, any comprehensive plan for sewers developed and maintained pursuant to

section ninety-nine-f of the general municipal law;

(e) cause sewer pipes to be laid, relaid or repaired in or below the surface of any public highway, road, street or avenue in a county in which such town is located or in an adjoining county, as a necessary use of the highway and for highway purposes, without obtaining any easement therefor from the owner of the fee of the land in said public highway, road, street or avenue. The town board shall cause such highway, road, street or avenue to be restored to its usual condition at the expense of the district benefited. No sewer pipes shall be laid under any highway, road, street or avenue in another town or any city or incorporated village without the consent of the governing board of such town, city or village, and if such highway be a state or county highway or a highway constructed pursuant to section one hundred ninety-four or one hundred ninety-five or article six of the highway law, in addition to such consents, the consent of the commissioner of transportation;

(f) enter into a contract or contracts with another sewer district or with any incorporated city or village or with one or more corporations or individuals for the joint disposal of sewage, and the expense of such joint disposal of sewage shall be apportioned between the contracting parties in proportion to the areas served, volumes of sewage disposed of or the benefits received by each contracting party;

(g) adopt, from time to time, ordinances, rules and regulations for the operation of the sewer district and the use of the sewer system therein, and enforce compliance with such ordinances, rules and regulations as provided in section one hundred thirty-five of this chapter;

(h) establish, from time to time, charges, fees or rates to be paid by the owners of real property within such district for the connection of house service lines or mains with such sewer system. Such connection charge may include any expense incurred for the purpose of providing service, whether such expense be incurred for construction within the property line or within the street lines. In addition, such connection charge may include a fee for the inspection of such connection, the expense of performing service in relation thereto or for any other special benefit received;

(i) establish, from time to time, charges, fees or rates for the use of such sewer system, to be designated "sewer rents". Such rents may be

based upon the metered consumption of water on premises connected with the sewer system, making proper allowance for commercial use of water, the number and kind of plumbing fixtures connected with the sewer system, the number of persons served by the sewer system, or upon any other equitable basis, as the town board may determine. The provisions of this paragraph shall apply only to those sewer districts in which sewer rents have been established and are being imposed on May first, nineteen hundred fifty-one, pursuant to the provisions of this paragraph. The provisions of this paragraph shall not prevent a town from acting pursuant to the provisions of paragraph (l) of this subdivision;

(j) establish, from time to time, charges, fees or rates for services rendered or work performed for the particular or special benefit of any individual parcel or portion of real property within such sewer district;

(k) provide by ordinance, rule or regulation for the time within which rates, charges, fees or sewer rents may be paid, and may provide a penalty not exceeding ten per centum of the amount due when such rates, charges, fees or sewer rents are in arrears for thirty days or longer, and may provide for the payment of such charges, fees, rates or sewer rents in advance. The town clerk shall annually file with the town board statements showing the unpaid rates, charges, fees or sewer rents in such districts. Such statements shall contain a brief description of the property against which such sewer rents were imposed, the names of the persons or corporations liable to pay for the same and the amount chargeable to each. The supervisor shall transmit such statement to the board of supervisors which shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of such town under the name of "sewer charges". Such tax shall be paid to the supervisor of such town. All of the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York not inconsistent herewith shall apply to the collection of such unpaid sewer charges. All fees, charges, rates and sewer rents may be used for the payment of the cost of the management, maintenance, operation and repair of the sewerage system including treatment and disposal works, or for

the enlargement or replacement of the same. The term "sewer rents", as used in this paragraph, has reference only to sewer rents established pursuant to paragraph (i) of this subdivision;

(l) notwithstanding any other provisions of law, establish and impose sewer rents pursuant to the provision of article fourteen-f of the general municipal law as a source of revenue, other than assessments upon benefited real property, for financing district expenditures. Such sewer rents may be expended as provided in article fourteen-f of the general municipal law and, to the extent that such sewer rents provide a source of revenue for such expenditures, assessments shall not be levied upon property especially benefited by the sewer system or the part or parts thereof for which such rents are established and imposed. This paragraph does not affect any provisions of law relating to the authorization or construction of any improvement in a sewer district.

1-a. Sewage disposal districts. The town board shall have and exercise all of the powers with respect to a sewage disposal district which are provided in subdivision one in the case of sewer districts, in so far as the same are consonant with the purposes of the sewage disposal district, as described in section one hundred ninety-b, provided, however, that the charges for trunk sewer, sewage treatment and sewage disposal service shall be sufficient to pay all estimated annual costs of operation and maintenance and all annual installments of principal of, and interest on, obligations issued on behalf of the sewage disposal district. In the event that such revenues in any year are insufficient, the excess of cost over revenues may be assessed against the real property of the district as hereinafter provided.

1-b. Wastewater disposal districts. (a) The town board shall have and exercise all of the powers with respect to a wastewater disposal district which are provided in subdivision one in the case of sewer districts, in so far as the same are consonant with the purposes of the wastewater disposal district, as described in section one hundred ninety-e of this article, provided, however, that the charges for all wastewater disposal district services shall be sufficient to pay all estimated annual costs of operation and maintenance and all annual installments of principal of, and interest on, obligations issued on

behalf of the wastewater disposal district. In the event that such revenues in any year are insufficient, the excess of costs over revenues may be assessed against the real property of the district as hereinafter provided.

(b) The town board shall also have power to institute an industrial or commercial cost recovery system for payment to the United States by the commercial users of the private on-site wastewater disposal system of that portion of the cost of construction of such system which is applicable to the treatment of commercial wastes to the extent attributable to the federal share of the cost of construction.

(c) The town board shall also have the power to submit, on behalf of individual property owners who have requested such assistance in writing, an application for federal assistance and state assistance towards the eligible cost of construction of private on-site wastewater disposal systems.

(d) Upon approval of an application for federal assistance towards the eligible cost of construction of private on-site wastewater disposal systems the town board may enter into a contract with the federal government for payment of such assistance.

2. Drainage districts. After a drainage district shall have been established, the town board may lay out, open, design, construct, maintain and alter drains, storm water sewers, pumping stations or necessary works appurtenant thereto, and improve any water course for the benefit of any drainage district in such town; contract with any person or corporation, municipal or otherwise, for supplying the inhabitants of such drainage district with storm sewerage facilities; contract for the purchase from any person or corporation, municipal or otherwise, of any trunk sewer, sewer system, pumping station, rights of way and appurtenances, for any such purpose or purposes; and may regulate the construction of all private drains and storm sewers and prescribe the manner in which storm sewer connections shall be made. The town board may lay and construct storm water sewers and necessary incidental appurtenances thereto in and below the surface of any public highway, road, street or avenue of such town within a drainage district as a necessary use of the highway and for highway purposes under the supervision of the town superintendent of highways without obtaining any

easement therefor from the owner of the fee of the land in such public highway, road, street or avenue in the drainage district.

3. Water districts. (a) Construction of system. After a water district shall have been established, the town board may construct, maintain, extend, repair and regulate water works, wells, reservoirs, or basins for the purpose of supplying the inhabitants of any water district in such town, with pure and wholesome water for domestic and commercial uses, and for protection against fire; provided, however, that any such improvement shall be consistent with, so far as possible, any comprehensive plan for public water supply systems developed and maintained pursuant to section ninety-nine-f of the general municipal law. The town board may cause water pipes and necessary appurtenances thereto to be laid, relaid or repaired in or under the surface of any highway in a county in which such town is located or in an adjoining county, for the purpose of transporting water to a water district in said town, and shall cause such highway to be restored to its usual condition at the expense of the district benefited, or may cause water pipes and necessary appurtenances thereto to be constructed along an easement acquired for such purpose, pursuant to law. No water pipes shall be laid under any highway, road, street, or avenue in any city or incorporated village without the consent of the governing board of such city or village, and if such highway be a state or county highway, or a highway constructed pursuant to section one hundred ninety-four or one hundred ninety-five or article six of the highway law, in addition to such consents, the consent of the state superintendent of public works. The town board may also acquire by purchase any existing water system, or a portion or portions thereof, in the county in which such town is located, and/or in an adjoining county, for the purpose of supplying the inhabitants of a water district in such town, but the cost of acquisition thereof shall not exceed the maximum amount stated in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter. For the purpose of promoting the health, safety, morals or general welfare of the community, including the protection and preservation of the property of the town and of its inhabitants and for the maintenance of peace and good order and for the benefit of trade, or for any of such purposes, the town board may lay,

construct and maintain mains and conduits, subject to the supervision of the town superintendent of highways, in, on, along or under the surface of any highway, road, street or avenue within the water district, as a necessary use thereof for highway purposes and without obtaining any easement therefor from the owner of the fee of the land in such highways, roads, streets or avenues, and the town board may erect and place hydrants, valves, valve boxes, pipes and necessary appurtenances thereto, in, on, along or under the surface of such highways, roads, streets and avenues, or any of them, or in or along any easements acquired for such purpose as provided in this subdivision. The town board may also exercise similar powers in, on, along or under the surface of any private highways, roads, streets or avenues within the water district, as a necessary use thereof for the purpose of promoting the public welfare, provided that there be dwelling houses erected and used for residential purposes on the lands abutting on such private highway, road, street or avenue. The owners of the land in such private highways, roads, streets or avenues may be compensated for the use thereof in damages which shall be assessed and determined as provided in article eight of the highway law upon the opening of a new highway where easements have not been granted. If the town board shall cause or permit any excavation to be made in any highway, road, street or avenue for the performance of work pursuant to the provisions of this article, the town board shall cause such highway, road, street or avenue to be restored to its usual condition at the expense of the district benefited. Supply pipes connecting with district mains shall be installed and repaired at the property owner's expense under the direction of an employee of the town or the district after a permit therefor has been granted, except that the town board may, by resolution, provide that that portion of a supply pipe within the bounds of a public highway shall be installed, maintained and repaired by the water district. The costs of installation, maintenance and repair shall be district charges to be assessed, levied and collected as provided in sections two hundred two and two hundred two-a of this chapter. The town board may also fix a uniform service charge for the installation of such portion of a supply pipe, regardless of the location of the water main and regardless of the soil, rock or other physical conditions within the highway, and provide for the time and manner of payment of such charge by the property owner

served by the supply pipe. If a property owner shall fail to pay the uniform service charge, a statement showing the name of the property owner and the amount unpaid and containing a brief description of the real property shall be transmitted to the board of supervisors of the county and such amount shall be levied and collected as an assessment against the real property, all in the manner provided in paragraph (d) of this subdivision in the case of unpaid water rents. Such service charges, when collected, may be used for any water district purpose, except as otherwise provided by law. Any member of the town board or the board of district commissioners, if there be one, or a duly authorized agent of either, may at any time enter a building or upon premises where water is used from supply pipes connected to a district system, for the purpose of examining such pipes and the manner of installation thereof.

(b) Purchase and sale of water. The town board may contract with any person or corporation, municipal or otherwise, or with a town or county on behalf of a water district, for a supply of water, for a term not to exceed forty years, and shall have the power and authority to resell said water to the inhabitants and consumers in said water district and may use such portion thereof within the district as it may see fit and proper for public purposes and provide for the payment as a town charge of that portion of the cost of said water used by the town. The town board may also sell water for the benefit of such water district to municipalities, water districts, water supply districts and fire districts, and for fire purposes to fire protection districts, fire alarm districts and for "unprotected areas" pursuant to section one hundred eighty-four-a of this chapter, but the town board shall not supply water of such water district to that portion of any fire district, fire protection district, fire alarm district or any such "unprotected area" which shall be included within the boundaries of another water district. The town board, in its discretion, may permit the use of water from hydrants of a water district for fire purposes without charge in all or any part of the area of a fire district, fire protection district, fire alarm district, or "unprotected area", which is wholly or partly included within the area of such water district. The town board may permit any person or corporation owning real estate outside of the water district to use water from a district system for a rental, subject to the restrictions to be prescribed by said board,

provided, however, that no such use shall be permitted outside of the town in which such district is located if such territory is served by another water district, a water supply company, city, village or joint water works system unless the approval of the water power and control commission is first obtained. The town board shall not sell nor permit the use of water under this section outside of the district if such use will reduce the supply of water so that it will not be sufficient for the district affected or its inhabitants.

(c) Ordinances, rules and regulations. The town board shall have the power to adopt, from time to time, ordinances, rules and regulations for the operation of the water district and the use of water therein, and in addition to the remedies provided in section one hundred thirty-five for the enforcement thereof or for the punishment of violators, the town board may enforce compliance with such ordinances, rules and regulations by cutting off the supply of water.

(d) Water rates. The town board shall establish, from time to time, the water rates to be paid by consumers and may provide for the payment of said water charges in advance. The board may provide that a discount shall be allowed for the prompt payment of water rates within the time required by the board for the payment thereof. Such water charges shall be a lien upon the real property upon which or in connection with which the water was used. The town board may provide by ordinance or resolution that unpaid water charges in arrears for thirty days or longer shall be subject to a penalty not exceeding ten per centum of the amount due, and may further provide for cutting off the supply of water if such water charges are not paid within sixty days from the date due. At the same time as the filing of the estimates specified in section one hundred four of this chapter, or in case the town board shall elect by resolution a subsequent date, which in no event shall be later than November first in any year, the town clerk shall annually file with the town board, and with the supervisors of adjoining towns in which permits have been issued to property owners, statements showing the unpaid water charges in the respective districts and towns and which have not appeared on any such statements previously filed. Such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amount chargeable to each. The supervisor of the town in

which the districts are located and the supervisors of adjoining towns in which permits have been issued shall transmit such statements to the board of supervisors of the county at its next regular meeting. The board of supervisors shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of the various towns under the name of "Water Rents." Such tax shall be paid to the supervisors of the respective towns. The supervisors of adjoining towns shall pay the same out of the first money collected which is available for town purposes to the supervisor of the town in which the water districts are located. All of the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York not inconsistent herewith shall apply to the collection of such unpaid water rents. Such water rates when collected, shall be applied toward the maintenance, operation, enlargement and improvement of the water system and for the payment of the principal and interest of bonds issued for the purposes of such district.

3-a. (a) Water quality treatment districts. After a water quality treatment district has been established, the town board may take such action as may be necessary or desirable to adopt plans and specifications and enter into a contract or contracts, request, receive and administer grants and other sums of money necessary or proper for the purposes of the district, or take such other action as may be necessary or desirable for water quality treatment, including but not limited to the procurement, by purchase, lease or other means, of a water quality treatment unit or device, installation, monitoring, testing, modifying, operation and maintenance, and the imposition of charges for the expense thereof when such expense is not paid for by a private source, grant or by any other means.

(b) An agreement between the town board and an owner of a benefited parcel of property shall be entered into before the procurement, installation and maintenance of a water quality treatment unit or device. An agreement between such parties shall also be required for the modification and/or maintenance of a water quality treatment unit or device which is in place at the time when the property becomes a part of

the district, however, the modification and/or unit or device must first be approved by the state department of health. Such agreements may be amended from time to time by mutual consent of the town board and the owner of a benefited parcel of property. The agreement shall set forth the amount to be paid by the owner attributable to the expense of procurement, installation, and modification, as the case may be, of the water quality treatment unit or device, and shall contain a statement that the ownership of the treatment units or devices purchased by the district shall remain the property of the district and that charges for monitoring, testing, operation and maintenance shall be determined annually as provided in section two hundred two-a of this chapter. All of the expenses for the procurement and installation or modification may be paid at the time an agreement is entered into. The town board may, by resolution, authorize payment of the expenses of procurement, installation or modification of the water quality treatment unit or device over a period of time in annual installments. Such resolutions shall set forth whether the annual installments shall be due and payable at the same time as town and county taxes are due or at another time. The option of paying such expenses in annual installments, if provided by town board resolution, shall be available to each property owner in the district. If such annual installments shall be due at the same time as town and county taxes, the supervisor shall transmit the amount of the annual installments to the tax levying body for the levy and collection and enforcement of the same in the manner and at the same time as town and county taxes are levied, collected and enforced.

(c) Where the annual installments are to be paid at any other time, the resolution shall set forth the time and manner of payment and collection. Such resolution may be amended from time to time. If any portion or an installment for the procurement, installation and modification of such unit or device is not paid within thirty days of when it is due, the town board shall notify the owner of the property that unless such amount is paid within ten days from the date of the notice, such unit or device may be removed at the expense of the property owner. If the owner fails to pay such amount by such date, the town board may cause such unit or device to be removed. After such removal, the town board shall send the owner a statement of the amount due, together with the amount of expense attributable to removal of such

unit or device, and the total amount thereof shall be a lien upon such real property and collection thereof shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced with interest as provided herein. If the unit or device is not so removed, the collection of the amount set forth in the first notice of delinquency shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced. The total amount set forth in such first notice, together with interest thereon shall be a lien upon such real property until it is paid. Interest shall be charged at the rate of one percent per month or fraction thereof, subsequent to the expiration of the ten days notice, until paid or the date of tax sale, whichever is sooner. On or before the first day of July in each year, the supervisor shall prepare and transmit to the tax enforcement officer or body, a list of those properties and property owners who are in arrears and the amount chargeable to each with interest thereon, as provided herein. All of the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York not inconsistent herewith shall apply to the collection of such unpaid charges. Such amounts, when collected, shall be credited to the applicable water quality treatment district fund and shall be used only for such district purposes.

(d) The agreement shall also contain a grant by the owner to the water quality treatment district, its agents, employees and representatives authorized to act on its behalf, a right of entry and access to the property, while such property is within such district, for the purpose of installation, modification, replacement, repair, monitoring, testing, operation and maintenance, regeneration and removal of the water quality treatment unit or device. Thereafter employees, agents and authorized representatives of the district shall have a right of entry and access to such property for the purposes specified herein, upon reasonable notice at reasonable times. If a lessee or occupant of said property refuses to allow such entry and access, the town board may apply to a court of competent jurisdiction to enforce its right of entry and access. If entry and access was refused by the owner of the property, the town board may in its discretion remove the water quality treatment unit or device at the expense of the owner, unless such unit or device

was acquired and owned by the property owner and exclude the property from the district. Such expense together with any other charges accrued prior to such removal shall be collected in the manner provided in paragraph (c) of subdivision three-a of section one hundred ninety-eight of this chapter.

4. Park districts. After a park district shall have been established, the town board shall proceed to acquire by purchase or condemnation of the property described in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter, for the establishment of such park district, and, thereafter the board may erect or cause to be erected thereon non-commercial buildings and structures and it may purchase necessary equipment and otherwise improve such property for park purposes, as the board may determine. In existing park districts, the town board may acquire by purchase, condemnation or lease, property for public parking places and maintain the same in accordance with the provisions of subdivision five hereof, without the establishment of a public parking district. No property situated within an incorporated village or city shall be acquired in any manner for park purposes, unless the permission and consent of the board of trustees of such village or the common council or legislative body of such city, is first obtained; provided that such permission and consent, if obtained subsequent to the acquisition of any such property, shall be effective for all purposes and to the same extent as though obtained prior to such acquisition. The town board may sell, convey and transfer any property acquired for park purposes at such an amount as it may determine but not less than the original cost thereof, and apply the proceeds of such sale, conveyance or transfer to the purchase of other property for park purposes and improve such property in the manner provided herein. The town board of the town of Oyster Bay may also convey and transfer to the state of New York or to any municipal or district corporation as defined by section three of the general corporation law, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine and the resolution authorizing such conveyance or transfer shall be subject to a permissive referendum. The town board of the town of Hempstead may lease to the

board of cooperative educational services, as defined by article forty of the education law, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine. The town board may employ such persons and expend such amount of money as may be necessary for the proper maintenance of such park for the use, convenience and enjoyment of the inhabitants of such park district, and, may in its discretion, grant licenses and privileges for any use of such park and park property which contributes thereto. The town board may fix a reasonable charge for the use of such park by all persons other than inhabitants and taxpayers of such park district, and, in addition, the board may adopt general rules and regulations for the government and protection of the park and all property therein, and, for the enforcement thereof, provide that the violator of any rule or regulation relating to the park or property therein shall be guilty of a misdemeanor and shall, on conviction, in the county of Nassau before a judge of the district court, and elsewhere before a justice of the peace, be punished by a fine not exceeding fifty dollars, or, in default of payment of such fine, by imprisonment not exceeding thirty days.

5. Public parking districts. After a public parking district shall have been established, the town board shall proceed to acquire by purchase, condemnation or lease the property described in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter for the establishment of such public parking district, and, thereafter the board may purchase necessary equipment and otherwise improve such property for parking vehicles, as the board may determine. The town board may sell, convey, lease and transfer any property acquired for public parking purposes at such an amount as it may determine but not less than the original cost thereof, and apply the proceeds of such sale, conveyance, lease or transfer to the purchase of other property for public parking and improve such property in the manner provided herein. The town board may employ such persons and expend such amounts of money as may be necessary for the proper maintenance of such public parking places. The town board may fix reasonable charges for the use of such public parking places, and for the purpose of collecting such charges may acquire, install and maintain

parking meters. The board may adopt general rules and regulations for the government of such public parking places, and, for the enforcement thereof, provide that the violator of any rule or regulation relating to the public parking place shall be guilty of a misdemeanor. Where parking meters are placed upon highways located outside of villages but within the public parking district at the expense of the town, the town board may transfer such parking meters to the parking district upon payment to the town of the present market value of such meters, in which event the fees from such parking meters shall belong to the parking district and the cost of operation and maintenance thereafter be borne by such public parking district. The rules and regulations for the government of parking meters owned by a public parking district which are located on highways within the district may be adopted only pursuant to the provisions of the vehicle and traffic law.

6. Lighting districts. After a lighting district shall have been established, the town board may contract for a term not exceeding ten years for the illumination of the streets or highways in said district, or such portion thereof as such board may determine. Whenever said district shall have been established and the town board shall have determined to light only a portion of the streets and highways in said district and shall have awarded a contract accordingly, the lighting of additional streets and highways in said district may be contracted for as said town board, in its discretion, may, from time to time, determine advisable. If the town board shall deem it advisable or if the petition shall require the town board so to do, said town board may purchase lighting standards at the expense of said district and may enter into a contract for the installation and maintenance thereof and for supplying electricity or gas therefor.

Whenever a petition requesting the installation of street lighting equipment along a street or highway or portion thereof in any lighting district, signed by the owners of real estate fronting or abutting upon either side of said street, highway or portion thereof to the extent of at least one-half of the entire frontage or bounds on both sides thereof, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the election law

for the authentication of nominating petitions, is filed with the town clerk, the town board shall adopt an order reciting in general terms the filing of such petition and its contents and specifying the time and place, when and where said board will meet to consider said petition and to hear all persons interested in the subject matter thereof. A copy of such order, certified by the town clerk, shall be published at least once in the official paper, the first publication thereof to be not less than ten nor more than twenty days before the date set therein for the hearing, and shall also be posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter. After such hearing and upon evidence given therein, the town board shall determine by resolution (a) whether the petition is signed, and acknowledged or proved, or authenticated as required by law and is otherwise sufficient, and (b) whether it is in the public interest to grant, in whole or in part, the relief sought. If the town board shall determine that the petition is not signed, or acknowledged or proved, or authenticated as required by law, or that it is otherwise insufficient, or if it be determined that it is not in the public interest to grant in whole or in part the relief sought, the town board shall deny the petition. If the town board shall determine in the affirmative the sufficiency of the petition and that it is in the public interest to grant in whole or in part the relief sought, the town board may adopt a resolution approving the petition and authorizing the installation of street lighting equipment along the streets, highways or portions thereof described in the petition, and in such case the town board is authorized to purchase and to have installed the street lighting standards and wiring. The cost of such improvement upon completion thereof, or at any time prior thereto, may be financed by the issuance of obligations of the town, pursuant to the local finance law. The town board shall annually apportion and assess upon the several lots and parcels of land within the district in proportion to the amount of benefit which the improvement shall confer upon the same, and in the manner provided in section two hundred two-a of the town law for the assessment of the cost of maintenance in a sewer district, an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable. The cost of maintenance of such improvement shall be a charge upon the district.

7. Snow removal districts. After a snow removal district shall have been established, the town board may contract for a term not exceeding ten years for the removal of snow from all the sidewalks in said district or such portion thereof as the board may determine. Whenever the town board shall have awarded a contract for the removal of snow from a portion of the sidewalks in any such district, the town board may contract for the removal of snow from additional sidewalks in said district from time to time as the said town board in its discretion may determine advisable. Whenever the town board may determine it advantageous so to do, it may employ a sufficient number of persons and provide the necessary equipment to remove snow from sidewalks within the district, at the expense of said snow removal district.

8. Water supply districts. After a water supply district shall have been established, the town board may contract for a term not exceeding forty years for the delivery by a water district, municipal corporation, water authority, or by a corporation subject to the provisions of article four of the transportation corporations law, of a supply of water for fire, sanitary or other public purposes, to such district, and for the furnishing, erection, maintenance, care and replacement of fire hydrants in connection therewith.

8-a. Water storage and distribution districts. The town board shall have and exercise all of the powers with respect to a water storage and distribution district which are provided in subdivision three in the case of water districts, in so far as the same are consonant with the purposes of the water storage and distribution district, as described in section one hundred ninety-a, provided, however, that the charges for water sold shall be sufficient to pay all estimated annual costs of operation and maintenance and all annual installments of principal of, and interest on, obligations issued on behalf of the water storage and distribution district. In the event that such revenues in any year are insufficient, the excess of cost over revenues may be assessed against the real property of the district as hereinafter provided.

9. Refuse and garbage districts. After a refuse and garbage district

shall have been established in such town, the town board may,

(a) Provide for the collection and/or resource recovery or disposition, or any combination thereof of garbage, ashes, rubbish and other waste matter in such district, and for any of such purposes may construct, operate and maintain refuse resource recovery, disposal or incinerator plants, and establish, operate and maintain sanitary landfills, acquire the necessary lands therefor, and purchase, operate and maintain all necessary appliances appurtenant thereto, including such vehicles as may be required for the collection and resource recovery or disposition thereof; or the town board may contract for the collection and resource recovery or disposal of animal or vegetable refuse, ashes, garbage or any waste matter, and for that purpose may award one or more contracts for a period not exceeding ten years for the collection and twenty years for the resource recovery or disposal thereof for all refuse and garbage districts in such town or separate contracts for each district or part thereof. Whenever the town board may determine it advantageous so to do, it may employ a sufficient number of persons and provide the necessary equipment to collect such garbage, refuse and waste matter, at the expense of said refuse and garbage district.

(b) Upon a petition as provided for in section one hundred ninety-one of this article, provide for the prevention or reduction of waste matter consisting of carbon components of energy waste from residential properties and the performance of energy audits and the purchase and installation of energy efficiency improvements on such residential properties. The term "energy efficiency improvement", as used in this subdivision, shall mean a material improvement made to an existing residential property that reduces energy consumption, including but not limited to caulking, weatherstripping, air sealing, insulation, heating and cooling systems upgrades, solar thermal systems and conservation measures, in a cost-effective manner as determined by the town, provided, however, that "energy efficiency improvement" does not include a household appliance, such as a washing machine or refrigerator, that is not permanently fixed to real property. The term "energy audit", as used in this subdivision, shall mean a formal evaluation by a qualified contractor, who shall be approved by the town board, of the energy consumption of a residential property for the purpose of identifying

methods to improve energy efficiency and reduce energy waste.

(c) Establish from time to time, charges, fees or rates to be paid by users for refuse and garbage collection service and may provide for the payment of said charges in advance. Such charges, fees or rates may be based upon the volume of refuse, garbage, ashes, rubbish and other waste matter collected, making a proper allowance for commercial or industrial establishments, the number of calls per month, the number of persons or families served in the district, or upon any other equitable basis as the town board may determine. The town board may also establish from time to time charges, fees or rates to be paid by those who have had energy audits performed and energy efficiency improvements installed or implemented on residential properties. Such charges shall be a lien upon the real property for which or in connection with which the services are rendered.

(d) Provide by ordinance, rule or regulation for the time within which rates, charges or fees for the refuse and garbage collection service or for energy audits and energy efficiency improvements shall be paid, and may provide a penalty not exceeding ten per centum of the amount due, when such rates, charges or fees are in arrears for thirty days, or longer. The town clerk shall annually file with the town board statements showing unpaid rates, charges or fees in such districts. Such statements shall contain a brief description of the property for which or in connection with which the refuse and garbage collection service was provided, or on which the energy audits were performed and energy efficiency improvements were installed, the names of the persons or corporations liable to pay the same and the amount chargeable to each. The supervisor shall transmit such statements to the board of supervisors which shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of such town under the name of "refuse and garbage charges." Such tax shall be paid to the supervisor of such town. All the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York, not inconsistent herewith, or for energy audits and energy efficiency improvements shall apply to the collection of such unpaid charges for the collection of refuse and garbage. All such rates, charges and fees

shall be used for the payment of the cost of the management, maintenance and operation of the refuse and garbage collection service, or the enlargement or extension of the facilities thereof or the improvement of services therein, or for the cost of the management, maintenance and operation of performing energy audits and purchasing and installing energy efficiency improvements.

(e) Adopt from time to time ordinances, rules and regulations for the collection of garbage, ashes, rubbish and other waste matter in the refuse and garbage districts in the town and the use of the equipment therein, and in addition to the remedies provided in section one hundred thirty-five of this chapter for the enforcement thereof or for the punishment of violators, the town board may enforce compliance with such rules, ordinances and regulations by discontinuing the refuse and garbage collection service.

10. Public dock districts. After a public dock district shall have been established, the town board may contract for the construction of a public dock, either under an entire contract or in parts or sections as the board may determine, and may acquire such real property as the board may deem necessary for the construction and maintenance of such public dock and its approaches but the cost thereof shall not exceed the amount stated in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter. The board shall also have authority to provide for the maintenance thereof and to establish rules for its use.

10-a. Beach erosion control districts. After a beach erosion control district shall have been established, the town board may take such action as may be required to arrest erosion in such district and prevent or alleviate damage resulting therefrom and to contract for or to construct such jetties, groins, fills, bulkheads or other works or improvements as may be necessary to carry out its purpose.

10-b. Sidewalk districts. After a sidewalk district shall have been established, the town board may construct or contract for the construction of sidewalks within the district as it may determine to be necessary or desirable. The board shall also have authority to provide

for the maintenance thereof.

10-c. After a fallout shelter district shall have been established, the town board may acquire, construct, install and maintain a fallout shelter or shelters within the district as it may determine to be necessary or desirable for the protection, safety and health of the persons residing within such district, and acquire, store and maintain appropriate materials and supplies therein, subject to the applicable provisions of the New York state defense emergency act.

10-d. Harbor improvement districts. After a harbor improvement district has been established, the town board may take such action as may be required to adopt plans and specifications and enter into a contract or contracts for harbor improvements within the district as it may determine to be necessary or desirable. The board shall also have authority to provide for the maintenance thereof.

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

10-f. Ambulance districts. After an ambulance district has been established, including ambulance districts established prior to the effective date of this subdivision pursuant to this article and article twelve-A of this chapter or any other provision of law, the town board may:

(a) provide an emergency medical service, a general ambulance service, or a combination of such services for the purpose of providing prehospital emergency medical treatment or transporting sick or injured persons found within the boundaries of the district to a hospital, clinic, sanitorium, or other place for treatment of such illness or

injury, and to that end may:

(i) Acquire by gift or purchase one or more motor vehicles suitable for such purpose and supply and equip the same with such materials and facilities as it may consider necessary for prehospital emergency treatment, and may operate, maintain, repair and replace such vehicles and such supplies and equipment;

(ii) Contract with one or more individuals, municipal corporations, associations, or other organizations having sufficient trained and experienced personnel except an emergency rescue and first aid squad of a fire department or fire company which is subject to the provisions of section two hundred nine-b of the general municipal law for operation, maintenance and repair of such emergency medical service or ambulance vehicles and for the furnishing of prehospital emergency treatment;

(iii) Contract with one or more individuals, municipal corporations, associations, or other organizations except an emergency rescue and first aid squad of a fire department or fire company which is subject to the provisions of section two hundred nine-b of the general municipal law to supply, staff and equip emergency medical service or ambulance vehicles suitable for such purposes and operate such vehicles for the furnishing of prehospital emergency treatment;

(iv) Employ any combination of the methods authorized in subparagraphs (i), (ii) and (iii) of this paragraph;

(b) formulate rules and regulations relating to the use of such apparatus and equipment in the provision of emergency medical services or ambulance service, fix a schedule of fees or charges to be paid by persons requesting the use of such facilities, provide for the collection of such fees and charges, or formulate rules and regulations for the collection thereof by the individuals, municipal corporations, associations, or other organizations furnishing service under contract as provided in subparagraph (ii) of paragraph (a) of this subdivision;

(c) purchase or provide insurance indemnifying against liability for the negligent operation of such emergency medical service or ambulance service and the negligent use of other equipment or supplies incidental to the furnishing of such emergency medical service or ambulance service;

(d) provide for the administration and coordination of such emergency medical service or ambulance service including but not limited to

operation of an emergency medical communications system and medical control; and

(e) establish by local law a district board of ambulance commissioners, and delegate ministerial functions related to the operation of the ambulance district to the commissioners. The district board of ambulance commissioners shall act in an advisory capacity to the town board with regard to other functions related to the operation of the district.

The town board may appoint members to the district board of ambulance commissioners or may provide that the commissioners be elected pursuant to the procedures in article thirteen of this chapter for the election of improvement district commissioners. If appointed by the town board, the town board shall appoint the members to terms so fixed that at least one will expire at the end of each calendar year. No term shall exceed three years.

10-g. Watershed protection improvement district. After a watershed protection improvement district has been established, the town board may take such action as may be required to adopt plans and specifications and enter into a contract or contracts, or take such other actions as may be required, for the protection and restoration of groundwater, surface waters, and drinking water quality as it may deem to be necessary or desirable, including but not limited to stormwater treatment projects and wetland construction.

11. Contracts. All contracts authorized by the provisions of this article shall be executed by the signatures of a majority of the members of the town board. Every contract on behalf of an improvement district shall specify the particular district on behalf of which the town board shall be acting. No contract shall be awarded for the performance or supplying of services in a district if the total annual expense of providing such services shall exceed the maximum amount, if any, stated in the petition for the establishment or extension of the district, or in the final order, if the town board is proceeding under article twelve-A of this chapter, unless such maximum amount shall have been increased pursuant to section two hundred two-d of this chapter.

12. Sale or lease of property. (a) Except as otherwise provided in subdivision eight of section two hundred fifteen of this chapter, real or personal property owned by, but not required for the purposes of, any improvement district may be sold or leased by the town board, provided, however, that if the property sold or leased has a value in excess of one thousand dollars, a public hearing shall be held as herein provided.

Notice of such hearing shall be published at least once in the official newspaper of the town not less than ten nor more than twenty days prior to the day specified for the hearing. The notice shall specify the time when and place where such hearing will be held, and shall describe the property proposed to be sold or leased and the proposed terms of the sale or lease. The receipts from the sale or lease of such property shall be paid to the supervisor of the town and credited to the district and may be expended for any purpose which would properly be charged against the entire district.

(b) Notwithstanding any other provision of this chapter, the town board or the commissioners of a district with the approval of the majority of the town board may sell all or any part of the property and facilities of an improvement district to a county, a city, a village, a town, a public authority, a town on behalf of an improvement district, a county on behalf of a county district, or a joint water works system established pursuant to article five-B of the general municipal law, provided, however, that such sale shall have been approved by a majority vote of the qualified electors of the district voting thereon. Such referendum shall be held in the manner prescribed in article six of this chapter and eligibility to vote shall be determined as prescribed in section eighty-four of this chapter in the case of districts. In the event that all or any part of the property and facilities of an improvement district is purchased by a county, a city, a village, a town, a town on behalf of an improvement district or a county on behalf of a county district, the town board may by agreement with the purchaser provide that payment of the purchase price, in whole or in part, shall be made by having the principal of and interest on obligations issued to finance the cost of the property and facilities so sold, assumed by the purchaser. The town board or the commissioners of a district with the

approval of the majority of the town board may lease for a term not to exceed forty years all or any part of the property and facilities of an improvement district to a county, a city, a village, a town, a public authority, a town on behalf of an improvement district or a county on behalf of a county district, or a joint water works system established pursuant to article five-B of the general municipal law, provided, however, that such lease shall be subject to a permissive referendum held in the manner prescribed in article seven of this chapter except that in the case of districts the petition required by section ninety-one of said article shall be sufficient if signed, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the election law for the authentication of nominating petitions, by the owners of taxable real property situate in the district, as shown upon the latest completed assessment-roll of the town in which the district is located, in number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser. For the purposes of this section, a corporate owner of such taxable real property shall be considered one owner for the purposes of a petition requesting a referendum and shall be entitled to one vote to be cast by an officer or agent of the corporation or other duly authorized person designated by appropriate resolution of such corporation. The proposition submitted must be approved by the affirmative vote of a majority of the owners of taxable real property situate in the district as shown upon the latest completed assessment-roll of the town, voting on such proposition. The provisions of this paragraph (b) as to leasing of facilities shall apply to joint water districts existing by virtue of and governed by the provisions of section three hundred forty-one, subdivision twelve of this chapter.

(c) The proceeds of the sale of a part of the property and facilities of a district or of the lease of all or a part of the property and facilities of a district shall be deposited in a reserve fund established for the purpose of retiring outstanding obligations issued on behalf of the district to finance the cost of the property and facilities sold or leased and shall be expended only for such purpose, except as provided below. If the proceeds exceed the sum of all installments of principal of and interest on such indebtedness due to or

become due, or the payment of principal of and interest on obligations is assumed as provided in paragraph (b) above, or if, when all such outstanding obligations shall have been retired, any moneys remain unexpended in the reserve fund, such excess moneys may be used for any purpose properly chargeable against the entire district.

(d) If it is proposed that all of the property and facilities of the district be sold, the proposition submitted to referendum shall provide as a part thereof, for dissolution of the district as well as for sale of such property and facilities. If the proposition for sale and dissolution is approved, the moneys received from such sale must be set aside in a reserve fund and used to amortize outstanding obligations, as provided in paragraph (c) of this section. Any excess over and above the amount necessary to be set aside in a reserve fund and used to retire indebtedness, as aforesaid, together with any other moneys of the district, shall be disposed of to the credit of real property within the district by any equitable method described in the proposition submitted to referendum.

(e) If no provision for distribution of excess proceeds is made in the proposition, then such proceeds shall be apportioned on the basis of assessed valuation among the several parcels of land situated in the district, as shown on the last completed assessment roll of the town or county, as the case may be. The amounts so apportioned shall be credited to each such parcel of real property in reduction of the county and town taxes on so many successive tax rolls as may be necessary to exhaust such amounts. If there be any real property in the district which is wholly exempt from general taxation but which, while exempt from general taxation paid as an assessment for benefit a proportionate share of the cost of the improvement, the amount apportioned to such real property shall be refunded to the owner or owners thereof as shown on the last completed assessment roll at the time of distribution.

13. Change of name. The town board may adopt a resolution changing the name of an improvement district. Within ten days after the adoption of such resolution a certified copy thereof shall be filed in the office of the town clerk, in the office of the clerk of the county in which the town is located and in the office of the state department of audit and control at Albany, New York.