§ 198-a. Special districts for disposal of duck waste in Suffolk county. 1. The town board of any town in Suffolk county is hereby authorized to create a special waste disposal district, or more than one such district, in said town, outside of any incorporated village or city, the area of which said special waste disposal district shall be less than the territorial limits of said town, for the purpose of constructing, maintaining and operating within said special waste disposal district a treatment and disposal plant and other facilities, including the acquisition of necessary land and rights in land, to provide for the collection, treatment and disposition, or either, of duck waste. Such special waste disposal district shall be created or extended in the manner provided by and pursuant to the provisions of this article relating to the creating or extension of sewer districts and shall embrace only duck farms as hereinafter defined in this section. The territory embraced within any such special duck waste disposal district may be composed of non-contiguous areas or properties. When so created, it shall be deemed to be an improvement district created pursuant to the provisions of this article, and shall be subject to the procedural requirements therein set forth.

2. After a special waste disposal district shall have been established, the town board, as the governing agency thereof, may provide for the collection, treatment and disposition, or either, of duck waste in such district, and for that purpose, may construct, equip, operate and maintain a collection system or a treatment and disposal plant, or both, and pipes and sewer lines and connections thereto, acquire the necessary land and rights in lands therefor, and purchase, operate and maintain all necessary appliances appurtenant thereto, including such vehicles as may be required in connection with the collection, treatment and disposition thereof. The cost of such construction and equipment and the acquisition of such land and rights in land shall be at a cost not to exceed the maximum amount proposed to be expended as stated in the petition. Whenever the town board may determine it advantageous to do so, it may (a) employ a sufficient number of persons and provide the necessary equipment to operate and maintain said collection system or said treatment and disposal plant, or both, at the expense of said district, and (b) establish from time to

time, charges, fees or rates to be paid by users for such operation and maintenance and may provide for the payment of said charges in advance. Such charges, fees or rates may be based upon the volume of duck waste treated, or upon any other equitable basis as the town board may determine. Such charges shall be a lien upon the real property for which or in connection with which the services are rendered. The town board may provide by ordinance, rule or regulation for the time within which rates, charges or fees for such operation and maintenance 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 such operation and maintenance was provided, 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 "duck waste charges". Such tax shall be paid to the supervisor of such town. All the provisions of the existing 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 county of Suffolk, not inconsistent herewith, shall apply to the collection of such unpaid charges for the treatment and disposition of duck waste. All such rates, charges and fees shall be used for the payment of the cost of the management, maintenance and operation of the duck waste collection, treatment and disposition service, or for the enlargement or replacement of the same. The town board may adopt from time to time ordinances, rules and regulations for the collection, treatment and disposition of duck waste in the special waste disposal districts in the town and the use of the equipment therein, and, in addition to the remedies provided in section one hundred and 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 duck waste and other waste matter collection, treatment or disposal service.

3. The expense of the establishment of a special waste disposal district and of constructing a waste disposal system therein, as authorized by subdivision two of this section, shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges, unless the petition for the establishment thereof shall provide that the expense thereof shall be assessed by the town board upon the several lots and parcels of land in said district especially benefited by the improvement in proportion to the amount of benefit which the improvement shall confer upon the same, in which case such expense shall be assessed in such manner.

4. After the improvement has been constructed and completed it shall be maintained by the town board and the expense thereof shall be a charge upon the district in the manner as may be determined by the town board in accordance with subdivision two of this section.

5. Whenever the town board shall determine it necessary to acquire additional lands or rights in land in order to maintain the waste disposal system or to increase, improve and reconstruct the facilities thereof and the appurtenances thereto, it is authorized to do so by following the procedure set forth in section two hundred and two-b of this article.

6. The town board may provide for the payment of the cost of any public improvement hereby authorized by making funds available therefor pursuant to the local finance law. The period of probable usefulness of any public improvement authorized by this act is hereby determined to be twenty-five years. In case the expense of the establishment of the special waste disposal district is to be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges, the provisions of section two hundred thirty-one-a of this chapter shall be applicable. In case the expense of the establishment of the special waste disposal district is to be assessed upon benefited property in proportion to the amount of benefit which the improvement shall confer upon the same, the

provisions of section two hundred thirty-one of this chapter shall apply.

7. For purposes of this section, the term "duck waste" shall mean duck excrement, offal and corpses, or any other waste, material or substance resulting from the raising and processing of ducks for commercial use, and the term "duck farm" shall mean any farm or property on which more than five thousand ducks per year are raised for commercial purposes.