§ 199. Proceedings for lateral sewers, drains or water mains. 1. Powers of town board. Whenever a sewer, drainage or water district shall have been established by the town board and a trunk system of sewers, drains or water mains shall have been constructed therein or contracted for, the town board, upon a petition, or by a resolution adopted on its own motion, and in the manner hereinafter provided:

(a) May construct lateral sewers, drains or water mains, respectively, in or along any portion of any street or highway or easement acquired for such purpose, in any sewer or drainage district or in any water district in which the expense of establishing the district and of providing improvements therefor must be apportioned and assessed, pursuant to section two hundred two of this chapter, upon the several lots or parcels of land deemed benefited, in proportion to the amount of benefit which the improvement conferred upon the same.

(b) May construct lateral water mains in or along any portion of any street or highway or easement acquired for such purpose, in any water district in which the expense of establishing the district and of providing improvements therefor must be assessed, levied and collected, pursuant to section two hundred two of this chapter, from the several lots or parcels of land within the district in the same manner and at the same time as other town charges.

(c) May construct lateral water mains in or along any portion of any street or highway or easement acquired for such purpose, in any water district in which the expense of establishing the district and of providing improvements therefor was apportioned and assessed, prior to January first, nineteen hundred thirty-four, upon the several lots or parcels of land included in said district in proportion to the area of such lot or parcel of land to the total area of the district.

2. Petition or resolution and hearing thereon. Such petition for the construction of lateral sewers, drains or water mains shall be signed by the owners of real estate fronting or abutting upon either side of the street, highway or easement, or portion thereof, in which it is proposed to construct the improvement, to the extent of at least one-half of the entire frontage on both sides of said street, highway or easement, or portion thereof. If the proposed improvement will serve the property on only one side of a street, highway or easement, or portion thereof, such

petition shall be signed by the owners of real property fronting or abutting upon the side to be served of said street, highway or easement to the extent of at least one-half of the entire frontage on such side of said street, highway or easement, or portion thereof. If any of such real estate shall be owned by persons residing in or along such street, highway or easement, or portion thereof, the petition shall not be acted upon by the town board unless such petition shall be signed by resident owners owning not less than one-half of the aggregate frontage owned by resident owners residing in or along such street, highway or easement, or portion thereof specified in such petition; provided, however, that if such petition shall be signed by the owners of at least eighty per cent of the aggregate frontage on such street, highway or easement, or portion thereof specified in such petition, then the foregoing requirement as to the signatures of resident owners shall not apply thereto. Such petition shall be signed by the petitioners, 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, and shall state the maximum amount proposed to be expended for the improvement. A resolution adopted pursuant to subdivision one of this section shall state the improvement proposed, the maximum amount proposed to be expended and the area benefited. When any such petition containing the required signatures shall have been presented or a resolution adopted by the town board on its own motion, the town board shall adopt an order and enter the same in the minutes of its proceedings, reciting in general terms the filing of the petition or adoption of such resolution as the case may be, the improvement proposed, the maximum amount proposed to be expended for the improvement as stated in the petition or the resolution, and specifying the time when and place where said board will meet to consider the petition or the resolution and to hear all persons interested in the subject thereof concerning the same. The board shall cause a copy of such order, certified by the town clerk, to 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 day set therein for the hearing as aforesaid, and shall cause a copy thereof to be posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter not less than ten nor more than twenty days

before the day designated for the hearing as aforesaid. The order of the town board providing for a public hearing on a petition or resolution for the construction of lateral water mains pursuant to paragraphs (b) and (c) of subdivision one shall include, in addition to all other matters required to be specified therein, a statement that the cost of such improvement, if constructed, shall be borne by the district at large.

3. Construction of improvement. If the town board shall determine, after such hearing and upon the evidence given thereat, that it is in the public interest to make the improvement, the board shall direct the engineer to prepare definite plans and specifications, and to make a careful estimate of the expense, and with the assistance of the town attorney, or an attorney employed for that purpose, to prepare a proposed contract for the execution of the work. Thereupon the said board shall examine such definite plans, specifications, estimate and the proposed contract, and may reject the same or make such modifications and changes therein as shall seem necessary and desirable. If the estimate of the cost of the improvement as prepared by said engineer exceeds the maximum amount proposed to be expended for said improvement as stated in the petition or resolution, the town board shall adopt an order calling a further public hearing at a definite place and time not less than fifteen nor more than twenty-five days after such determination. A notice of such further hearing shall be published and posted in the manner hereinabove in this section provided and there shall be included in such notice a statement that the improvement cannot be constructed within the maximum amount proposed to be expended as stated in said petition or resolution, the cost of said improvement as estimated by the engineer, a brief description of the improvement and the place and time at which the board will conduct such further hearing. A copy of such notice shall also be sent by regular mail to the last known address of each person who has signed the petition, but failure to receive said notice shall in no way affect the validity of any proceedings hereunder. Such further hearing shall be conducted in the same manner as an original hearing upon a petition or resolution. If after such further hearing said board shall determine that it is in the public interest to construct said improvement within

the cost estimated by the engineer it shall adopt such definite plans, specifications, estimate and the proposed contract and cause the improvement to be constructed all in the manner hereinbefore in this chapter provided for the construction of trunk sewers, drains and water systems. In any case where such public hearings were held as a result of the adoption of a resolution by the town board in lieu of taking action pursuant to petition, the resolution provided for shall be subject to a permissive referendum in article seven of this chapter, except as hereinafter provided. The proposition submitted must be approved by the affirmative vote of a majority of the owners of real property situate in the proposed benefited area described in the resolution as shown upon the latest completed assessment roll of the town, voting on such proposition. A petition requesting a referendum shall be sufficient if it is initiated and signed, and acknowledged or proved, or authenticated, in the same manner as a petition for improvements pursuant to this section. Where such petition or resolution is for the construction of a lateral sewer, drain or water main through different streets or highways or easements or portions of streets or highways or easements, such lateral sewer, drain or water main shall be deemed one sewer, drain or water main, and such streets or highways or easements or portions thereof, one continuous street or highway or easement for purposes of this section.

4. Effect of section limited. This section shall not apply to the construction of any lateral sewer, drain or water main described in any map or plan which shall have accompanied the petition or resolution for the establishment of a sewer, drainage or water district, provided that the cost of constructing such lateral sewer, drain or water main together with the cost of every other improvement constructed pursuant to such petition or resolution shall not exceed the maximum amount proposed to be expended as stated in such petition or resolution.