York Sewer District Charter

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YORK SEWER DISTRICT CHARTER

Sec. 1. Territorial limits; corporate name; purposes.

The territorial limits of the Town of York and the people within the territorial limits are made and declared to be a public sewerage district and a quasi-municipal corporation under the name of "York Sewer District" and shall be a system of public sewerage constructed, maintained and operated for the public health and welfare and for the benefit of the inhabitants and of the property in the district served by the sewerage facility, in the manner, with the rights, duties and immunities set forth in this Act. Amendments to extend the boundaries of the district must be approved by the voters of the district.

Sec. 2. Authority to construct and maintain.

Within its territory, the York Sewer District is authorized to lay pipes, drains, sewers and conduits and to take up, repair and maintain them or to contract for that to be done, in and along and through the public ways, private ways and public grounds, and through lands of any person or corporation as provided in this Act, to and into tidal waters or filtration plants or into any drain or sewer now or hereinafter built which empties into tidal waters or into any filtration plant, the discharge therefrom to be at such points consistent with the requirements of public health, environment and public welfare as shall be found convenient and reasonable for the district and the flow of existing water courses; also to construct and maintain filtration plants, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage matter and surface or waste waters as may be necessary and proper; and in general do any or all things incidental to accomplish the purposes of this Act.

Sec. 3. Election of trustees; terms of office; meetings; bylaws; compensation; annual reports.

All the affairs of the district shall be managed by a board of trustees composed of 5 members who shall be residents of the Town of York and elected as provided in this Act. The trustees of the district holding office on the effective date of this Act shall continue to hold the office until their terms expire. At each annual municipal election of the Town of York, the voters shall elect a trustee of the district for a term of 5 years. These trustees shall be nominated and elected under the same procedure as provided for the municipal officers of the town. In the event a vacancy arises in the membership of the board of trustees, the vacant office shall be filled by the municipal officers until the next regular municipal election, at which a trustee shall be elected to fill the unexpired term. All trustees shall be eligible for re-election, but municipal officers of the Town of York shall not be eligible for nomination or election as trustees.

After each annual municipal election of the Town of York, the trustees shall organize by the election of a chairman, vice- chairman, treasurer and clerk. The trustees may adopt a corporate seal and, when necessary, may choose other needful officers and agents for the proper

conduct and management of the affairs of the district. They may procure an office and incur such expenses as may be necessary.

The trustees shall receive compensation as recommended by them and approved by the majority vote of the municipal officers in the Town of York, including compensation for any duties they perform as officers, as well as their duties as trustees. Certification thereof shall be recorded with the Secretary of the State and recorded in the bylaws. Their compensation for duties as trustees shall be on the basis of such specified amount as may be specified in the bylaws, for each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed such specific amount as may be specified in the bylaws. Compensation schedules in effect on January 1, 1982, shall continue in effect until changed.

At the close of each fiscal year, the trustees shall make a detailed report of their doings, of the receipts and expenditures of the sewer district, of its financial and physical condition and of other matters and things pertaining to the district and show the inhabitants how the trustees are fulfilling the duties and obligations of their trust. The report must include audited financial statements. This report must be filed with the municipal officers, who shall include the report in the annual town report.

Trustees who have not been members of the Maine State Retirement System prior to January 1, 1982, as a result of their selection as trustees and who are not full time employees, shall not be eligible to join the Maine State Retirement System as a result of their selection as trustees.

Sec. 4. Eminent domain.

The authority and procedures for the exercise of eminent domain by the York Sewer District shall confirm to the Maine Revised Statutes, Title 38, sections 1152, 1152-A, 1153 and 1154. In addition, the York Sewer District may not take by right of eminent domain any of the property of facilities of any other public utility used or acquired for future use by the owner thereof, in the performance of a public duty, unless expressly authorized by a special Act of the legislature.

Sec. 5. Crossing other public utilities.

If any sewer line of the sewer district crosses the property or line of any other public utility, unless consent is given by the other public utility as to place, manner and conditions of the crossing within 30 days after consent is requested by that district, the Public Utilities Commission shall determine the place, manner and conditions of the crossing and all work on the property of that public utility shall be done under the supervision and to the satisfaction of the public utility, but at the expense of the district. If any sewer line of the sewer district as provided in this section crosses the property or line of any railroad corporation, the procedure shall be the same as stated in this section, except that the Department of Transportation shall be substituted for the Public Utilities Commission.

Sec. 6. Rights and obligations of abutters or others to enter.

Any person may enter his private sewer into any sewer of the district while it is under construction and before completion and before assessments for an entrance charge are made, on obtaining a permit in writing from the trustees, but after the sewer is completed and the assessments are made, no person may enter his private sewer into that sewer until he has paid his assessment and obtained a permit in writing from the trustees. All such permits shall be recorded by the clerk of the district in its records before the permits are issued.

Every building in the district intended for human habitation or occupancy or with facilities for discharge or disposal of sewage or commercial or industrial waste, which is accessible to a sewer or drain of the district, shall have a sanitary sewer or drainage system which shall be caused to be connected with that sewer or drain of the district by the owner or person against whom taxes on the premises are assessed, in the most direct manner possible, within 90 days after receiving a request therefor from the district, or within such further time as the trustees of the district may grant and, if feasible, with a separate connection for each such building.

Existing buildings which are already served by a private sewer system are not required to connect with any sewer or drain of the district as long as the private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate any law or ordinance or any applicable requirements of the State of Maine Plumbing Code, as determined by the municipal plumbing inspector, his alternate or, in the event that both are trustees or employees of the district, the Division of Health Engineering.

A building is deemed to be accessible to a sewer or drain of the district for the purposes of this section if that building, or any private sewer or drain directly or indirectly connected thereto or carrying sewage or commercial or industrial waste therefrom, shall at any point be or come within 200 feet of a sewer or drain of the district; provided that nothing in this section may require the owner of any such building to acquire any real property or easement therein for the sole purpose of making the connection.

The officers or agents of the district shall have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge and to enforce this chapter and the rules prescribed by the trustees of the district.

Sec. 7. Contracts authorized.

The district is authorized to contract with persons, corporations, districts, the Town of York and other municipalities, both inside and outside the boundaries of the district, and with this State and the Federal Government or any agency of either, to provide for disposal of sewage and commercial and industrial waste water through the district's system and through the system of any such person, corporation, district or other municipality; and every other district and municipality of the State may contract with the district for the collection, distribution, treatment

and disposal of sewage and commercial and industrial waste water and for those purposes any such municipality may raise money as for other municipal charges.

Sec. 8. Excavation or repair work; closing of ways.

Whenever the district enters, digs up or excavates any public way or other land for the purpose of laying its sewers or pipes, constructing manholes or catch basins or their appurtenances or maintaining the same, or for any other purpose, the work shall be expeditiously done with the least possible interruption and, on completion of the work, the district shall restore the way or land to the condition it was in prior to that work or to a condition equally as good.

Whenever the character of the work is such as to endanger travel on any public way, the municipal officers of the Town of York may order a temporary closing of the way and of any intersecting way upon request of the district and the way shall remain closed to the public travel until the municipal officers deem it is restored to a condition safe for traffic.

Sec. 9. Violations.

Any person who places, discharges or leaves any offensive or injurious matter or material on or in the sewer conduits, catch basins or receptacles of the district contrary to its regulations or knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district for sewer purposes shall be liable to pay twice the amount of the damages to the district, to be recovered in any proper action; and that person is guilty of a Class E Crime.

Sec. 10. Property tax exempt.

The property, rights and franchises of the district shall be forever exempt from taxation.

Sec. 11. Bonds.

The District, for the purposes of accomplishing its objectives, of paying and refunding its indebtedness, of paying any necessary expenses and liabilities incurred under this Act, including organizational and other necessary expenses and liabilities whether incurred by the district or any municipality in the district, the district being authorized to reimburse any municipality in the district for any such expenses incurred or paid by it, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating sewage and treatment plants or systems and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, by resolutions of its board of trustees, without district vote, except as provided in section 12, is authorized to borrow money and issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series or in separate series, in such amount or amounts, bearing interest at such rate of rates and having such terms and provisions as the trustees shall determine. Any such bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine. Bonds, notes or evidences of indebtedness

may be issued with or without provisions for calling the same prior to maturity and, if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes and other evidences of indebtedness shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district and, if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligation of the district and the district is declared to be a quasi- municipal corporation within the meaning of the Maine Revised Statutes, Title 30, section 5053. Subject to the provisions of this section, the district may, from time to time, issue, in one series or in separate series, its bonds, notes, and other evidences of indebtedness for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State and shall be tax exempt.

The district may enter into agreements with the State or Federal Government, or any agency of either, or any municipality, corporation, commission or board authorized to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out and to accept grants and borrow money from any such government, agency, municipality, corporation, commission or board as may be necessary or desirable to accomplish the purposes of the district.

Sec. 12. Certain bond issues, special meeting, vote.

In the event that the trustees vote to authorize bonds or notes, for any of the corporate purposes of the sewer district, excluding notes payable within one year, notes in anticipation of bonds authorized pursuant to this section, notes in anticipation of the revenues to be collected or received in any year or notes in anticipation of the receipt of approved federal or state grants, the authorized amount of which, singly or in the aggregate included in any one financing, is $150,000 or more, the trustees shall call a special district meeting for the purpose of permitting the collection of testimony from the public concerning the purpose and the amount of debt so authorized. Notice of the special district meeting, stating the approximate amount of the debt and the purpose for which it is being issued, shall be published not less than 7 full days prior to the date of the meeting in a newspaper having general circulation in the district and shall be mailed to each ratepayer in the district not later than the date of the publication. No debt may be incurred under the vote of the trustees until the expiration of 7 full days following the date of the special district meeting.

Except for debt to fund that part of any project which has been approved for grant financing by the State Government or Federal Government to meet the requirements of the United States Clean Water Act, United States Code, Title 33, Section 1251 et seq., including any related facilities not eligible for that financing but essential to the operation of the approved project as an integral system, for debts in excess of the amount specified in this section, the following petition and referendum procedure shall apply. If, on or before the 7th day following the date of the special district meeting, a petition signed by at least 5% but not less than 50, of the registered voters of the district is filed with the clerk of the district requesting reference of

the vote of the trustees to referendum, the clerk of the district shall call and hold a special election of the voters of the district for the purpose of submitting to referendum vote a question of approving the vote of the trustees. The vote of the trustees shall be suspended until it has received approval by vote of a majority of the voters of the district voting on the question at the special election.

Sec. 13. Rates and other charges.

All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates, tolls, rents, entrance charges, impact fees and other lawful charges established by the trustees for the sewer service used or available to them, which rates shall include rates for the district's readiness to serve charged against the owners of real estate, abutting on or accessible to sewers of that district, but not actually connected to those sewers, whether or not the real estate is improved. The words "other lawful charges" or "other charges" shall include, but not be limited to, interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

Rates, tolls, rents, entrance charges and impact fees shall be uniform within the territory supplied by the district whenever the installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform; but nothing in this Act may preclude the district from establishing a higher rate, toll, rent, entrance charge or impact fee than the regular rates, tolls, rents, entrance charges or impact fees in sections where, for any reason, the cost of construction and maintenance or the cost of service exceeds the average, but these higher rates, tolls, rents, entrance charges and impact fees shall be uniform throughout the sections where they apply.

The sewer rates, tolls, rents, entrance charges and impact fees shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the sewerage and treatment system;
2. To provide for the payment of the interest and principal on the indebtedness created by the district;
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of the indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of the sewer district or invested in such securities as savings banks in this State are allowed to hold;
4. If any surplus remains at the end of the year, it may be turned into the sinking fund; and
5. Impact fees shall be established to provide all or part of the revenues necessary for improving, enlarging or expanding the district's system, including interest accruing on indebtedness for such purposes.

Prior to the adoption of a new rate schedule, the trustees shall hold a public hearing regarding the proposed rate schedule. The Trustees shall publish the proposed rates and notice of the hearing not less than once in a newspaper having general circulation in the district not

less than 7 days prior to the hearing. The district shall mail each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

Sec. 14. Assessments.

When the district has constructed and completed a common sewer, the trustees may, if they so determine, in order to defray a portion of the expense, determine what lots or parcels of land are benefited by that sewer and estimate and assess upon those lots and parcels of land and against the owner, or person in possession or against whom taxes are assessed, whether the person to whom the assessment is made is the owner, tenant, lessee or agent and whether the same is occupied or not, such sum not exceeding the benefit they deem just and equitable towards defraying the expenses of constructing and completing the sewer, together with such sewage disposal units and appurtenances as may be necessary, the whole of the assessments not to exceed the cost of the sewer and sewage disposal units. The trustees shall file with the clerk of the district the location of the sewer and sewage disposal unit, with a profile description of the same and a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel and the name of the owner of the lots or parcels of land or person against whom the assessment shall be made and the clerk of the district shall record the same in a book kept for the purpose and, within 10 days after that filing, each person so assessed shall be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the clerk of the district, stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the district; if he has no place of abode in the district, the notice shall be given or left at the abode of his tenant or lessee if he has one in the district; if he has no such tenant or lessee in the district, by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before the hearing or that notice may be given by publishing the same once a week for 3 successive weeks in any newspaper of general circulation in the district, the first publication to be at least 30 days before the hearing; a return made upon a copy of the notice by the constable in any municipality within the district or by any sheriff of deputy sheriff or the production of the newspaper containing the notice shall be conclusive evidence that the notice has been given and, upon that hearing, the trustees shall have the power to revise, increase or diminish any of those assessments and all such revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

Any person aggrieved by the decision of the trustees as it relates to any assessment for sewer construction under this section may appeal the decision to the town manager of the Town of York. The decision of the town manager may be appealed to the town board of appeals. A final decision of the board of appeals may be appealed pursuant to the Maine Rules of Civil Procedure, Rule 80B.

Prior to authorizing any sewer extension, except by specific state or federal mandate, the trustees shall notify the legislative bodies and the planning boards of the affected municipalities in order to assure conformity with their comprehensive plans and other public policies relating to their growth and development. The trustees shall publish notice of the proposed action in a newspaper with general circulation in the district no less than 7 days prior to the meeting at

which they will take final action on the authorization of the extension. The district shall comply with the Maine Revised Statutes, Title 38, section 1252, subsections 7 and 9 with respect to any sewer extensions.

Sec. 15. Lien for unpaid assessments.

All assessments made under section 14 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment and shall continue for one year thereafter. Within 10 days after the date of hearing on the assessment, the clerk of the district shall make out a list of all those assessments, the amount of each and the name of the person against whom the same is assessed and he shall certify the list and deliver it to the treasurer of the district. If the assessment is not paid within 3 months from the date thereof, the treasurer may bring a civil action for the collection of the assessment in the name of the district against the person against whom the assessment is made and for the enforcement of the lien. The complaint in that action shall contain a statement of the assessment, a description of the real estate against which the assessment is made and an allegation that a lien is claimed on the real estate to secure the payment of the assessment. If no service is made upon the defendant or it appears that any other persons are interested in the real estate, the court shall order such further notice of that action as appears proper and shall allow such other persons to become parties thereto. If it appears upon trial of that action that the assessment was legally made against that real estate and is unpaid and that there is an existing lien on the real estate for the payment of that assessment, judgment shall be rendered for the assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made and execution shall issue thereon to be enforced by sale of that estate in the manner provided for a sale on execution of real estate attached on original process; provided that in making the sale the officer shall follow the procedure in selling and conveying and there shall be the same rights of redemption as provided in the Maine Revised Statutes, Title 36, section 941.

Sec. 16. Civil action for unpaid assessments.

If assessments under section 14 are not paid and the district does not proceed to collect unpaid assessments by proceedings as prescribed in section 15 or does not collect or is in any manner delayed or defeated in collecting those assessments by proceedings under this section, the district in its name may maintain a civil action against the party so assessed for the amount of that assessment, as for the money paid, laid out and expended, in any court of competent jurisdiction and in that suit may recover the amount of the assessment with 10% interest on the same from the date of that assessment and costs.

Sec. 17. Assessment paid by persons other than owner.

When any assessment under section 14 is paid by any person against whom that assessment has been made, who is not the owner of that lot or parcel of land, the person so paying the same shall have a lien upon that lot or parcel of land with the buildings thereon for the amount of that assessment so paid by that person and incidental charges, which lien shall continue for one year

and which lien may be enforced in a civil action for money paid, laid out and expended and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under the Maine Revised Statutes, Title 10.

Sec. 18. Collection of unpaid rates.

There shall be a lien on real estate served or benefited by the sewers of the district to secure the payment of rates established and due under section 13 which shall take precedence over all other claims on that real estate excepting only claims for taxes.

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 13 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges and without waiver of the right to sue for the same as aforesaid, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to him for collection may, after the expiration of 3 months and within one year after the date when the same became due and payable or, in the case of quarterly billing, within one year after the date of the first quarter billing, give to the owner of the real estate served or leave at his last and usual place of abode, or send by certified mail, return receipt requested, to his last known address, a notice in writing signed by the treasurer or bearing his facsimile signature, stating the amount of that rate, toll, rent or other charge describing the real estate upon which the lien is claimed and stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of the rate, toll, rent or other charge within 30 days after service or mailing, with $1 for the treasurer for mailing the notice together with the certified mail, return receipt requested, fee. The notice shall contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of that period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of that person is located a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of that rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with this section and stating further that the rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at his last and usual place of abode. The fee to be charged by the district to the rate payer for that notice and filing shall not exceed the amount authorized by the Maine Revised Statutes, Title 33, section 751, subsection 12, concerning district liens.

The filing of the certificate in the registry of deeds shall be deemed to create and shall create a mortgage on the real estate described in the certificate to the district which shall have

priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes and shall give to the district all rights usually possessed by mortgagees, except that the district as mortgagee shall not have any right to possession of that real estate until the right of redemption provided for shall have expired. If the mortgage, together with interest and costs, has not been paid within 18 months after the date of filing of the certificate in the registry of deeds as provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage provided for. In the event that the rate, toll, rent or other charge, with interest and costs, shall be paid within the period of redemption provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

Sec. 19. Supplementary charges.

The district is authorized to impose charges, in addition to any other assessments now lawfully imposed by general law, for the use of sewers, sewer systems and treatment works and the trustees may adopt such rules as may be necessary or convenient to carry out the purpose of the district. All incidental powers, rights and privileges necessary to the accomplishment of the purposes of the district are granted to the district and its trustees, including the right of its trustees to determine when and where sewerage and treatment facilities and disposal units are needed and when and where the same shall be constructed.

Sec. 20. Municipal assistance.

When the municipal officers of the Town of York shall determine that the health and welfare of the inhabitants of the town require municipal contribution to the expense of operating the facilities of the district and of refunding the indebtedness of the district, they may negotiate contracts with the trustees of the district to provide for annual payments by the municipality of a fixed percentage of the expense of operating the district or refunding the indebtedness of the district for a period not to exceed 20 years.

Any such contracts shall become effective upon ratification by a majority of the voters of the Town of York at a regular or special election held therefor.

Sec. 21. Competitive bidding.

Any contract in excess of $2,000 between the district and a contractor for the construction of facilities located on private property for the exclusive use of a private individual and for which the private individual is required to pay the total cost directly to the district shall be awarded by a system of competitive bidding. Unless there are valid reasons to the contrary, the contracts shall be awarded to the lowest responsible bidder.

Sec. 22. Proposal; amendment.

Any proposal by the district for amendment of this charter by the Legislature shall be accompanied by written comments from the municipalities that lie in whole or in part within the district.

Sec. 23. Dissolution.

The trustees of the district may at any time enter into negotiations with the Town of York for the purpose of dissolving the district and transferring its entire assets and obligations to the Town of York. If an agreement to dissolve the district is reached with the the trustees and upon referendum vote being taken at the next annual municipal election in the Town of York. The town clerk of the Town of York shall reduce the subject matter to the following question:

"Shall the York Sewer District be dissolved and all of its assets and obligations be assumed by and become the responsibility of the Town of York?"

The voters shall indicate by a cross or check mark placed upon their ballots against the word "Yes" or "No" their opinion of the same. The results shall be declared by the municipal officers and due certificate of the results filed by the town of York clerk with the Secretary of State and, if the result so filed shows that a majority of the voters is for the approval of the dissolution of the York Sewer District, the dissolution takes effect upon filing with the town clerk an attested copy of the unanimous votes of the trustees of the district to dissolve the district according to the terms of this section; only if the total vote cast for and against the dissolution of the York Sewer District equals, or exceeds, 25% of the total vote for all candidates for Governor cast at the last gubernatorial election. Upon completion of the transfer of assets and obligations of the district to the Town of York in accordance with this section, the clerk of the Town of York shall file a certificate to this effect with the Secretary of State, and the corporate existence of the district terminates. The certificate must be prepared by the clerk of the Town of York once all of the necessary assets and obligations have been transferred to the Town of York from the district. The Town of York may commence and carry out municipal sewer service prior to completion of the transfer of assets and obligations of the district if necessary to carry out the purposes of this section, and in such an event, the district may continue to exist for the limited purpose of carrying out the requirements of this section until such time as the transfer of assets and obligations is complete. After filing the certificate with the Secretary of State, the town clerk of the Town of York shall submit legislation to repeal Private and Special Law 1951, chapter 63, as repealed and replaced by Private and Special Law 1985, chapter 57, as amended. The legislation may include any necessary amendments or additions to law to allow the Town of York to provide adequate sewer service.

Sec. 24 Dissolution; Involuntary.

The qualified electors of the district may petition for a referendum vote on dissolution in accordance with this section.

1. **Petition.** The petition must be signed by electors within the district equal to at least 20% of the vote cast for the office of Governor at the last gubernatorial election and filed with the town clerk of the Town of York. Within 3 days after the petition is offered for filing, the town clerk of the Town of York shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate must state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the certificate must again be carefully examined to determine sufficiency, and a certificate stating the findings must be attached. Upon finding an original or amended petition sufficient, the town clerk of the Town of York shall file the petition and a referendum vote on dissolution must be held at the next regular town election.

2. **Referendum.** The town clerk of the Town of York shall reduce the subject matter to the following question:

   "Shall the Town of York and the York Sewer District be directed to arrange for the dissolution of the York Sewer District and the transfer of all of its assets and liabilities to the Town of York?"

   The voters shall indicate by a cross or check mark placed upon their ballots against the word "Yes" or "No" their opinion of the same. The result must be declared by the municipal officers, and due certificate of the results filed by the town clerk of the Town of York with the Secretary of State.

   If the results filed show that a majority of the voters voted for the dissolution of the district and the total votes cast for and against the dissolution of the district equals or exceeds 25% of the total vote for all candidates for Governor cast at the last gubernatorial election, the municipal officers of the Town of York and the trustees of the district shall enter into discussions to make arrangements for transferring the district's entire assets and obligations to the Town of York. Within one year of a vote on the referendum, pursuant to arrangements made with the trustees of the district, the trustees of the district shall transfer to the municipal officers of the Town of York the entire assets and obligations of the district in accordance with subsection 3.

3. **Transfer.** If a transfer of the assets and obligations of the district to the Town of York is required under this section, the district shall, within one year of the vote on the referendum requiring the transfer, convey, assign and transfer to the Town of York:

   a. All physical and intangible assets of the district, including all cash, lands, mains, pipes, fixtures, machinery, tools, apparatus, appliances, structures and any other physical element necessary and convenient for providing sewer services;

b. All valid and legally enforceable contracts or other obligations between the district and any 3rd party as of the effective date of the transfer. The town shall redeem or otherwise satisfy all nonassumable debt of the district; and

c. All permits, licenses and approvals of any municipal, state or federal entity or agency.

Unless other legal arrangements are made, all property, contracts, obligations and franchises of the district must be conveyed subject to all debentures, bonds, mortgages, liens and encumbrances, all of which must be assumed by the Town of York.

In order to avoid any unconstitutional impairment of existing contractual rights that are valid and enforceable, the Town of York and, if necessary, the district shall enter into any contractual agreements necessary for the Town of York to fulfill any such contractual obligations of the district, including any existing financial obligations to the district's bondholders.

For purposes of assuming all debts and obligations of the district, the Town of York is the corporate successor to the district upon the transfer of the assets and obligations of the district to the Town of York pursuant to this section.

Upon completion of the transfer of assets and obligations of the district to the Town of York in accordance with this section, the town clerk of the Town of York shall file a certificate to that effect with the Secretary of State, and the corporate existence of the district terminates. The certificate must be prepared by the town clerk of the Town of York once all of the necessary assets and obligations have been transferred to the Town of York from the district. The Town of York may commence and carry out municipal sewer service prior to completion of the transfer of assets and obligations of the district if necessary to carry out the purposes of this section, and, in such an event, the district may continue to exist for the limited purpose of carrying out the requirements of this section until such time as the transfer of assets and obligations is complete. After filing the certificate with the Secretary of State, the clerk of the Town of York shall submit legislation to repeal Private and Special Law 1951, chapter 63, as repealed and replaced by Private and Special Law 1985, chapter 57, as amended. The legislation may include any necessary amendments or additions to law to allow the Town of York to provide adequate sewer service.

Text Corrected 11-4-2024

Legislative History

Private and Special Law 1951, chapter 63
Repealed and replaced by Private and Special Law 1985, chapter 57
Amended by Private and Special Law 1985, chapter 85
Amended by Private and Special Law 1989, chapter 34
Amended by Private and Special Law 2005, chapter 22