

**CHAPTER 54: STREET LIGHTING**

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**ADMINISTRATION AND ENFORCEMENT**

**§ 54.01 ESTABLISHMENT**

Pursuant to Minnesota Statutes §429.101, the City does hereby make provision for the establishment of a municipal street lighting system (hereinafter called the Street Lighting System) to be operated as a public utility.

**§ 54.02 LIABILITY**

The City shall not be liable for injury or damage to person or property caused by any deficiency or failure in supply of electricity for the street lighting system whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents, or from any other cause whatsoever.

**§ 54.03 APPLICATION**

No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by any other entity. In addition, no statement in this chapter

shall be construed as preventing any special agreement or arrangement between the City and an individual user.

#### **§ 54.04 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***Benefiting Property.*** Any property located within 150 feet of a City street light excluding vacant land parcels.

***Street Lighting System.*** All systems, works, instrumentalities, equipment, materials, supplies, lights, poles, wires, cables, conduits and all other parts and appurtenances of the foregoing which are useful or used in connection with the operation and maintenance of street lights.

***User.*** The owner and occupant of any benefiting property.

#### **§ 54.05 SUPERVISION BY PUBLIC WORKS-UTILITIES DIRECTOR**

The Public Works-Utilities Director, or designee, shall have control and general supervision of the Street Lighting System including service connections in the City. The Public Works-Utilities Director shall be responsible for administering the provisions of this chapter to the end such that a proper and efficient Street Lighting System is maintained.

#### **§ 54.06 AUTHORITY**

(A) Access. The Public Works-Utilities Director, or other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observations, measurement, sampling, repair and maintenance of any portion of the City's Street Lighting System in accordance with the provisions of this chapter.

(1) Tampering. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Street Lighting System.

(B) Safety. While performing necessary work on the Street Lighting System the Public Works-Utilities Director, or duly authorized employees of the City, shall observe all safety rules applicable to the premises.

#### **§ 54.07 PENALTY**

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of that violation. In addition, any person found to be violating any provisions of this chapter shall be served by the City with written notice

stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. Any person who shall continue any violation beyond the specified time limit shall be punished as provided in §10.99. Each day in which any violation occurs shall be deemed as a separate offense.

## **STREET LIGHTING CHARGE SYSTEM AND STREET LIGHT UTILITY FUND**

### **§ 54.08 ESTABLISHMENT**

(A) The City hereby establishes a Street Lighting Charge System to recover costs associated with the operation, maintenance and replacement of the Street Lighting System. The Street Lighting Charge System will be administered in accordance with the provisions of §54.09.

(B) The City hereby establishes a Street Light Utility Fund as an income fund to receive all revenues generated by the Street Lighting Charge System, and all other income dedicated to the operation, maintenance and replacement of the Street Lighting System. The Street Light Utility Fund will be administered in accordance with the provisions of §54.09.

### **§ 54.09 ADMINISTRATION**

(A) In accordance with federal and state requirements, the City Administrator-Administrator shall maintain records necessary to document compliance with the Street Lighting Charge System. The City Administrator-Administrator shall be responsible for maintaining a proper system of accounts suitable for determining the operation, maintenance and replacement costs of the Street Lighting System.

(B) All revenue collected from users of the Street Lighting System will be used to off-set all expenditures incurred for annual operation, maintenance and replacement to the Street Lighting System.

(C) All revenue generated by the Street Lighting Charge System, and all other income pertinent to the Street Lighting System, shall be deposited in a separate fund known as the Street Light Utility Fund.

(D) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the Street Lighting System. The Council shall also determine whether the user charges are distributed proportionately to each user in accordance with § 54.10. The City shall thereafter, but not later than the end of the year, reassess and as necessary revise the Street Lighting Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the City and performance to which the facilities were constructed.

**§ 54.10 RATES AND CHARGES**

(A) Street lighting charges to users of the Street Lighting System shall be determined and fixed according to the provisions of this chapter and established in the Ordinance Establishing Fees and Charges. The Ordinance Establishing Fees and Charges may be amended from time to time to include subsequent changes in street lighting rates and charges.

(B) Any additional costs caused by intentional, willful, or malicious damage to the Street Lighting System, shall be borne by the offender, at no expense to the City.

(C) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the Street Lighting System.

(D) SFR Unit Basic Charge. The Council shall set a monthly basic service charge to be applied to all single family resident accounts (the SFR Unit Basic Charge). Each account that is not a single family resident account shall pay a basic service charge that is a multiple of the SFR Unit Basic Service Charge. The multiple will be based on the linear feet adjacent to a property boundary benefitting from a street light within 150 feet divided by 80 feet which represents the minimum lot width of a single family residence. The multiple will be rounded to the nearest whole number with (.5's rounded to the next whole number and a minimum unit assignment of 1).

(E) Adjustment of Unreasonable Units for Non-Single Family Residence. The City Administrator or the Administrator's designee may increase or decrease the units applied if it was determined the units are based on inaccurate linear feet data. Decisions on units made by the City Administrator may be appealed to the City Council by written notice of appeal to the City Administrator. Notice of the appeal must be delivered to the Administrator within twenty-one days of mailing of written notice of the Administrator's determination of units to the account.

Rates due and payable by each user located beyond the territorial boundaries of the City shall be determined by special contract.

**§ 54.11 BILLING**

(A) Bills for street lighting charges shall be rendered on a monthly basis, in conjunction with water and sewer billings, to all benefiting properties. Bills are due and payable on or before the 15<sup>th</sup> day of the month following the month in which the bill is sent.

(B) All payments received after the close of business on the 15<sup>th</sup> day of the month will be assessed a penalty as defined by ordinance. Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.

(C) All bills and notices shall be mailed or delivered to the address of the property owner. If a non-owner occupant desires to receive bills and notices at the address where service is provided, the property owner shall provide proper notice to the City of the approved request. Any change or error in address shall be promptly reported to the City Administrator.

**§54.12 NON PAYMENT**

Any street lighting charges unpaid shall be certified by the City Administrator-Treasurer when deemed appropriate by the City and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection with property taxes.

**§ 54.13 EXEMPTIONS**

Any public right of way, City owned property and vacant land parcels shall be exempt from street light utility charges.