

**ORDINANCE No. 2007-07**

**AN ORDINANCE RELATING TO INSTALLATION OF STREET LIGHTS AND PROVIDING FOR THE PAYMENT OF INSTALLATION AND OPERATING EXPENSES**

**The City of St Augusta does hereby ordain as follows:**

**Section 1. Purpose.** The Council has determined that it is in the best interests of the City's residents and businesses to create a process relating to the installation of streetlights and to establish an equitable method to provide for the payment of installation and operating expenses. The purpose of this ordinance is to establish criteria for ordering street light installations and to establish the financial responsibilities for installation and operation.

**Section 2. Definitions.** For the purpose of this ordinance the following terms shall be defined as follows:

- A. Area Benefit Lights. Lights for lighting local streets and intersections which provide primary benefit to the immediate property owners.
- B. Operating Expenses. The energy costs imposed by the electric utility for the operation of streetlights, including but not limited to: the costs of maintenance, replacement and the City's clerical, administrative and incidental costs related to streetlights.
- C. Existing Developments. Any subdivision, development or otherwise subdivided parcels of land platted or subdivided before January 1, 2007.
- D. New Developments. Any subdivision or development platted or subdivided on or after January 1, 2007.

**Section 3. Installation of Streetlights in New Developments.** Street lighting shall be required in all New Developments, both residential and non-residential, located within the Urban Services Area as shown in the City's Comprehensive Plan. The developer may request a waiver of the street lighting requirement from the City Council. If the waiver is denied, the developer shall submit a lighting plan for City Council approval. Upon approval of the street lighting plan by the City Council, the developer shall be responsible for the installation costs for all street lights within that New Development. Such responsibility shall be further memorialized in the Developer's Agreement between the City and the developer.

**Section 4. Responsibility for Operating Expenses of Street Lights in New Developments.**

- A. Area Benefit Lights – Operating Expenses for First Two Years. After installation the developer shall be responsible for the first two (2) years of Operating Benefits for the Area Benefit Lights in New Developments. Such responsibility shall be further memorialized in the Developer’s Agreement between the City and the developer.
- B. Area Benefit Lights – Operating Expenses for Residential Developments after the First Two (2) Years. After the first two (2) years, Area Benefit Light Operating Expenses in all new residential subdivision shall be charged and allocated equally to all of the benefited existing and potential dwellings of that development. The charge shall be included as a street lighting charge included on the city’s utility bills, or otherwise invoiced. This charge shall be borne on a per lot basis for single family residential units by all benefited occupied and unoccupied lots within the residential New Development and this charge shall be borne on a per dwelling basis for multi-family dwellings for all benefited dwelling units occupied or unoccupied within the New Development.
- C. Area Benefit Lights – Operating Expenses for Non-Residential Developments after the First Two (2) Years. After the first two (2) years, Area Benefit Light Operating Expenses in all non-residential New Developments shall be charged and allocated to all of the benefited parcels of that development on a pro-rata area benefit basis or on an alternate equitable basis as determined by the City Council. The charge shall be included as a street lighting charge included on the city’s utility bills, or otherwise invoiced. The charge shall be imposed on all parcels whether occupied or unoccupied.
- D. Collection of Operating Expenses. If these Area Benefit Light Operating Expenses billed to the benefited property owners are not paid the Clerk shall list the total unpaid charges for the service against each separate lot or parcel or dwelling which has not paid such charges. After notice and hearing as provided in Minnesota Statutes §429.061, the City Council may then spread the unpaid charges against the property which has not paid but is benefited as a special assessment pursuant to Minnesota Statutes §429.101 for certification to the county auditor.

**Section 5. Installation of Street Lights in Existing Developments.**

- A. Feasibility Reports. The City may initiate installation of streetlights in Existing Developments, or affected property owners may petition for streetlights. Upon receiving a petition requesting the installation of streetlights the City Council may conduct a study to determine the feasibility or need for the requested streetlight.
- B. Area Benefit Light – Installation Expenses. If after public hearing conducted to consider a request for the installation of Area Benefit lights in Existing Developments shall be allocated to all of the benefited existing and potential dwellings of that development. The charge shall be included as a street lighting charge included on the city’s utility bills, or otherwise invoiced. The charge will be borne on a per lot basis for single family residential units by all benefited occupied and unoccupied lots within the residential Existing Development and the charge shall be borne on a per dwelling unit basis for

multi-family dwellings for all benefited dwelling units occupied or unoccupied within the Existing Development.

**Section 6. Operating Expenses for Street Lights in Existing Developments.**

- A. **Area Benefit Lights – Operating Expenses for Residential Developments.** Area Benefit Light Operating Expenses for streetlights installed in Existing Developments shall be charged and allocated to all of the benefited existing and potential dwellings of that development. The charge shall be included as a street lighting charge included on the city’s utility bills, or otherwise invoiced. The charge will be borne on a per lot basis for single family residential units by all benefited occupied and unoccupied lots within the residential Existing Development and the charge shall be borne on a per dwelling unit basis for multi-family dwellings for all benefited dwelling units occupied or unoccupied within the Existing Development.
- B. **Area Benefit Lights – Operating Expenses for Non-Residential Developments.** Area Benefit Light Operating Expenses for streetlights installed in non-residential Existing Developments shall be charged and allocated to all of the benefited parcels of that development on a pro-rata area benefit basis or an alternate equitable basis as determined by the City Council. The charge shall be included as a street lighting charge included on the city’s utility bills, or otherwise invoiced. The charge shall be imposed on all parcels whether occupied or unoccupied.
- C. **Collection of Operating Expenses.** If these Area Benefit Light Operating Expenses billed to the benefited property owners are not paid the Clerk shall list the total unpaid charges for the service against each separate lot or parcel or dwelling which has not paid such charges. After notice and hearing as provided in Minnesota Statutes §429.061, the City Council may then spread the unpaid charges against property which has not paid but is benefited as a special assessment pursuant to Minnesota Statutes §429.101 for certification to the county auditor.

**Section 7. Severability.** Should any section, paragraph, provision, sentence or lesser part of this Ordinance be found invalid by a Court of competent jurisdiction, then such invalid section, paragraph, provision, sentence or phrase shall be severed from this Ordinance and all remaining portions of this Ordinance shall continue in full force and effect.

**Section 8. Repealer.** All ordinances, or portions of ordinances, in conflict herewith are hereby repealed to the extent of such conflict.

**Section 9. Effective Date.** This Ordinance shall take effect following passage and publication in the official newspaper as provided by law.

**PASSED** by the City Council of the City of St. Augusta this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**CITY OF ST. AUGUSTA, MINNESOTA**

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B.J. Kroll, Mayor

Attest:

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William R. McCabe, City Clerk – Administrator