

## CHAPTER 414

## STREET LIGHT UTILITY CHARGES

## Section

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414.01 Policy and Purpose.

The City Council has determined that it is in the best interests of the residents of the City of Waconia to operate a street light system throughout the City to promote the general health, safety, and welfare of the residents pursuant to Minnesota Statutes 412.221, Subd. 7. In order to help defray the costs of the establishment, construction, repair, replacement, maintenance, enlargement and improvement of said system, it is hereby determined by the City Council that every parcel of property benefits from the safety and convenience of street lights and, therefore, there shall be a Street Light Utility Charge payable by every lot, parcel or piece of property within the City, whether residential, commercial, institutional or industrial.

It is hereby determined to be the policy of the City that the benefit of street lighting to any lot, piece or parcel of land developed within the City limits is similar and that payment for said services or availability should be collected on as fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this Chapter is in addition to any charge pursuant to any other ordinance of the City or any other governmental entity or agency.

414.02 Initiation.

The Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the City Engineer based on traffic or safety considerations, shall determine the street, parks or other public areas on which the City shall install and operate a street lighting system pursuant to the authority granted by Minnesota Statutes 420.021, Subd. 1 (4).

414.03 Authority to Impose Street Light Utility Charge.

- a. Installation Costs. The cost of installation of the street light system in all new subdivisions shall be included in the cost of required public improvements and may be assessed against the benefiting property owners in accordance with the provisions of Minnesota Statutes, Chapter 429.
- b. Operating Costs. For the purpose of providing funds to defray the cost of maintenance and operation of the street light system, the costs of construction, maintenance and operation of street lights, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises within the City, a monthly street light utility charge determined as provided in this Chapter.

414.04 Collection of Fees.

Street Light Utility Charges shall be determined by resolution of the city council and shall be as set forth in Chapter 1100 of the Code. Street Light Utility Charges shall be collected in conjunction with other City utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period set for payment, and such other rules and regulations relative to the system as it may deem necessary from time to time.

Residential customers (single and multi-unit) follow a flat rate structure for charges. Commercial, industrial, and institutional accounts shall be calculated based on parcel acreage. Commercial, industrial, and institutional lots and parcels of land that are abutting an owned by the same property owner will be combined and calculated based on all parcel's acreage and will be billed on one utility account. Commercial, industrial, and institutional accounts that are determined to be multi-tenant buildings because each unit has its own meter and utility account will be assessed a flat rate. Staff will address individual accounts with property owner's to determine if the account qualifies as a multi-tenant building.

The calculation of charges will be prepared with each new account and change in ownership along with the move of any pre-existing utility account.

414.05 Enforcement for Collection of Fees.

Any unpaid or delinquent Street Light Utility Charges may be recovered from the occupant or owner of the premises billed therefor in a civil action by the City in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing

the City from thereafter using the other method of collection until paid in full. Payment of delinquent Street Light Utility Charges shall be credited to the same fund used for current Street Light Utility Charges, deducting therefrom any costs of collection accruing to the City therefor.

414.06 Exemptions.

The following land uses are exempt from street light fees:

- (a) Public rights-of-way; and
- (b) City owned property; and
- (c) Properties deemed undevelopable.

414.07 Effective Date.

This ordinance shall take effect upon its passage and publication according to law.