

CITY OF ROSEMOUNT  
COUNTY OF DAKOTA  
STATE OF MINNESOTA  
ORDINANCE NO. 2019-

AN ORDINANCE AMENDING TITLE 4 OF THE CITY CODE,  
ADDING NEW CHAPTER 6

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA ORDAINS AS  
FOLLOWS:

Section 1. Rosemount City Code is amended by adding a new Chapter 6 to Title 4 as follows:

CHAPTER 6

ARTICLE A. STREET LIGHTING SYSTEM

4-6A-1: **POLICY AND PURPOSE:** The City Council has determined that it is in the best interests of the residents of the City to operate a Street Lighting System in the City to promote the general health, safety, and welfare of the residents pursuant to Minnesota Statutes § 412. 221, Subdivision 7. In order to pay the costs of the establishment, construction, repair, replacement, maintenance, enlargement, and improvement of the Street Lighting System, it is hereby determined by the City Council that every parcel of property, whether residential, commercial, institutional, or industrial, benefiting from the safety and convenience of the Street Lighting System shall pay a street light utility charge. It is further determined to be the policy of the City that payment for said services shall be established and collected in a fair, reasonable, and equitable basis.

4-6A-2: **ESTABLISHMENT OF STREET LIGHTING UTILITY:** There is hereby established a street light utility for the purpose of paying the costs of the establishment, construction, repair, replacement, maintenance, enlargement, and improvement of the Street Lighting System and to charge for and collect the costs thereof from the Benefiting Properties pursuant to authority in Minnesota Statutes § 429.101.

4-6A-3: **LIABILITY:** The City shall not be liable for injury or damage to persons 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.

4-6A-4: **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.

4-6A-5: **DEFINITIONS:** Unless otherwise provided here, the definitions in Title 1, Chapter 3 of this Code apply to the terms in this Chapter.

**BENEFITING PROPERTY:** Any property as established by a map prepared by the City Engineer depicting property served by the street lighting system, excluding property described in Title 4, Chapter 6, Article B, Section 6.

**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 the street lights.

**USER:** The owner and occupant of any Benefiting Property.

4-6A-6: **SUPERVISION BY PUBLIC WORKS DIRECTOR/CITY ENGINEER:** The Public Works Director/City Engineer, or designee, shall have control and general supervision of the Street Lighting System including service connectors in the City. The Public Works Director/City Engineer shall be responsible for administering the provisions of this Chapter to the end such that a proper and efficient Street Lighting System is maintained.

4-6A-7: **AUTHORITY:**

- A. **Access:** The Public Works Director/City Engineer, 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.
- B. **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.
- C. **Safety:** While performing necessary work on the Street Lighting System the Public Works Director/City Engineer, or duly authorized employees of the City, shall observe all safety rules applicable to the premises.

4-6A-8: **PENALTY:** Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage sustained 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 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 Title 1, Chapter 4. Each day in which any violation occurs shall be deemed as a separate offense.

## ARTICLE B. STREET LIGHTING CHARGE SYSTEM

## AND STREET LIGHT UTILITY FUND

### 4-6B-1: **FUND ESTABLISHED:**

- 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 Title 4, Chapter 6, Article B, Section 2.
- B. The City hereby establishes the Street Light Utility Fund as a separate and dedicated 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 Title 4, Chapter 6, Article B, Section 2.

### 4-6B-2: **ADMINISTRATION:**

- A. In accordance with federal and state requirements, the City Finance Director, or designee, shall maintain records necessary to document compliance with the Street Lighting Charge System. The City Finance Director 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 of 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 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 City Council shall also determine whether the User charges are distributed proportionally to each User in accordance with Title 4, Chapter 6, Article B, Section 3. 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 ensure the proportionality of the User charges and to ensure the sufficiency of funds to maintain the City and performance to which the facilities were constructed.

### 4-6B-3: **RATES AND CHARGES:**

- A. Each User shall pay its proportionate share of operation, maintenance, and replacement costs of the Street Lighting System.
- B. Street lighting charges shall be determined and fixed according to the provisions of this

Chapter and established in the City's Fee Schedule. The Fee Schedule may be amended from time to time to include subsequent changes in street lighting rates and charges.

- C. 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.
- D. Installation Costs: The City may pay such portion of the costs of installation of the Street Lighting System as the City Council may determine from general ad valorem tax levies or from other revenues or funds of the City available for that purpose. In the event the City Council elects not to pay all of the installation costs, the remaining unpaid portion shall be assessed against the Benefiting Property owners as a public improvement following a public hearing and in full accordance with the provisions of Minnesota Statutes Chapter 429.
- E. Rates due and payable by Users, if any, located beyond the territorial boundaries of the City shall be determined by special contract.

**4-6B-4: BILLING:**

- A. Bills for street lighting charges shall be issued on a quarterly basis, in conjunction with water and sewer billings, to all Benefiting Properties. Bills are due and payable on or before the 20<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 20<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 charges.
- C. All bills and notices shall be mailed or delivered to the address of the Benefiting Property's owner. If a Benefiting Property's owner is not the occupant of the Benefiting Property, the owner may provide notice to the City that bills and notices should be sent to the non-owner occupant at the address where service is provided.

**4-6B-5: NON PAYMENT:**

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

**4-6B-6: EXEMPTIONS:**

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

Section 2. This Ordinance shall be in effect following its passage and publication.

ADOPTED this \_\_\_\_\_ day of October, 2019, by the City Council of the City of Rosemount.

CITY OF ROSEMOUNT

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William H. Droste, Mayor

ATTEST:

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Erin Fasbender, City Clerk