COUNTY DEPARTMENT AGENDA REQUEST

Department:	Street Lights	Presenter(s):	Tony V. Parrott
Meeting Date:	June 10, 2010	Type of Request:	Consent

Wording for the Agenda:

Approval of Ordinance No. 2010-04 amending the Fayette County Code of Ordinances, Chapter 16, Street Lights, Articles II and III.

Background/History/Details:

The Fayette County Stormwater Management Department, Utility Services Division, administers the County's Street Light Program, which facilitates payment and operation of street lights for participating subdivisions. Lights are installed and maintained by the power companies. The cost to operate the lights is paid by the County, which is reimbursed by the participating property owners via a user fee billed on their property tax statement each year.

The existing ordinance needs to be amended to transfer administration of the Street Light Ordinance from the Engineering Department in the Public Works Division to the Utility Services Division, in accordance with the existing operational procedures. The ordinance also needs amendment to equitably distribute the street light assessment throughout an entire development (subdivision) rather than categorizing each phase of a subdivision as a separate street light district.

Amendments to the Fayette County Code of Ordinances do not require a public hearing.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2010-04 amending the Fayette County Code of Ordinances, Chapter 16 Street Lights, Articles II and III.

If this item requires funding, please describe:

The Street Light Program is an enterprise fund. No additional sources of funding are required.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

ARTICLE II. ~~ESTABLISHMENT PROCEDURE~~ STREET-LIGHT DISTRICTS

Sec. 16-26. Establishment of street-light districts.

Property owners residing in subdivisions with public streets in unincorporated areas of the County desiring street lighting for the area in which they live may petition the Fayette County Board of Commissioners for such services. Such petition must contain not less than ten (10) property owners representing not less than sixty-six and two-thirds (66 2/3) percent of the property owners within the district to be established. A petition may be brought by less than ten (10) property owners where such represents one hundred (100) percent of the property owners within the district to be established.
(Code 1983, § 12-1; Ord. No. 97-05, § 1, 4-2-97)

Sec. 16-27. Public hearing.

After presentation of the petition to the ~~engineering department~~ Utility Services Division and a review of the petition by that department to verify that the names of the petitioners represent the actual owners of the property in question and to make a determination as to the advisability of establishing a district under this article, the petition shall be presented to the Board of Commissioners for consideration at a public meeting. After approval by the Board of Commissioners, the new street-light district will be included with any other district in the same subdivision.
(Code 1983, § 12-2; Ord. No. 97-05, § 2, 4-2-97)

Sec. 16-28. Modification of street-light districts.

Any requests for modifications to an existing street-light district shall be handled as follows:
(1) Requests for addition of lots to a previously established street-light district shall be handled in accordance with section 16-26.
(2) Requests for additional street-lights within a previously established street light district shall be made in writing to the ~~County engineer~~ Utility Service Division. The ~~County engineer~~ Director of Utility Services shall then determine whether or not the district creates enough revenue to cover the costs of the requested additional lights. Based on the results of the analysis, the following procedures shall apply:
a. If sufficient revenue is generated to cover the costs of the requested additional lights, the ~~County engineer~~ Director of Utility Services shall approve the changes and instruct the appropriate power company to make the requested changes.
b. If sufficient revenue is not generated to cover the costs of the additional lights, the ~~County engineer~~ Director of Utility Services will determine the increase in charges that will have to be made in order to cover the changes. The person requesting the changes will be required to submit to the Board of Commissioners a petition for increasing the charges for lighting within that district. The petition shall contain at least sixty-six and two-thirds (66 2/3) percent of the property owners within the affected district. The petition will be handled in accordance with section 16-26.
(3) The removal of a street light, lot or lots shall be handled in accordance with the procedure established in section 16-26.
(Ord. No. 97-05, § 3, 4-2-97)
Secs. 16-29--16-45. Reserved.

ARTICLE III. RATES

Sec. 16-46. Establishment.

The rates established for the provision and maintenance of street-lights within the County shall be set by the Board of Commissioners in consultation with the ~~County engineer~~ Director of Utility Services. These rates will be subject to change to reflect future increases to the County and shall not be less than that charged to the County. In all cases, the rates for a street-light district shall be sufficient to cover the administration, maintenance, ~~expenses~~ and operation cost associated with the lights for that district. The charges shall be levied on a "per lot" basis. A person owning more than one (1) piece of property in a district will be billed the established rate or charge for each lot owned in that district.

(Code 1983, § 12-2; Ord. No. 97-05, § 4, 4-2-97)

Sec. 16-47. Reserved.

Editor's note: Ord. No. 97-05, § 5, adopted April 2, 1997, deleted § 16-47 in its entirety. Formerly, said section pertained to lots and frontage. See the Code Comparative Table.

Sec. 16-48. Charges and imposition of liens.

The rates or charges for street light service shall constitute assessments on the property so serviced. These assessments shall be added to tax bills at the end of each year and shall constitute a lien upon the property serviced. Such lien shall have the same priority as tax assessments.

(Code 1983, § 12-4)

Secs. 16-49--16-65. Reserved.

ARTICLE IV. STANDARDS

Sec. 16-66. Adoption.

(a) The American Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association on July 11, 1973, is hereby adopted as the standard for installation and operation of street and roadway lighting in the unincorporated areas of the County. A copy of these standards is on file with the ~~County engineer~~ Director of Utility Services and two (2) copies are on file in the minutes of the Board of Commissioners.

(b) Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards.

(Code 1983, § 12-5)

Sec. 16-67. Approval of proposed installations; appeal from disapproval; manner of installation.

(a) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the ~~County engineer~~ Director of Utility Services for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without such approval. Should the ~~County engineer~~ Director of Utility Services disapprove the request to install or operate lighting fixtures within any public right-of-way because of the failure to meet standards, he shall communicate such disapproval in writing to the party requesting same. Such written communication shall include the specific reasons for disapproval. Any disapproval of a light or lighting system by the ~~County engineer~~ Director of Utility Services may be

appealed to the Board of Commissioners. If any party desires to appeal an adverse decision by the ~~County engineer~~ Director of Utility Services, a notice of appeal shall be filed with the ~~County engineer~~ Director of Utility Services within thirty (30) days from the date following the written notice of disapproval, and it shall be the responsibility of the ~~County engineer~~ Director of Utility Services to transmit forthwith to the Board of Commissioners all papers and allied documents constituting the record upon which the action appealed was taken from and to insure that such appeal is promptly placed upon the agenda of the board for its determination. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(b) Roadway or street lighting luminaries or fixtures installed within the public rights-of-way as "security lights", or for the purpose of lighting areas other than the public streets, shall be mounted on the side of the pole opposite from such street and shall be oriented in such a manner to insure that the lateral light distribution pattern is parallel to the street, and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the ~~County engineer~~ Director of Utility Services shall be obtained before installation of such lights.

(c) Other lighting fixtures to be installed within or outside of public rights-of-way for whatever purpose shall be installed and operated in such a manner as to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.

(Code 1983, § 12-6)

Sec. 16-68. Installation and operation.

The installation and operation of lighting fixtures located within the rights-of-way of any public street, road, highway, sidewalk and/or alley in the unincorporated areas of the County, or fixed to any pole, lamp post, standard or other supporting device which is located within such rights-of-way, will follow the following procedures:

(1) Plans and specifications for the proposed installation showing compliance with these standards will be submitted to the ~~County engineer~~ Director of Utility Services for approval. No installations will be made without this approval.

(2) Fixtures for illuminating areas adjoining the public streets, roads, etc., such as parking areas, driveways, etc., will be mounted in such a manner as to insure that the light pattern is kept off the public roadway. When street or roadway lighting luminaries are to be used for "security lighting", they will be mounted on the side of the pole that is opposite from the public street and will be mounted to insure that the lateral light distribution pattern is parallel to the street and the vertical light distribution at the initial light source is perpendicular to the street.

(3) If lighting fixtures of a type other than those in the classification of street or roadway luminaries are to be used or if the proposed lighting is to be for other than drives, parking areas or other similar area lighting, the plans and specifications submitted will be sufficiently detailed to clearly show that such a proposal is in compliance with these standards and will not cause a hazard to, or interfere with, the normal use of the public streets, roads or highways.

(Code 1983, § 12-7)