

CHAPTER 431. STREET LIGHTING

ARTICLE I. GENERALLY

431.10. Definitions. As used in this chapter:

Parcel is a portion of land recorded as the property of one person, claimant, or company according to the records of the Hennepin County Taxpayer Services Department.

Standard street lighting is the city-wide street lighting parameters as determined and established by the city engineer.

Street lighting is a system of lighting, servicing streets and sidewalks that is facilitated by the city and located within its geographic boundaries.

Street lighting district is an area containing one or more streets or part of a street upon which there is or shall be constructed, installed, maintained and operated a uniform system of street lighting poles, equipment and facilities by which lighting in excess of standard street lighting is provided, the city's costs for which shall be paid by the benefited property owners.

431.20. Findings and determinations. The city finds it to be in the interest of all citizens that the city establish, construct, operate and maintain a city-wide street lighting system. It is further found that the establishment, construction, operation and maintenance of street lighting promotes the general health, safety and well-being of the citizenry and provides a benefit to each and every parcel within the city. The city has determined that the cost of street lighting operation and maintenance **should may** be offset by imposing a street lighting fee upon all such benefited parcels.

431.30. Street lighting charge. (a) *Street lighting fee established.* Subject to the provisions of this chapter, there **is may be** imposed upon each and every parcel within the city, a street lighting fee. This street lighting fee shall be determined and set by the city council and may be amended from time to time by the city council.

(b) *Street lighting fee application.* The street lighting fee shall be applied on **an equitable a uniform** basis and shall not be in excess of the benefit received by each, separate parcel.

431.40. Collection and appeal procedure. (a) *Procedures.* The city council shall adopt an assessment roll levying a special assessment upon each benefited parcel, which shall be transmitted to the county auditor and included with the tax levy upon such parcels and collected in the same manner as special assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis.

(b) *Duration of assessment.* The street lighting fee shall be established as a stated amount as provided in section 431.30(a) and may continue on a reoccurring, annual basis for a period of time not to exceed 20 years.

ARTICLE II. STREET LIGHTING DISTRICTS

431.50. Street lighting districts. Notwithstanding the provisions of section 431.30 and 431.40, all parcels affected by section 431.60 shall be treated in the manner set out in this article.

431.60. Procedure for establishing street lighting districts. The city engineer shall determine and designate the location, extent and character of each street lighting district, or the expansion thereof, or other changes therein. Thereupon, the city engineer shall make and present to the city council a report containing a list and description of the several parcels of land within the district, together with the number of square feet of each parcel benefiting from the street lighting improvement and the names of the owners of the several parcels as nearly as the city engineer can readily ascertain the same. A report shall be made and published in the record of the proceedings of the city council. In addition to the

publication of this report, the city clerk shall give written notice by mail to the listed owner of each of the parcels in the street lighting district of a hearing before the city council committee to be held not earlier than two (2) weeks after the mailing of the notice. Any interested party may appear at the hearing and give evidence and enter any objection to the delineation or establishment of any such street lighting district.

431.70. Assessments against benefited property. After a street lighting district has been established, the city council may levy and assess against benefited property in the district all or part of the city's construction, operating and/or maintenance costs as applicable. That part of the assessment which is for operation and maintenance may include the amount in excess of the cost of standard street lighting. Such assessment shall be made in the same manner as assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis and may continue on a reoccurring, annual basis for a period of time not to exceed 20 years.

431.80. Severability. In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.