

**CHAPTER 70A
STREETLIGHTS**

- 70A.001. Definitions
- 70A.005. Streetlight Fee Established
- 70A.010. Purpose
- 70A.020. Administration; Rulemaking
- 70A.030. Approval of Plans and Conformance to Standards
- 70A.040. Streetlight Rates, Fees and Charges
- 70A.050. Billing
- 70A.060. Disposition of Streetlight Funds

70A.001. Definitions. Unless the context otherwise specifically requires, as used in SRC Chapter 70A the following mean:

- (a) City means the City of Salem, Oregon.
- (b) Director means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.
- (c) Improved premises means a unit of land containing improvements, such as a parking lot, building or structure, that is connected to a City utility, including stormwater, sewer, or water utilities. Improved premises does not include a unit of land that has no improvements and is connected only to the City water utility for irrigation purposes only.
- (d) Person means an individual, corporation, limited liability company, sole proprietorship, association, partnership, trust, cooperative, governmental unit, estate, or any other entity in law or fact.
- (e) Streetlight system means a system of streetlights, poles, fixtures, ancillary equipment, located within the City of Salem, and the provision of electricity therefor, owned or operated by the City of Salem, and the City's provision of electricity for streetlight systems owned for private utilities. (Ord No. 5-15)

70A.005. Streetlight Fee Established. A streetlight fee is hereby created and imposed on the owner, tenant, agent, or other authorized representative responsible for occupancy of an improved premises, in an amount set by resolution of the City Council. The streetlight fee is based on the direct and indirect use of or benefit from the provision and use of the City's street lighting and is not a property tax, and is not subject to the limitations of Article XI, Section 11 of the Oregon Constitution. The obligation to pay a streetlight fee arises when a person receives the direct or indirect benefit of streetlights. It is presumed that the benefit of streetlights is received whenever there is an improved premise, regardless of whether streetlights are immediately adjacent to the premises. (Ord No. 5-15)

70A.010. Purpose. The purpose of this Chapter is to establish standards for the design and installation of streetlights, and to offset the cost of providing a streetlight system for the benefit of the public. (Ord No. 5-15)

70A.020. Administration; Rulemaking. The Director shall administer and enforce the provisions of SRC Chapter 70(A), and shall have the authority to render written and oral interpretations, to adopt administrative rules and procedures governing installation, use, operations and management of the streetlight system. (Ord No. 5-15)

70A.030. Approval of Plans and Conformance to Standards.

- (a) Plans for all streetlights shall be reviewed and approved by the Director prior to construction. Such plans shall conform to standards prescribed by the Director. Such approval shall be required in addition to any other approvals required by law.

(b) Streetlights shall conform to standards of design, material, and workmanship prescribed by the Director. (Ord No. 5-15)

70A.040. Streetlight Rates, Fees and Charges. Rates, fees and other charges for the provision of streetlights, shall be set by resolution of the City Council. (Ord No. 5-15)

70A.050. Billing.

(a) A streetlight fee shall be billed to and collected from the owner, tenant, agent, or other authorized representative responsible for occupancy of an improved premises.

(b) Administrative services charges may be charged to the customer's account and included in the monthly billing.

(c) A streetlight fee shall be included and separately identified in an utility billing statement for an improved premises, if one exists, and shall be due and payable on the same schedule as that set for the statement. Payments on the utility billing statement shall be applied in a priority consistent with SRC 70.245. An owner, tenant, agent, or other authorized representative responsible for the occupancy of an improved premises that does not have an utility account shall be sent a separate streetlight billing statement, which may be sent monthly, or other longer interval not to exceed one year, at the convenience of the City.

(d) Appeals of disputed streetlight fees may be made as set forth in SRC 70.260. (Ord No. 5-15)

70A.060. Disposition of Streetlight Funds. All funds derived from the collection of the streetlight fee shall be credited to the streetlight fund. Funds may be expended for the administration, construction, operation, maintenance, replacement, payment of principal and interest of any bonds issued or other debt instrument, and other expenses related to the streetlight system. (Ord No. 5-15)