

ORDINANCE NO. 808

AN ORDINANCE OF THE CITY OF WILSONVILLE REGARDING STREET LIGHTING: TYPES; INFILL; RATES; BILLING; AND FUND; AMENDING WILSONVILLE CODE SECTIONS 3.200 THROUGH 3.204; AND REPEALING ORDINANCE NOS. 41 AND 304.

WHEREAS, the City Council has concluded the installation of light emitting diode (LED) street lights would be beneficial for the City; and

WHEREAS, Ordinance No. 41, an Ordinance creating a street lighting improvement district for the City of Wilsonville; authorizing contracts with Portland General Electric Company for purchase of street lighting service and providing for the division and billing of costs to benefited property owners, was adopted by City Council on February 25, 1974; and

WHEREAS, Ordinance No. 304, an Ordinance modifying Section 3.200 of the Wilsonville Code for establishing street lighting in the City of Wilsonville to adjust the street lighting program to accommodate the reorganization of the street lighting sub-districts into street light type groups, was adopted by City Council on October 6, 1986; and

WHEREAS, Resolution No. 1645, a Resolution authorizing the purchase of street lighting equipment (from Portland General Electric) and adopting standards for type and funding of street light equipment, was approved by City Council on June 5, 2000; and

WHEREAS, Ordinance Nos. 41 and 304 require new street lights installed within the city to be only Sodium Vapor and maintenance provided by Portland General Electric (PGE) to be Option A - where PGE owns and maintains the street lights; and

WHEREAS, to provide flexibility in the type of street lights to be used, including LED lights, Chapters 3.200 through 3.204 - Street Light are in need of update; and

WHEREAS, PGE no longer provides maintenance under Option A, and the City should have flexibility for the maintenance of street lights under the appropriate PGE Tariff Schedule, Chapters 3.200 through 3.204 - Street Light must be modified; and

WHEREAS, after providing due public notice, as required by City Code and State Law, a public hearing was held before the City Council on September 7, 2017, at which time the City Council gathered additional evidence and afforded all interested parties an opportunity to present oral and written testimony concerning Chapters 3.200 through 3.204; and

WHEREAS, the City Council has carefully considered the public record, including all recommendations and testimony, and being fully advised;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:


1. The above-recited findings are hereby adopted as Findings of Fact and Conclusions of Law.
2. Based upon such findings, the revised Wilsonville Code Sections 3.200, 3.202, 3.203, and 3.204, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, are adopted and made part of the Wilsonville Code.
3. The City Recorder is directed to amend Wilsonville Code Sections 3.200, 3.202, 3.203, and 3.204, as approved above, and to make such format, style, and conforming changes to match the format and style of the Public Improvements Section of the Wilsonville Code.
4. Except as set forth above, Chapter 3 of the Wilsonville Code remains in full force and effect, as written.
5. Ordinance No. 41 is hereby repealed.
6. Ordinance No. 304 is hereby repealed.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 7th day of September, 2017, and scheduled for a second reading at a regular meeting of the Council on the 18th day of September, 2017, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.



Kimberly Veliz, City Recorder

ENACTED by the City Council on the 18th day of September, 2017, by the following votes: Yes: 4 No: 0



Kimberly Veliz, City Recorder

DATED and signed by the Mayor the 19 day of September, 2017.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Absent
Councilor Akervall	Yes

Attachments:

Exhibit A – Revised Code Sections 3.200 through 3.204

WILSONVILLE CODE

PUBLIC IMPROVEMENTS**3.200 Street Lighting Types**

(1) Each property in the City shall be included in a Street Light Type and Lighting District as defined by the Public Works Standards or Neighborhood Design Standards, if approved by City Council to deviate from the Public Works Standards.

(2) New street lights to be installed within the City shall be dark-sky friendly and as specified in the City's current Public Works Standards and Detail Drawings, as amended, from time to time.

3.201 Street Light – Infill

The City will install street lighting in any area of the city where the City deems it appropriate for safety and visibility. Monthly street lighting costs shall be paid by the adjacent property owners or homeowners association, unless the City determines, in its sole discretion, that the City will pay for it.

3.202 Street Light – Rates

The City Council shall, by resolution, adopt the rate structure for each Street Lighting Type and Lighting District. The rate shall be based on the total street lighting costs, including but not limited to energy, installation, maintenance, repair, replacement, administration, and billing of the program and shall follow standard utility rate-making practices.

3.203 Street Light – Billing

- (1) Billing frequency shall correspond to the City's overall utility billing schedule or other such accounts receivable schedule as the Finance Director or designee deems appropriate.
- (2) The property owner's share of street lighting costs shall be stated separately but will be included as a part of the City's combined utility bill. If a property owner is not billed for sewer and/or water, a separate bill for street lighting costs will be generated.
- (3) For customers that pay a combined City utility bill, in the event the bill is not paid in full and funds received by the City for utility billings are therefore inadequate to satisfy all of the water, sewer, stormwater, streetlight, roads maintenance fees and other fees or utility charges that may be included, credit shall be given first to the road maintenance fee, second to the sewer service charges, third to the stormwater charges, fourth to the street light charges, fifth to the other fees or utility charges, and lastly the charges for water service.
- (4) A bill is delinquent if payment in full is not received within 15 business days of the billing date or as otherwise may be specified on the utility bill. Delinquent bills are subject to additional fees and penalties, plus all remedies outlined in Subsection (5).
- (5) The City may institute any necessary legal proceedings to enforce the provisions of the Ordinance, including but not limited to water shut-off, collection of charges

WILSONVILLE CODE

owing, plus interest and/or late charges on any delinquent amount as provided on the utility bill. The City may also lien the property for amounts owing. The City's enforcement remedies are cumulative.

3.204 Street Lighting - Fund

A street light fund has been established. Revenues collected for street lighting are dedicated to the City's street light fund and are used exclusively to fund the street light program. In the event that street light fees collected are insufficient to fund the street light program, a street light rate review will commence to ensure rates are sufficient to fund the program.