

Municipality of the District of Lunenburg POLICY

Title: Street Light Policy	
Policy No. MDL-35	
Effective Date: March 13, 2007	Amended Date: Sept. 8/09, Jan.11/11, Mar. 13/12, Jan. 13/15

Council of the Municipality of the District of Lunenburg hereby adopts the following policy respecting street lights in the Municipality of the District of Lunenburg:

1 IN THIS POLICY:

BUILDING means a structure, whether permanent or temporary, which is used or intended for the supporting or sheltering of persons, animals, materials or equipment, except a structure where the use of which is accessory to the use of another building on the same lot. **[amended Jan. 11, 2011]**

CHARGE AREA means an area to which a charge is imposed and as more fully described in a petition for street light installation or removal submitted pursuant to this policy. Or has its boundaries identified on mapping as per Schedule "B". **[amended Jan. 11, 2011]**

LOT LINE, FRONT means the line dividing the lot from the street; and in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the lot line abutting the street providing the primary access shall be regarded as the front lot line. **[amended Jan. 11, 2011]**

MUNICIPALITY means the Municipality of the District of Lunenburg.

OWNER means the person controlling the property under consideration and; includes prima facie, the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act. **[amended Jan. 11, 2011]**

RATE PAYER means the name(s) of the person assessed for the property.

STREET means the entire right-of-way of a street or highway owned and maintained by the Province of Nova Scotia or the Municipality of the District of Lunenburg. **[amended Jan. 11, 2011]**

STREET LIGHT means a light supplied and installed by Nova Scotia Power or Riverport Electric Light Commission on a pole on a street as described above. [amended Jan. 11, 2011]

2 FORM OF REQUEST

2.1 Installation of Street Lights

Where the request is for the installation of street lights, the request shall be in the form of a petition and as shown on Schedule A of this policy and be signed by a minimum of 75 percent of the rate payers within the charge area in favor of the request.

2.2 Removal of Street Lights

Where the request is for the removal of street lights, the request should be in the form of a petition and as shown on Schedule A of this policy and be signed by a minimum of 75 percent of the rate payers within the original charge area within which the street lights were installed.

2.3 The petition shall be accompanied by a map which:

- a) clearly outlines the charge area to which the request pertains outlined in red;
- b) indicates the properties that are located within the charge area; and,
- c) indicates the proposed location of the street lights to be installed or the street lights to be removed.

2.4 Upon receipt of a request that satisfies Section 2 of this Policy, the Municipality will request the appropriate authority to install, maintain or remove the street lights requested. [amended Jan. 11, 2011]

The Municipality will further pay the associated charge for the installation, removal, operation, and maintenance of the street light(s) and recover the same in accordance with Section 3. The rate will be approved by Council on a year to year basis as determined by Council. There shall not be an administrative fee charged for this service. [amended Jan. 11, 2011]

3 RECOVERING OF COST

- 3.1 The Municipality shall recover the cost of installing, removing, operating and maintaining the street lights by one of the following methods, and as requested on the petition: **[amended Jan. 11, 2011]**
- a) uniform amount per lot
 - b) area rate per \$100.00 of assessment
- 3.2 This charge will be included on and become part of the total taxes due on the annual final tax billing.
- 3.3 Any costs associated with the removal of the street lights will be reflected on the next annual tax billing and become part of the total taxes due.
- 3.4 Street light rate payers within the Municipality, except within the Riverport charge area, shall be determined by the following:
- a) by successful petition as per Section 2; or
 - b) the owner of a property fronting a street with street lights; and
 - (i) the assessment code for the property is residential or commercial; or
 - (ii) a building is located on the property **[amended Jan. 11, 2011]**
- 3.5 Street light rate payers within the Riverport charge area shall be determined as all properties with an assessment code of residential or commercial that are within the charge area boundary **[amended Jan. 11, 2011, Mar. 13, 2012]**

4 NOTIFICATION

The Municipality will be responsible to inform the appropriate authority of malfunctioning street lights when advised of the same. Any other matters will be provided to the Municipal Engineering Department by the Councillor representing the area. **[amended Jan. 11, 2011]**

5 PETITION DEADLINE

Petitions referred to in Section 2 shall be in form as prescribed in Schedule A of this Policy. If the request is for the removal of street lights, the petition must be submitted no later than the 15th day of March in the fiscal year prior to the fiscal year in which the street lights are to be removed.

6 PETITION EXEMPTION

- 6.1 Notwithstanding Section 2 in this Policy, a petition will not be required for the addition or removal of street lights in an existing street light area where the number of street lights added or removed will not exceed 10% of the pre-existing number in any one fiscal year. **[Amended Sept. 8/09, Jan. 13/15]**
- 6.2 The request for the addition or removal of fewer than 10% of the street lights in a charge area will be made by the Councillor(s) for the District(s) in which the area exists. Requests shall be made to the Director of Engineering in writing, describing the location and identifying the lights to be added or removed. **[Amended Jan. 13/15]**
- 6.3 At least 7 days prior to approving the addition or removal of street lights, the Director of Engineering shall give notification of the pending change at a public meeting of Committee of the Whole or Council. **[Amended Jan. 13/15]**

7 REQUESTS

[Deleted Jan. 13/15]

Clerks Annotation for Policy Book

Date of Adoption of Policy March 13, 2007

**Date of Notice to Council Members of Intent
To Consider Amendments:** January 6, 2015

Effective Date of Amendments: January 13, 2015

I certify that this *Street Light Policy (MDL-35)* was adopted by Council as indicated above.

Municipal Clerk

Date

SCHEDULE A

(A Policy Respecting Street Lights)

PETITION

To the Council of the Municipality of the District of Lunenburg.

The Undersigned, being at least 75 percent of the rate payers in the charge area as shown on the attached map do hereby petition Municipal Council to accept this petition to (choose one by placing an 'X' beside the option chosen)

a) **Install Street Lights** _____

on the poles as specified on the attached map.

The cost (choose one by placing an 'X' beside the option chosen)

- i Uniform amount per lot _____
- ii Area rate per \$100.00 of assessment _____

b) **Remove Street Lights** _____

from the poles as specified on the attached map.

This rate if for new lights will be approved by Council on a year to year basis as determined by Council. If the petition is for the removal of the street lights the rate will be removed from the tax accounts currently being charged on the next annual tax bill.

Assessment Account #	Name	Signature	Civic Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____