

CHAPTER 14-10 STREET LIGHTING SERVICE

14-10-1

AUTHORITY & PURPOSE

South Dakota Codified Laws, Section 9-39-1 authorizes municipalities to construct, operate, and maintain a system to provide street light facilities to residents. Further, SDCL 9-39-23 authorizes municipalities to fix reasonable rates, fees, and charges for the imposition of just and reasonable charges for the use and availability of street light facilities. The City Council has determined that in order to promote the health, safety, morals, and general welfare of the community, it is in the best interest of the citizens that the City operate and maintain a City street lighting system utility and has further determined that the operation and maintenance of such utility benefits each and every property within the City. The City Council has therefore determined that it is fair, appropriate and reasonable that the costs of such operation and maintenance be paid on a fair and reasonable basis by all of the Lots in the City so benefitted and the cost should be charged and collected from all such benefitted Lots, except for those exempted pursuant to Brandon Municipal Ordinance 14-10-5, through the imposition of charges as provided in this ordinance.

Legislative History:
Ordinance No. 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL Ch. 9-39, Ch. 9-40

14-10-2

STREET LIGHT UTILITY SERVICE AND FEE ESTABLISHED

The City of Brandon, South Dakota, hereby establishes a street light utility service. The street light utility service consists of all street lighting facilities owned by the City and all street lighting facilities for which the City purchases and supplies electrical energy. In order to carry out the purposes identified in Brandon Municipal Ordinance 14-10-1, it is determined that it would be just and equitable to recover some or all of the cost of operating the street light utility service on an equitable basis from each Lot, as defined in Brandon Municipal Ordinance 15-20-2, located within in the geographical boundaries of the City.

Legislative History:
Ordinance No 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL Ch. 9-39, Ch. 9-40

14-10-3

DETERMINATION OF STREET LIGHT RATES, FEES AND CHARGES

The rates, fees, and charges for the benefits and safety provided by the street lighting services furnished by the City shall be as determined by the City Council from time to time and on file in the office of the municipal Finance Officer.

Legislative History:
Ordinance No 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL Ch. 9-39, Ch. 9-40

14-10-4

DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE.

The City of Brandon, South Dakota shall determine the total annual costs of operation and maintenance of the street light utility service which are necessary to maintain the performance, during the service life of the street light utility works, for which such works

were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, and a reasonable contingency fund.

Legislative History:
Ordinance No 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL Ch. 9-39, Ch. 9-40

14-10-5

EXEMPTIONS

Any and all exemptions to the provisions of this chapter shall be at the discretion of the City of Brandon. All such exceptions granted by the City of Brandon pursuant to this section shall be transmitted in writing to the Municipal Finance Officer of the City of Brandon.

Legislative History:
Ordinance No 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL Ch. 9-39-23

14-10-6

WHEN PAYMENT DUE

All bills for street light utility service shall be paid monthly and shall be due and payable on or before the fifteenth (15th) day of the month following the last day of the month receiving service; provided, however, if such due date shall fall on a Saturday, Sunday or holiday observed by the City, then such bill shall be due and payable on the following business day. Any payment not received by the due date shall be considered to be late, and the City Council may by resolution establish a late payment charge as a penalty.

Legislative History:
Ordinance No. 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL 9-39-23
SDCL Ch. 9-40.

14-10-7

OWNERS OF RENTAL PROPERTY RESPONSIBLE

The owner in fee of the real property at which the street light utility service is provided is as liable for utility street light utility and is responsible for full payment of same as is the renter, lessee or persons in possession of the said real property.

Legislative History:
Ordinance No. 489, 1/3/12

Authority:
SDCL 9-35-1
SDCL 9-39-23

14-10-8

SEPARATE FUND FOR STREET LIGHT FACILITIES

A separate fund shall be established for the City's street light facilities. All receipts from the rates, fees, and charges relating to the street light facilities shall be paid into the street light facilities fund. Similarly, all disbursements attributable to the street light facilities shall be paid from the street light facilities fund.

Legislative History:
Ordinance No. 489, 1/3/12

Authority:
SDCL Ch. 9-22
SDCL Ch. 9-23
SDCL 9-35-1
SDCL 9-39-26
SDCL Ch. 9-40

14-10-9

VALIDITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Legislative History:

Ordinance No. 489, 1/3/12

Authority:

SDCL 9-35-1
SDCL 9-39-26
SDCL Ch. 9-40

14-10-10

FAILURE TO PAY STREET LIGHT UTILITY FEE

The City of Brandon may, pursuant to SDCL Ch. 15-6 and any other applicable provisions of law, bring a civil action or take any other legal remedies to collect unpaid rates, fees, and charges relating to the street light utility service.

Legislative History:

Ordinance No. 489, 1/3/12

Authority:

SDCL 9-35-1
SDCL 9-39-26
SDCL Ch. 9-40