AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 17.12 AND ADDING A NEW CHAPTER 12.24 OF THE BONNEY LAKE MUNICIPAL CODE, RELATING TO STREET LIGHTING REQUIREMENTS.

WHEREAS, the City wishes to set forth its policies regarding the installation, operation and maintenance of street lights;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new BLMC section 17.12.035 is hereby added to read as follows:

17.12.035 Street lighting.

A. As a condition to subdividing property into four (4) or more residential lots, the applicant shall be responsible for the cost of installation of street lights within the subdivision. Upon final plat approval, all residential street illumination systems shall be dedicated to the City. City will not accept dedication of street lights until at least fifty-percent of housing units in a new development are occupied.

B. All new developments (commercial and residential) are required to locate street light wiring, conduit and service connections underground. The applicant will be responsible for providing or obtaining necessary easements for underground power or street lighting systems designed and constructed as part of an approved development permit.

C. A street lighting plan indicating the placement, type, power source, and number of street lights must be approved by the Public Works Director as a condition to preliminary plat approval. In residential development, street lights shall be located at entrances to new subdivisions as directed, at all interior intersections, cul-de-sacs, dead-end streets serving more than three (3) homes, and no closer than 500 feet to other street lights along tangent road sections. Any disagreement between the applicant and the Public Works Director regarding the street lighting plan shall be resolved by the Hearing Examiner as part of the preliminary plat approval process.

Section 2. A new chapter 12.24 BLMC is hereby added, entitled “Street Lighting,” and a new BLMC section 12.24.010 is hereby added to read as follows:

12.24.010 City ownership.

A. It is the general policy of the City that street lights located on public streets or within public rights of way be owned and operated by the City, and that where
such lights are currently privately owned, they should be transferred to City ownership.
B. The terms and conditions of the transfer to the City of particular privately-owned street lights located on public streets or within public rights of way is subject to determination and approval by the City. Once transferred to City ownership, the City may elect to continue to operate such street lights, in which case the City shall assume all responsibility for operation and maintenance, or the City may elect to decommission such street lights.

Section 3. A new BLMC section 12.24.020 is hereby added to read as follows:

12.24.020 Installation of street lights as condition of subdivision.

Installation of street lights as a condition of subdivision of property is required and governed by BLMC 17.12.035.

Section 4. A new BLMC section 12.24.030 is hereby added to read as follows:

12.24.030 City installation of street lights.

A. It is the policy of the City to install street lights on all City streets. In general, City-installed street lights will be located at interior intersections, cul-de-sacs, at the apex of sharp curves, and dead-end streets serving more than three (3) homes.
B. The timing and placement of street lights on City streets is at the discretion of the City.
C. Should the City, in its discretion, approve installation of street lighting in response to a request for additional street lighting on existing public residential streets not associated with a subdivision application, the installation of such lighting will follow the location standards set forth in this section but will be consistent with the existing pole and light head standard of the subdivision unless otherwise approved by the Public Works Director.
D. City installation of street lights in conjunction with a transportation project identified in the Capital Facilities Plan upon which transportation impact fees are based will generally be funded with transportation impact fees pursuant to BLMC 19.04.080-090. City installation of street lights not in conjunction with such a project will generally be funded out of the General Fund.

Section 5. A new BLMC section 12.24.040 is hereby added to read as follows:

12.24.040 Private street lights.

Street lights on or along private alleys, roads or streets, on private property, or not otherwise within a public right of way, shall be privately owned and operated. The owner of such private street lights shall be responsible for their operation and maintenance, and City funds shall not be expended for such purposes.
Section 6. A new BLMC section 12.24.050 is hereby added to read as follows:

12.24.050 Public street lights.

All street lights owned by the City, either through dedication, transfer from private ownership to public ownership, or City installation, shall be operated and maintained by the City at City expense, subject to the City’s discretion to decommission such street lights at any time should it determine that to be in the best interests of the City.

Section 7. A new BLMC section 12.24.060 is hereby added to read as follows:

12.24.060 City records.

A. The City shall maintain records detailing the current number and location of streetlights on public roads that are not under city ownership. The city shall actively pursue transferring ownership of such lights.
B. Upon transfer of ownership the city shall mail each property owner in the affected area a notice stating that the streetlights have been transferred to the city and include detail on whom to contact should there be any maintenance needs. The city shall keep a record of such mailings for two years.

Section 8. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this 26th day of July, 2005.

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Robert Young, Mayor

ATTEST: APPROVED AS TO FORM:

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Harwood T. Edvalson, CMC  James J. Dionne, City Attorney
City Clerk

Passed: July 26, 2005
Valid: July 27, 2005
Published: July 28, 2005
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