ORDINANCE NO. 2012-19

AN ORDINANCE ESTABLISHING A STREET LIGHTING ENTERPRISE FUND TO BE KNOWN AS SECTION 13.20 OF THE MIDVALE CITY MUNICIPAL CODE

WHEREAS, the Midvale City Council has established a city-wide policy that a modern street lighting program is in the best interest of its residents and business owners and patrons; and

WHEREAS, such lighting program includes the installation of street lights within the corporate limits of the entire City with energy efficient lights; and

WHEREAS, the implementation of this program also includes retrofitting existing street light fixture with energy efficient lights; and

WHEREAS, the City Council is desirous of implementing a monthly fee to cover the installation and retrofitting of the street lights and the associated energy costs; and

WHEREAS, the various financial requirements of the State of Utah require that such revenues and expenses be maintained in a separate enterprise fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City that a new Section 13.20 be adopted and added to the City Code to read as follows:

SECTION I

Chapter 13.20

STREET LIGHTING ENTERPRISE FUND

Sections:

13.20.010 Purpose.
13.20.020 Definitions.
13.20.030 Street Lighting Enterprise Fund Created.
13.20.040 Ownership of City Street Lighting Facilities and Assets.
13.20.050 Enterprise Fund Administration.
13.20.060 Service Charge Imposed.
13.20.070 Billing and Collection.
13.20.080 Appeal of Charges.
13.20.010 Purpose.
The City finds that uniform street lighting throughout the entire City is beneficial to the health, welfare and protection of the residents, business owners and those that frequent the City.

13.20.020 Definitions.
For the purpose of this chapter, the following terms, phrases and words shall mean:

1. “City” means Midvale City, a municipal corporation of the State of Utah.

2. “County” means Salt Lake County.


4. “Customer” or “person” means any individual; public or private corporation and its officers; partnership; association; firm; trustee; personal representative of an estate; the State of Utah or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

5. “Director” means the City’s Public Works Director or designee.

13.20.030 Street Lighting Enterprise Fund Created.
There is hereby created and established a street lighting enterprise fund, herein referred to as “Street Lighting Enterprise Fund,” and service charge rate structure.

13.20.040 Ownership of City Street Lighting Facilities and Assets.
The City Manager shall determine which of the City’s street lighting assets will be transferred to the Enterprise Fund. Until such transfer, the Enterprise Fund shall operate, maintain and improve existing City facilities used for the conveyance of street lighting.

13.20.050 Street Lighting Enterprise Fund Administration.
The Street Lighting Enterprise Fund shall be administered by the City’s Public Works Department.

13.20.060 Service Charge Imposed.
All owners of property within the City shall be responsible for paying the street lighting fee as set forth by applicable and adopted fee schedule.
13.20.070 Billing and Collection.
Street Lighting Enterprise Fund. This chapter creates the Street Lighting Enterprise Fund. All revenues received from street lighting user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting and expenditure of all Street Lighting Enterprise Funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

13.20.080 Appeal of Charges.
Any nonresidential customer who disagrees with the street lighting rate structure’s application to his/her parcel may apply to the director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the director no later than thirty (30) days after receipt of billing. The director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. The director may approve an adjustment to the fee.

An appeal of the director’s decision may be brought before the City Manager within thirty (30) days after the date of the director’s decision. Decision of the City Manager shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing and will be reflected on a future billing after the appeal is granted.

The City’s Public Works Department shall cause to be completed an annual report on the Street Lighting Enterprise Fund which, if accepted, shall be approved by the City Council. This report shall summarize the financial activities of the Fund and the major areas of expenditure, field activities, accomplishments, revenue, and the upcoming year’s priorities.

SECTION II

This Ordinance shall become effective upon passage, signature by the Mayor and publication.

PASSED AND APPROVED this 27th day of November, 2012.

MIDVALE CITY

By: [Signature]
Mayor JoAnn B. Seghini
[SEAL]

VOTING:

Robert M. Hale  Yea ✓  Nay ___
Paul Glover  Yea ✓  Nay ___
Paul Hunt  Yea ✓  Nay ___
Wayne Sharp  Yea ✓  Nay ___
Colleen Costello  Yea ✓  Nay ___

ATTEST:

Rori L. Andreason, MMC
City Recorder

Published this 4th day of December, 2012.