

PUBLIC STREET LIGHTING SYSTEM
ORDINANCE NO. 98-3
TOWN OF FAYAL, MINNESOTA

**AN ORDINANCE ESTABLISHING A PUBLIC STREET LIGHTING
SYSTEM FOR THE TOWN OF FAYAL, MINNESOTA**

This Ordinance provides for the installation, operation, maintenance, and equipment replacement of the Town's street lighting system.

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as hereafter designated:

- Sec. 1 "Administration" – those fixed costs attributable to the Town's administration of the street lighting system.
- Sec. 2 "Town" – the area within the corporate boundaries of the Town of Fayal, Minnesota as presently established or as amended by Ordinance or other legal actions at a future time.
- Sec. 3 "Public Utilities Commission" - (PUC) the public utilities commission of the Town of Fayal as established and administered under Fayal Township Ordinance 93-2.
- Sec.. 4 "Operation and maintenance" – activities required to provide for the dependable and economical functioning of the system and its components, throughout its design or useful life, whichever is longer. Operation and maintenance includes replacement.
- Sec. 5 "Operation and maintenance costs" – expenditures for operation and maintenance costs.
- Sec. 6 "Replacement" – obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, to maintain the capacity and performance for which they were designed and constructed.
- Sec. 7 "Replacement costs" – expenditures for replacement.
- Sec. 8 "Shall" is mandatory; "may" is permissive.
- Sec. 9 "Standard Specifications for Construction Manual" – the current publication of the Minnesota Department of Transportation Standard Specifications for Construction Manual.
- Sec. 10 "Town Road" - a road that is presently listed on the Townships inventory of roads that are actively maintained by the Town of Fayal.

Sec. 11 "County Road" - any County Road or County State Aid Highway that is presently under the primary maintenance responsibility of Saint Louis County.

Sec 12 "State Highway" - any road that is presently under the primary maintenance responsibility of the State of Minnesota Department of Transportation.

Sec 13 "Roadway Lighting Luminaire" or "fixture" - a complete weatherproof lighting device to include housing, lamp, reflector, refractor, socket, terminal block, and ballast as further defined in Standard Specification 3810.

Sec 14 "Light Standard" - that portion of a typical street lighting installation that includes the pole, mast arm and base anchorage as further defined in Standard Specification 3811.

Sec 15 "Photoelectric Control" - a control device for turning "off" and "on" roadway luminaires in response to ambient light conditions as further defined in Standard Specification 3812.

ARTICLE II

ESTABLISHMENT OF A STREET LIGHTING SYSTEM

Sec. 1 The Town of Fayal, Minnesota hereby establishes a street lighting system whereby certain streets, intersections, and other public areas may be illuminated during the hours of darkness for the general safety and well being of all users of these areas.

Sec. 2 The Town of Fayal shall provide sufficient revenue through its Public Utilities Fund for the installation, operation, maintenance, and replacement of the street lighting system as herein described.

Sec. 3 The Town of Fayal shall be the "owner" of all components of this system except those that are owned by utility service providers or provided by subsequent agreement such as rental arrangements.

ARTICLE III

DETERMINATION OF STEET LIGHTING SERVICES

Sec. 1 The Public Utilities Commission of the Town of Fayal shall have responsibility for the general administration of the system as herein described. These responsibilities shall include, but not limited to, the following:

- a. Evaluate need and make recommendation to the Town Board for the purchase and installation of new equipment.
- b. Preparation of annual budget request to the Town Board for the general operation and maintenance of the system.
- c. Establishment and maintenance of an inventory of the components of the system.
- d. Maintenance of the components of the system, either by day labor or contract, to ensure the system is providing the service intended when established.

- Sec. 2 All installations of street lighting equipment to include luminaires, light standards, and photoelectric controls shall be in accordance with The Minnesota Department of Transportation Standard Specifications for Construction Manual and all standards referenced therein, which is incorporated by reference into this ordinance.
- Sec. 3 Installation of street lighting equipment shall be made only on real property permanently dedicated to the public by easement or public ownership in fee. Should said property become private, the equipment shall be sold at fair market price or removed.
- Sec. 4 Installation of any public street lighting equipment that impacts a County Road or State Highway shall be done in consultation with the Traffic Engineer of the Saint Louis County Public Works Department.
- Sec. 5 To ensure that any installation of public street lighting equipment is in the best interest of the public, the following procedure will be followed:
- a. All requests for installations shall be made in writing to the Fayal Public Utilities Commission. Requests may be initiated by individuals, the Town Board, or the PUC on its own initiative.
 - b. The Public Utilities Commission shall schedule a public hearing on the request for a date within 45 days of receipt of the request.
 - c. All property owners within 500 feet of the proposed installation shall be notified by mail of the hearing. Mailing list shall be determined by property ownership records maintained by the Saint Louis County Auditor. Said notice shall include the proposed location of the installation, the time and place of the hearing, and the procedures for submitting written comment.
 - d. The PUC shall obtain, and include in the record of the hearing, comments from appropriate law enforcement personnel and, if required under section 4 above, the Traffic Engineer of Saint Louis County.
 - e. A definitive action shall be made by the PUC on the request within 30 days after the hearing.
 - f. If the request is denied, the PUC shall not consider street lighting requests at the same location for a period of not less than three (3) years.
 - g. If the request is approved, the PUC shall prepare complete, appropriate plans and cost estimates for the installation. The completed plan and recommendation shall then go before the Town Board for approval and implementation.

ARTICLE IV
SEVERABILITY

Sec. 1 If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

ARTICLE V
EFFECTUATION

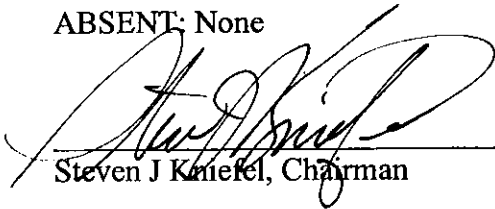
This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

Supervisor Tamaro moved the adoption of the foregoing ordinance, seconded by Supervisor Turner and it was adopted by the Town Board of Fayal Township, Minnesota on the 15th of December 1998 on the following vote:

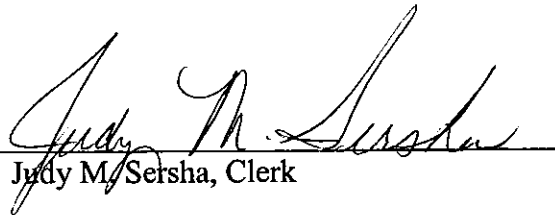
AYES: Kniefel, Tamaro, Turner, Ojanpa, Bratt

NAYS: None

ABSENT: None



Steven J Kniefel, Chairman



Judy M. Sersha, Clerk

Published in the Mesabi Daily News on the 24th day of
December, 1998.

STATE OF MINNESOTA)
)ss
COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Town of Fayal, RE: Ordinance No 98-3

which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Thur, the 24th day of Dec, 19 98; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

* abcdefghijklmnopqrstuvwxyz

BY: Eileen Rioux

[Signature]

Subscribed and sworn to before me on this 24th day of Dec, 19 98.
Notary Public

* ALPHABET SHOULD

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(1) Lowest classified commercial users for

\$ 11.25/inch
(Line, word, or inch rate)

(2) Maximum rate for the above matter

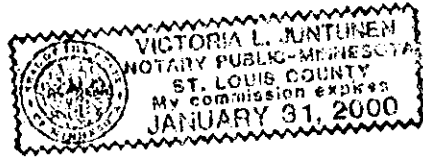
\$ 11.25/inch
(Line, word, or inch rate)

(3) Rate actually charged above matter

\$ 9.60/inch
(Line, word, or inch rate)

OF TYPE AS THE NOTICE.

ITE INFORMATION



RECEIVED

JAN 1 1999

TOWN OF FAYAL