

# **APPENDIX C**

ORDINANCE TO PROVIDE A MEANS WHEREBY EXISTING AND  
PROPOSED SUBDIVISIONS CAN OBTAIN THE INSTALLATION  
OF STREET LIGHTS

WHEREAS, it appears to be in the best interest of the citizens of Warren County, Kentucky, to provide a means whereby proposed and existing subdivision can obtain the installation of street lights; and,

WHEREAS, pursuant to KRS 179.470, the following Ordinance is hereby enacted and adopted to provide for street lighting in proposed subdivisions and existing subdivisions created under the provisions of the Subdivision Regulations adopted by the City-County Planning Commission of Warren County, Kentucky; and,

NOW, THEREFORE, be it ordained by the Fiscal Court of Warren County, Kentucky, as follows:

ARTICLE I - DEFINITIONS

1. UTILITY PROVIDER. Utility provider as used in this Ordinance shall be defined as the entity or entities providing electrical utility service to the citizens and residents of Warren County, Kentucky.

2. SUBDIVISION. A subdivision as used in this Ordinance shall mean a "major subdivision" containing no less than five (5) lots and as defined under the Subdivision Regulations of the City-County Planning Commission of Warren County, Kentucky.

3. NEW SUBDIVISION. New Subdivision as used in this ordinance shall mean a subdivision, as defined in this Article, wherein no lots shall have been sold or conveyed since the date of the recordation of the plat creating such subdivision.

4. EXISTING SUBDIVISION. Existing subdivision as used in

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this Ordinance shall mean a subdivision, as defined in this Article, wherein one or more lots have been sold or conveyed since the date of the recordation of the plat creating such subdivision.

5. LOT. Lot as used in this Ordinance shall mean a lot created by a major subdivision plat under the provisions of the Subdivision Regulations of the City-County Planning Commission of Warren County, Kentucky.

6. STREET LIGHT AGREEMENT. Street Light Agreement as used in this Ordinance shall be defined as that Agreement by and between the utility provider and either (a) a developer in the event of a new subdivision, or (b) lot owners in an existing subdivision, providing for the conditions of the installation, service, maintenance and energy cost of street lights under the provisions of this Ordinance.

7. UTILITY SERVICES CONTRACT. Utility Services Contract as used in this Ordinance shall be defined as that Contract by and between the utility provider and the Fiscal Court of Warren County, Kentucky, providing for street lighting services under the provisions of this Ordinance.

8. SUBDIVISION STREET LIGHT DISTRICTS. Subdivision street light districts shall be defined as those subdivisions which have obtained the installation, service and maintenance of street lighting under the provisions of this Ordinance.

Street lighting in all districts covered by this Ordinance shall be permitted only after review by the City-County Planning Commission which shall coordinate the petition process with the

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utility provider. All petitions shall be reviewed by both the utility provider and the City-County Planning Commission as to correctness and accuracy prior to submission to Warren Fiscal Court.

ARTICLE II - STREET LIGHTING FOR NEW SUBDIVISIONS

1. An owner/developer who desires to provide for the installation of street light services in a new subdivision shall contract with the utility provider for the cost of installation of street lights including the type of service, light pole design, light bulbs, location of street lights and energy costs as well as any and all other factors for the construction and installation of the street light services for such subdivision. The Street Light Agreement shall embody the terms of this Ordinance and shall be in a form acceptable to Warren County, Kentucky.

2. The utility provider shall within the Street Light Agreement set forth the cost of energy, installation and maintenance to be incurred as a result of the installation of street lighting for a term commencing on the first date of service by the utility provider and ending on January 1 of the next year following the collection of the first assessment hereunder. The owner/developer shall be required to pay this sum to the utility provider in consideration for the cost of energy, installation and maintenance for the term for which the payment is made.

3. The owner/developer, after consulting with the utility provider and the City-County Planning Commission, shall petition the Warren Fiscal Court for an assessment for such street lights

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and the county shall establish a street light district for such subdivision and shall collect as an assessment the necessary funds to provide for the street light services described herein. The cost of said street lighting services shall be prorated among owners of each lot within the subdivision development. The charge therefore shall be determined by the utility and set forth in the Street Light Agreement and the proportionate share of the cost of such service shall be added to each county tax bill for each lot owner within the subdivision. Thereafter, the county shall remit all funds received by it under the assessment to the utility provider.

In the event of nonpayment of the assessment by any lot owner, the nonpayment thereof shall result in a lien upon said property. In the event of nonpayment of any assessment by any lot owner, Warren County shall not be liable to the utility provider for such assessment(s).

#### ARTICLE III - EXISTING SUBDIVISIONS

1. Upon presentation of a petition of all owners of lots comprising at least sixty-five (65%) of the plated lots within an existing subdivision, and after consulting with the utility provider and the City-County Planning Commission and after their approval, Warren Fiscal Court may establish a street light district for such subdivision in order to collect the necessary funds to provide for the street lighting services described herein. The cost of such street lighting services may be prorated among owners of each lot within the subdivision development. The charge therefore shall be determined by the

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utility and shall be set forth in the Street Light Agreement as hereinafter provided and the proportionate share of the cost of such service shall be added to each county tax bill for each lot owner within the subdivision. Thereafter, the county shall remit all funds received by it under the assessment to the utility provider. The City-County Planning Commission shall determine the appropriate boundaries for the subdivision street light district which will serve the lot owners in the subdivision of the individual(s) presenting the request. The the Planning and Zoning Commission utility shall then prepare a plat showing the proposed subdivision street lighting district. Thereupon, a petition requesting the street light service under the terms of this Ordinance shall then be circulated among the lot owners in the proposed subdivision street light district. The petition shall provide space for the lot owners in the subdivision seeking street lighting to sign, showing whether it is their preference that the proposed subdivision street lighting district be created. Once a petition has been returned to the Warren Fiscal Court, there shall be no changes in the preferences recorded thereon and the petition shall clearly state the same. If sixty-five percent (65%) of the lot owners in the proposed district sign the petition for providing street lighting, then there shall be recorded in the office of the Warren County Clerk an agreement reflecting the providing of street lights under the provisions of this Ordinance. Upon the presentation of a petition and in accordance of this Ordinance, the Fiscal Court by resolution shall direct that the cost of such street lighting, maintenance and electrical energy services be apportioned among the property

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owners as provided herein, and shall be reflected on the next tax bills owing on each parcel of land within the subdivision for which the street lights have been provided under this Ordinance.

The petition for creation of the proposed street lighting district must be returned to the Fiscal Court within ninety (90) days after it is obtained from their office; however, the Fiscal Court and/or utility may, in their discretion for good cause shown, extend the time for the return of the petition an additional thirty (30) days for a total of one hundred twenty (120) days when a request for such an extension is made to the Fiscal Court or utility before the expiration of the original ninety (90) days.

2. As a condition precedent to the creation of a street lighting district under the provisions of this Ordinance, the owners of such lots shall enter into a contract with the utility provider for the cost of installation of street lights, including the type of service, light pole design, light bulbs, location of street lights, and energy cost as well as any and all other factors for the construction and installation of street light services for such subdivision. The Street Light Agreement shall embody the terms of this Ordinance and shall be in a form acceptable to Warren County, Kentucky.

3. The utility provider shall within the Street Light Agreement set forth the cost of energy, installation and maintenance to be incurred as a result of the installation of street lighting for a term commencing with the first date of billing by the utility provider and ending on January 1 of the

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next year following the collection of the first assessment hereunder.

4. In the event of nonpayment of the assessment by any lot owner, the nonpayment thereof shall result in a lien upon said property. In the event of nonpayment of any assessment by any lot owner, Warren County, Kentucky shall not be liable to the utility provider for such assessment(s).

5. For purposes of this ordinance, the owners of lots shall be all of those persons necessary for the conveyance of such lot in fee simple absolute. All signatures contained thereon must be acknowledged before a notary public. The contents of such petition shall be in a form satisfactory to Warren County, Kentucky.

ARTICLE IV - LIGHTING IN AREAS OTHER THAN  
SINGLE FAMILY RESIDENTIAL SUBDIVISIONS

Street lighting in districts other than single family residential subdivisions shall be permitted only:

- 1) with the approval of the City-County Planning Commission subject to the safety, economic and other factors involved; and,
- 2) upon final approval by the Fiscal Court of such Utility Agreement entered into by and between the developer and/or existing owners of said non-residential subdivision district and said utility; and,
- 3) upon compliance with the standards herein provided.

ARTICLE V - UTILITY SERVICES CONTRACT

The County Judge/Executive is hereby authorized to enter into a contract with the utility provider for the collection of street lighting assessments under the provisions of this

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Ordinance.

ARTICLE VI - MISCELLANEOUS PROVISIONS

1. The cost of providing the street lighting, including energy costs, installation and maintenance shall be the sole responsibility of the lot owners as provided herein. In no event shall Warren County, Kentucky be liable for the cost of such street lighting, including energy costs, installation and maintenance.

2. Upon the installation of street lights under the provisions of this Ordinance, the utility provider shall not terminate such service without the prior consent of Warren Fiscal Court.

3. Increases in energy costs or cost of maintenance shall be computed annually, and by no later than March 1 of each calendar year. Such increases or decreases as determined necessary by the utility provider shall constitute an increase or decrease in the respective assessments. Such increases or decreases in such assessment, as determined by the utility provider, shall then be included on the next tax bills for the property subject to the assessments hereunder.

4. Upon the creation of a street lighting district under the provisions of this Ordinance, the fully executed Street Light Agreement shall be recorded in the office of the Warren County Clerk and shall constitute notice to all successive owners of property within such subdivisions of the assessment hereunder.

ARTICLE VII - WARREN COUNTY TO INCUR NO LIABILITY

In accordance with the provisions of this Ordinance, the

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cost of providing the electrical service, installation and maintenance of the subdivision street lighting districts shall be born by the lot owners as provided herein. Such cost shall be assessed to the respective lot owner and reflected on the next county tax bill. Upon collection the county shall remit the funds due and owing to the utility as provided in the Utility Service Agreement by and between the utility provider and the county. In the event the proportionate funds due and owing as a result of the benefit derived for any particular lot is not collected, then the delinquency thereof shall act as an encumbrance upon that particular real property and shall act as a lien consistent with the provisions of delinquent county taxes and the collection process provided therein presently in effect in Warren County. Under no circumstances shall the county be liable to the utility for a property owners nonpayment of assessments allocated to the street light services.

Any funds subsequently collected which are due and owing to the utility for the provision of services shall be collected by the county and remitted to the utility according to the terms and provisions of this Ordinance.

VIII. EXCESSIVE COSTS FOR REPAIRS, VANDALISM, ETC.

Any excessive repairs, or costs incurred as a result of vandalism, mischief, acts of God, or other accidents shall be born by the utility provider.

In the event that such costs are exorbitant or in the discretion of the utility provider are not anticipated, the utility provider may, upon notice to all affected lot owners, petition the Fiscal Court for a special assessment to provide for

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the payment of the costs so incurred.

IX. CONFORMANCE BY OWNER/DEVELOPER

The owner, developer or other person developing the subdivision desiring to provide street light services shall be required to conform to all of the standards herein provided for; and, in addition thereto, shall be required to conform to any and all conditions imposed by the utility providing said services. In addition thereto, such development and installations of street lighting equipment shall be consistent with the Zoning Ordinance - Resolution of Warren County, Kentucky. Any provision contained in this Ordinance that is in conflict with the Zoning Ordinance - Resolution. It is provided that the provisions of said Zoning Ordinance - Resolution shall govern when in conflict.

This ordinance is adopted pursuant to KRS 67.077 and that it was published in summary form on the 26<sup>th</sup> day of October, 1988, and was introduced and read on the 28<sup>th</sup> day of October, 1988, and given final reading on the 4 day of November, 1988, and said Ordinance shall be in full force and effect upon signature, recordation, and publication in summary pursuant to KRS Ch. 424 and KRS 67.077 Subsection 3.

APPROVED, this 4<sup>th</sup> day of November, 1988.

Paul King  
COUNTY JUDGE-EXECUTIVE

ATTESTED:

Marie Smith  
WARREN FISCAL COURT CLERK

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PASSES BY A VOTE OF 0 TO 0.

SPONSORED BY:

Judge Basil W. Griffin

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