

ORDINANCE NO. 222-2016

AN ORDINANCE OF THE CITY OF DRY RIDGE, KENTUCKY, ADOPTING STREETLIGHT CONSTRUCTION REGULATIONS.

WHEREAS, the City of Dry Ridge does not have an existing ordinance relating to the construction of street lights within the city limits; and

WHEREAS, the City wishes to require streetlight construction as defined in the subdivision regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

Section One General Provisions

- (A) No street lighting shall be installed on public streets except in compliance with this ordinance,
- (B) All developments currently under construction and to be constructed in the future within the city limits shall include the construction of public street lighting according to this ordinance. The location and type light fixtures shall be set forth on the subdivision improvement plans and meet the approval of the Grant County Planning Commission's Engineer and be approved as part of the Grant County Planning Commission's approval of the Improvement Plans per Section 3,6 (or as amended) of the Grant County/ Dry Ridge Subdivision Regulations.
- (C) Street light locations shall be shown on all subdivision plats and development plans as applicable.
- (D) Prior to the approval of a final development plan or final subdivision plat, street lighting shall be installed pursuant to this ordinance or bonded in an amount equal to the estimated cost of installation plus twenty-five percent (25%).
- (E) In the event street light installation is bonded, the developer shall have one (1) year from the approval of the final development plan or final subdivision plat or until the expiration of the bond for those public improvements in which to install the street lighting.
- (F) In developments with underground utilities, the developer shall be responsible for the provisions of appropriate conduit installation; The conduit installation shall be performed according to city's specifications. The developer shall be responsible for pulling the conductors through the conduit, installation and maintenance of the lights, poles and fixtures.
- (G) The city shall accept only two styles of light fixtures for public financial responsibility and maintenance:
 - (1) Styles accepted by the city are colonial post top and cobra head as provided by the servicing utility. The colonial post top is available only for underground installation. The cobra head is available for both underground and overhead installation,
 - (2) All other styles must receive prior specific written approval from the city. Approval will not be given unless the developer or a properly constituted homeowner's association provides adequate security for the payment of all costs associated with the requested style in excess of the customary cost of the styles approved in excess of the customary of the styles approved in § (G) (1), above. Approval of the style shall be within the sole discretion of the city.
 - (3) No entitlement to any other style is granted by this provision. Approval may be denied for any reason.

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- (H) Light fixtures shall be of LED type and meet the following requirements:
- (A) Light fixtures for local streets and sub-collector streets shall be 5800 lumens.
 - (B) Light fixtures for collector streets shall be 9500 lumens.
 - (C) Light fixtures for arterial streets shall be 22,000 lumens.
 - (D) All intersections and within each cul-de-sac, regardless of the category of streets, shall have a minimum of 9500 lumens.
 - (E) These street classifications shall be determined according to the definitions set out in the Subdivision Regulations.
- (I) All light fixtures shall be spaced at intervals of no less than 250 feet. The specific spacing for a particular installation shall be determined by the anticipated coverage of the particular fixture level. This spacing may be varied only with approval of the city. Different spacing may be required by the city in the event circumstance exist which render the standard spacing inappropriate.

Section Two Previously Approved Development

All developments for which a final development plan or final subdivision plat have not been approved prior to the effective date of this ordinance, but for which development no street lightning has been installed, shall:

- (A) Within forty-five (45) days of the effective date of this ordinance, submit to the city and to the Planning and Zoning Commission a street lighting plan which provides light fixtures locations, wattage levels and fixture style. Any plan which includes a light fixtures styles other than permitted about shall also provide documentation required in (G) (1) above. No lighting-related construction shall begin prior to receipt of written approval of a submitted lighting plan. The written approval must be signed by the Planning and Zoning Administrator or its Engineer.
- (B) Within sixty (60) days of receipt of approval of the street lighting plan Required in § (A) above, install the light fixtures according to that approved plan.
- (C) In the event the developer fails to install the approved street lighting plan within the time allotted in § (B), the city may grant an extension of time which to complete installation. No extension of time shall be granted except upon a showing of the developer's good-faith effort to complete the installation and the posting of the developer's bond in the Planning and Zoning office, in the amount of the cost of the installation of the approved street lighting plan, plus twenty-five percent (25%). This bond shall secure the cost of the city's installation of the approved street lighting plan in the event of the developer's failure to complete installation according to the plan within the extension granted above. The city's election to call the developer's bond and to undertake installation according to the approved plan shall not preclude the filing of charges in Grant District Court seeking the penalties provided below.
- (D) Lighting-related construction begun prior to the effective date of this ordinance and completed no later that forty-five (45) days after the effective date of this ordinance shall not be affected by the provisions of this ordinance.
- (E) Lighting-related construction begun prior to the effective date of this ordinance but not completed within forty-five (45) days after the effective date of this ordinance shall comply with all applicable provisions of this ordinance.

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**Section Three
Penalty**

(A) Each violation and every other failure to comply with the provisions of Sections I and II, above shall be a misdemeanor; and each day a violation continues to exist shall be a separate and distinct offense for which:

(1) Anyone convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.040 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set for in K.R.S. 532,090 (1), or both; and

(2) The offender shall be subject to a civil penalty of one hundred Dollars (\$100.00) for each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of Sections I and II.

(B) Whoever violates any provision of this chapter for which there is no penalty specifically set forth shall, upon conviction, be fined not more than \$100.

**Section Four
Notice**

(A) All ordinances or portions thereof which may be in conflict with this ordinance shall be, and the same hereby are, repealed.

(B) Following adoption of this ordinance a copy of same shall be forwarded to the Planning and Zoning office for enforcement according to its terms.

First Reading: August 29, 2016
Second Reading: September ****, 2016

PASSED, ADOPTED, ORDAINED AND ORDERED PUBLISHED ON THIS THE * DAY OF SEPTEMBER 2016.**

ATTEST:

James Wells, Mayor

Amy Kenner, City Clerk