

**SIMPSON FISCAL COURT
SIMPSON COUNTY, KENTUCKY
SUBDIVISION STREET LIGHT DISTRICTS**

WHEREAS, it appears to be in the best interest of the citizens of Simpson County, Kentucky, to provide a means whereby proposed and existing subdivisions 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 Franklin-Simpson Planning and Zoning Commission; and,

NOW, THEREFORE, be it ordained by the Fiscal Court of Simpson 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 Simpson County, Kentucky.

2. SUBDIVISION. A subdivision as used in this Ordinance shall mean a "subdivision" containing no less than five (5) lots and as otherwise defined under the Subdivision Regulations of the Franklin-Simpson Planning and Zoning Commission.

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 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 subdivision plat under the provisions of the Subdivision Regulations of the Franklin-Simpson Planning and Zoning Commission.

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, among other things, the type of service, light pole design, maintenance of the street lighting system, location of street lights and energy cost.

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 Simpson County, Kentucky, providing for street lighting services under the provisions of this Ordinance.

3

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.

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 in the form of a Street Light Agreement. The Street Light Agreement shall embody the terms of this Ordinance and shall be in a form acceptable to Simpson 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 shall then petition the Simpson Fiscal Court for an assessment for such street lights and the county shall establish a street light district for such

4

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, Simpson County shall not be liable to the utility provider for such assessment(s).

ARTICLES III - EXISTING SUBDIVISIONS

1. Upon the presentation of a petition of all owners of lots comprising at least seventy-five (75%) of the plated lots within an existing subdivision, the Simpson Fiscal Court shall 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 costs of such street lighting services shall be pro-rated among owners of each lot within the subdivision development. The charge therefore shall be

determined by the 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.

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 Street Light Agreement with the utility provider. The Street Light Agreement shall embody the terms of this Ordinance and shall be in a form acceptable to Simpson County, Kentucky.

3. 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, Simpson County, Kentucky shall not be liable to the utility provider for such assessment(s).

4. 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 Simpson County, Kentucky.

6

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 Franklin-Simpson Planning and Zoning Commission subject to the safety, economic and other factors involved; and,

2) Upon final approval by the Fiscal Court of such Utility Services Contract 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 in Article II or III hereof.

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 Ordinance.

ARTICLE VI - MISCELLANEOUS PROVISIONS

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

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 Simpson County Clerk and shall constitute notice to all successive owners of property within such subdivisions of the assessment hereunder.

January 24, 1989 FIRST READING
January 31, 1989 SECOND READING

At a meeting of the Fiscal Court of The County of Simpson, Kentucky held January 31, 1989, on motion made by Honorable Glen Evans, and seconded by Honorable James Bailey, the foregoing

8
ordinance was adopted, after full discussion, by the following
vote:

 AYE BILL SCOTT

 AYE GLEN EVANS

 AYE BOBBY WILLIAMS

 AYE JAMES BAILEY

 AYE KENNETH Y. HARPER

APPROVED:

BY:

Kenneth Y. Harper
KENNETH Y. HARPER, COUNTY JUDGE EXECUTIVE,
COUNTY OF SIMPSON, KENTUCKY

ATTEST:

Jada Rhea
JADA RHEA, COURT CLERK
COUNTY OF SIMPSON, KENTUCKY

I, Jada Rhea, Clerk of the Simpson
County Fiscal Court, do hereby
certify that the foregoing instrument
was this day lodged to be and is
with this and the foregoing certificate duly
recorded in my office. Given
under my hand this January 31, 1989

Jada Rhea