

## CHAPTER 77B. COMMUNITY LIGHT UTILITY

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77B.01. Statement of Legislative Purpose and Intent. Subdivision 1. Section 1.00, subd. 2 of the City of Rochester Home Rule Charter states that the City of Rochester shall have the general powers possessed by municipal corporations at common law. It further states that the City of Rochester shall have all powers which may now or hereafter be possible for a municipal corporation in this state to have and exercise in harmony with the constitutions of this state and of the United States not inconsistent with the specific limitations found in the City's Home Rule Charter. Minnesota Statutes, Section 412.221, subd. 7 states that a city council shall have the power to provide for lighting the streets by electricity. Section 15.06 of the City of Rochester Home Rule Charter contemplates public lighting of all city streets under the authority of the City's Public Utility Board.

Subd. 2. Pursuant to the legal authority described in subdivision 1, the City of Rochester hereby determines that it is in the best interests of the residents of the City to operate a community light system throughout the city to promote the general health, safety and welfare of the City's residents. In order to help defray the costs of the operation, construction, repair, replacement, maintenance, enlargement and improvement of said system, the Common Council hereby determines that every parcel of property benefits from the safety and convenience of community lights. Therefore, there shall be a Community Light Utility Charge payable by every Rochester Public Utilities electric customer within the City, whether residential, commercial, institutional or industrial.

Subd. 3. The Common Council determines that it is the City's policy that the benefit of community lighting to any lot, piece or parcel of land developed within the City is similar and that payment for said services or availability should be collected on as fair, reasonable and equitable basis as possible. It is further determined that any charge set forth pursuant to this chapter is in addition to any charge pursuant to any other City ordinance or any other governmental entity or agency.

77B.02. Operating Costs. Subdivision 1. For the purpose of providing funds to defray the cost of maintenance and operation of the community light system, the costs of construction, maintenance and operation of community lights, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby imposed upon each Rochester Public Utilities electric customer within the City a monthly community Light Utility Charge determined as provided in this chapter.

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77B.03. Collection of Fees. Subdivision 1. The Community Light Utility Charge shall be determined by resolution of the Common Council. The Community Light Utility Charge shall be collected in conjunction with other City utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period of time set for payment, and such other rules and regulations relative to the system as it may deem necessary from time to time.

Subd. 2. As provided in Section 15.06 of the City of Rochester Home Rule Charter, the City shall pay a reasonable rate fixed by the Public Utility Board for all public lighting of the streets.

77B.04. Enforcement for Collection of Fees. Any unpaid or delinquent Community Light Utility Charge may be recovered from the occupant or owner of the premises billed therefor in a civil action by the City in any competent jurisdiction or, in the discretion of the Common Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. The City may pursue either or both of such methods of collection until payment in full as been made and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until the charge is paid in full. Payment of a delinquent Community Light Utility Charge shall be credited to the same fund used for current community light utility charges deducting any costs of collection.

(3964, 5/3/10)