

**Streetlight Policy**

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**General**

1. This Policy is entitled "Streetlight Policy."
2. The purpose of this Policy is to encourage a responsible attitude with regard to street lighting, to allow flexibility and individual system design, and to regulate the payment of streetlight systems by imposing a "user pay" system whereby streetlight systems are paid for by the people who own property in the area lit by the system.
3. In this Policy, unless the context otherwise requires
  - a. "absolute majority" means an agreement among more than half of all persons who reside on property which fronts the area to be modified, added to or removed from the streetlight system, or which fronts on the proposed new system, and whose names appeared on the last Municipal Voters list;
  - b. "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Municipality of the County of Cumberland;
  - c. "Council" means the Council of the Municipality of the County of Cumberland;
  - d. "Municipality" means the Municipality of the County of Cumberland;
  - e. "primary residence" means a residence occupied by one or more persons as their primary or normal place of residence and the address of such persons for mail and driver's license purposes shall be *prima facie* evidence of primary or normal place of residence;
  - f. "property" or "assessed property" means a taxable assessed property, and includes vacant land, land used for agricultural purposes, land used for forestry purposes, small remnant parcels of land and land with small frontages;
  - g. "residence" means a private dwelling unit; and includes living quarters that have a private entrance either from outside or a common area within the building, and have toilet facilities that are not shared with the occupants of other dwelling units;
  - h. "streetlight system" or "system" means a Municipal lighting system comprised of at least two (2) lights within 1000 feet of each other, serving at least four (4) primary residences, unless the latter requirement is waived by Council;

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- i. "village" means a village continued or incorporated pursuant to *Municipal Government Act*.

### Streetlight System Design

4. The Municipality recommends the use of seventy (70) watt, high pressure sodium lights. Streetlights that do not currently meet this standard may be replaced in accordance with this recommendation when repairs warrant.
5. The Municipality recommends that streetlights be placed on every third pole.
6. Where streetlights are separated by at least 1000 feet, they shall be treated as belonging to separate systems, except
  - a. if petitioned by a majority of persons shown on the last Municipal Voters list who reside in each of two or more separate lit areas, requesting that for street lighting purposes in general and the levying of the uniform charge in particular, the areas be considered together as one lit area, Council may combine two or more lit areas for all purposes relevant to this policy. Such a combination will have no effect on properties lying between the lit areas which are not within 100 feet of the ends of the systems; or
  - b. in any case where, in the opinion of Council, a streetlight system or lit area is too large to allow the persons affected to effectively petition the Municipality, or is for any other reason unworkable, Council may divide the system into smaller systems and areas as it deems appropriate. Before making such a division, Council shall consider the size of the systems and areas created, as well as community interests when determining new boundaries.
7. A solitary light that is not within one thousand (1000) feet of another Municipal light shall be removed.

### Payment of Streetlight Systems

8. The overall cost of a streetlight system is determined solely by the amount the Municipality is charged by Nova Scotia Power Inc., and does not include Municipal administrative expenses incurred in the provision of a system.
9. The overall cost of a streetlight system will vary according to the number and type of lights which comprise the system, and surpluses or deficits from one year shall be rolled into the next.
10. The individual cost to landowners served by a system will vary according to the overall cost of the system and the number of assessed properties served by the system.

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11. Pursuant to the "user pay" arrangement, the cost of each streetlight system shall be recovered from landowners in the area served by the system, according to the following principles:
  - a. each property served by a streetlight system shall pay an equal portion of the cost of the streetlight system, regardless of the size, value, owner or use of the property; and
  - b. payment is calculated by dividing the overall cost of the streetlight system by the number of properties with frontage on that system, including properties within one hundred (100) feet of both ends of the system.
12. A landowner who owns more than one assessed property served by the same streetlight system shall make separate payments for each assessed property.
13. Where a single lot possesses frontage on more than one streetlight system, the landowner(s) shall be billed for only one streetlight system, and the property will be considered to belong to the streetlight system of which it shares the longest boundary.

### **Additions, Modifications or Removal of Streetlight Systems**

14. The Municipality will consider requests, in the form of petitions, for new streetlight systems, modifications to an existing streetlight system including the lengthening or shortening of an existing system at the ends, or removal of an existing streetlight system.
15. The Municipality may assist an interested party with the preparation of a petition.
16. The Municipality shall obtain estimates of the cost of implementing the changes or adding new lighting, as well as estimates of the relevant operating costs, and shall provide such information to the interested parties.
17. If a petition is successful, Council may approve the request. In making its decision, Council shall consider the results of the petition and how the change will affect the area rate for that system.
18. Proposed changes shall only be approved if the request complies with the petition requirements outlined in sections 21 through 28 of this Policy.
19. Municipal staff may assist with the preparation of mapping which shows all changes or new lighting.
20. The number, type, wattage and spacing of existing streetlight systems shall be maintained to the extent that it is reasonably feasible to do. The Chief Administrative Officer may authorize minor changes if such changes would not greatly affect the cost of a system, or if necessary because of changes in roads or pole locations. Where in the opinion of the Chief Administrative Officer, a proposed change would significantly affect residents or

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increase the cost of a system, the CAO shall refer the proposed change to Council and may make a recommendation on the matter. Council may approve a proposed change when it is of the opinion that it would be equitable to do so, or when it is in the best interest of the residents.

### **The Petition Requirements**

21. A petition to add, modify or remove a streetlight system may be prepared by an interested party if
  - a. the individual's name appeared on the last Municipal Voters list; and
  - b. the individual resides on property which fronts on the area to be modified, added to, or removed from the system, or which fronts on the proposed new system.
22. An individual is eligible to sign a streetlight petition if
  - a. the individual's name appeared on the last Municipal Voters list; and
  - b. the individual resides on property which fronts on the area to be modified, added to, or removed from the system, or which fronts on the proposed new system.
23. Some households may have multiple members who are eligible to sign a streetlight petition.
24. Property owners are not eligible to sign a petition unless they reside on property with frontage on the streetlight system in question.
25. A resident of a lot with frontage on more than one light system may sign a petition for each light system which fronts the lot.
26. For a petition to be successful, an absolute majority is required. A majority of those who sign the petition is insufficient.
27. Only the signatures of those who approve the streetlight system shall be counted in the affirmative. Not signing the petition is equivalent to opposing it.
28. Each streetlight system is independent from all others. The petition results on one system have no effect on any other system

### **Village Systems**

29. A Village may obtain a streetlight system through the petition process outlined in sections 21 through 28 of this Policy.

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30. For the purpose of recovering the cost of the streetlight system, Council may, upon request from a Village, apply an equal rate to all properties within the Village boundaries, if Council is satisfied that each property receives an equal benefit.
31. Where a Village Commission proposes a streetlight system and method of cost recovery which meet the minimum requirements of the *Municipal Government Act*, Council may approve the system.
32. Pursuant to the *Municipal Government Act*, Villages have the authority to provide streetlights and to recover the cost through a Village rate. Where a Village Commission chooses to provide streetlights in such a manner, this Policy does not apply.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members  
of Intent to Consider [7 days minimum]: June 7, 2006

Date of Passage of Current Policy: June 14, 2006

I certify that this Policy was adopted by Council as indicated above.

Rennie J. Bugley  
Rennie Bugley, Clerk

June 27, 2006  
Date