

Town of Fort Kent

Street Light Siting Policy

WHEREAS, It is deemed in the interest of the public health, safety, and welfare of the Town to locate street lights along certain roads under certain conditions where such lighting achieves public benefit to the point of justifying public expenditure; and

WHEREAS, It is necessary to set forth a rational means for determining the overall need for each request for street lighting in the Town based on factors such as, but not limited to, traffic volume, speed limit, road conditions, accident rates, pedestrian safety, roadside parking conditions, adjacent development patterns, number of curb cuts, and degree of existing lighting; and

WHEREAS, Street lighting, under certain conditions, can produce economic returns such as, but not limited to, increased night-time business, reductions in personal injuries, fatalities, and property damage, and other societal costs; and

WHEREAS, The Town has limited funds available for the placement of streetlights, it is necessary to fund those requests that demonstrate the most urgent need and provide the greatest public benefit.

THEREFORE, Be it ordained, by a majority vote of the Town Council, that the following regulation entitled "Town of Fort Kent Street Light Siting Policy" governing the funding and siting of streetlights in the Town is hereby established.

Effective Date: 12/27/10

Municipal Officers

Attest: _____
Town Clerk

Town of Fort Kent Street Light Siting Policy

Section 1. Title and Purpose

This policy shall be known as the "Town of Fort Kent Street Light Siting Policy", hereinafter referred to as "this policy." The purposes of this policy are to protect the health, safety, and welfare of the residents of Fort Kent (hereinafter referred to as the "Town"); to provide for a rational means of prioritizing and planning for the expenditure of tax dollars for street light improvements; to process requests for street lights in a fair and efficient manner; and to ensure that new street lights installed with local tax dollars will be sited for reasons of public health and safety based on the greatest demonstrated public need.

Section 2. Applicability

This policy applies to all requests for placement of streetlights in the Town where the capital cost of the street light shall be borne by the Town. Exceptions to this policy are in cases where it is necessary to erect a street light(s) to alleviate an emergency situation or where a street light(s) is planned as part of a larger capital improvement project separately approved by the Town Council, such as, but not limited to, a downtown revitalization project.

Section 3. Effective Date

This policy shall become effective when adopted by a majority vote of the Town Council at any regular or special meeting of the Town Council.

Section 4. Amendments

A proposal for an amendment to this policy may be initiated by:

- A. The Planning Board, by a majority vote of the Board;
- B. The Town Manager;
- C. The Town Council;
- D. An individual, through a request to the Municipal Officers; or
- E. A written petition following the guidelines established in the Fort Kent Charter.

This policy may be amended only by the procedure required for its original enactment.

Section 5. Availability

A certified copy of this policy shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public, at a reasonable cost to the person making the request during normal Town Office business hours. Notice of the availability of this policy shall be posted.

Section 6. Severability

Should any section or part of a section or any provision of this policy be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the policy as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7. Conflict with Other Ordinances or Jurisdictions

Whenever a provision of this policy conflicts with or is inconsistent with another provision of this policy or any other ordinance, regulation, or statute, the more restrictive provision shall apply. Any application approved under this policy does not exempt the street light from other state or local laws that may be applicable.

Section 8. Administrative Procedure

In order to have proper standing to file an application, the applicant must be a legal resident of and/or own property in the town. The applicant shall include all information as required on forms provided by the Town. All requests for a street light(s) shall be reviewed for final approval by the Town Council. The decision of the Town Council shall be based on the results of a preliminary review conducted by the Planning Board. Application forms are available at the Town Office. The Code Enforcement Officer shall provide assistance to the applicant in filling out the application form.

A. Planning Board Review

It shall be the responsibility of the Planning Board to review and score all applications for a street light(s). The applicant shall submit a written application to the town office for consideration and scoring by the Planning Board. The Planning Board shall complete the review of the application for accuracy and completeness. It is the responsibility of the applicant to verify and provide proof, if necessary, to the accuracy of all of the submitted information. The final review and scoring shall be completed within thirty (30) days after the application is deemed complete by the Planning Board. An application determined to be incomplete shall be returned to the applicant with the deficiencies noted in writing. It is the responsibility of the applicant to obtain another date on the Planning Board agenda for corrected application consideration. When the Planning Board completes its review and assigns a score for the application, a copy of the application, along with supporting documentation, shall be forwarded to the Town Council. The Board shall notify the applicant in writing of its findings by providing a copy of the scoring decision.

B. Town Council Review

It shall be the responsibility of the Municipal Officers to review all applications for street lights. In considering approval of an application, the Municipal Officers shall consider the comments of the Planning Board and Code Enforcement Officer.

C. Other Responsibilities

After final approval of the proposed street light location, the Town Manager or his delegate may proceed with arrangements for ordering the necessary services and materials for completing the work. That process will be carried out consistent with local procedure for other local public improvements projects. The decision on the type of streetlight to be sited shall consider cost, energy efficiency, and consistency with the general character of the neighborhood. The final decision on the type of streetlight to be sited is subject to approval of the Town Council, with comments by the Town Manager and Planning Board to be considered.

Section 9. Definitions

Any word not otherwise defined shall have its ordinary meaning.

Section 10. Criteria

The scoring criteria to be used will weigh the benefit to the community as it relates to the safety of its residents and roadways, location, frequency of accidents, pedestrian traffic, number of residences and presence of sidewalks as well as input from the Public Works Director and other interested parties.

Section 11.

Notwithstanding the above criteria; any new street lights will be subject to the budgetary process and approval of additional funds at the Annual Town Meeting.

Section 12. Appeals

Aggrieved parties to the decision by the Planning Board and/or the Town Council can not be appealed to the Fort Kent Zoning Board of Appeals. Appeals may be taken by aggrieved parties to a court of competent jurisdiction.