

**SELECTMEN'S STREET LIGHT POLICY
OF THE TOWN OF YORK MAY 11, 1993**

1. PURPOSE OF POLICY

The purpose of this policy is to provide the Town a system to better determine when, where and how a request for the Town to pay the cost to install and/or operate a street light should be processed, and if a request should be granted.

2. OVERALL POLICY REGARDING INSTALLATION AND/OR OPERATION OF A STREET LIGHT AT PUBLIC EXPENSE

The Town of York shall encourage the public installation and/or operation of a street light only when a necessary public safety need warrants that an area have publicly provided outdoor illumination. The Town finds that the installation and/or operation of a street light at public expense is costly, and that too much outdoor lighting may adversely impact York's rural-suburban small town character.

Nothing in this policy shall prevent a private landowner or resident from personally renting a street light from Central Maine Power to be located on public property. The party responsible for a private pay street light located on public property must provide written notification to the Town Manager regarding the location of this street light prior to its installation.

3. PROCESS TO REQUEST PUBLIC INSTALLATION AND/OR OPERATION OF A STREET LIGHT

3.1 All requests for public installation and/or operation of a street light shall be submitted in writing to the Town Manager. The request must identify the specific location for the requested street light and state the reasons why the applicant believes that a street light is warranted. The request must include the signatures of all property owners located within 500 feet each direction of the requested light.

3.2 The Town Manager shall refer the written request for a street light to both the Superintendent of Public Works and the Chief of Police. These individuals, in consultation with other Town of York staff and other parties which they believe may be appropriate, shall review the request to determine the degree to which the requested street light addresses a necessary public safety need. The review shall consider the factors identified in Section 4.

Within 30 days of the receipt of the request from the Town Manager, the Chief of Police and Superintendent of Public Works shall make a joint recommendation in writing regarding the public need for the street light. The recommendation shall specifically state if the Town should pay the cost to install and/or operate the street light, and shall identify the reasons supporting the recommendation.

3.3 The Town Manager will review the joint recommendation of the Chief of Police and Superintendent of Public Works. Based on this review, the Manager shall take one of the following two actions:

3.3.1 If, based on his/her review of the recommendation of the Police Chief and Superintendent of Public Works, no necessary public safety need is addressed by installation of the light, the Manager may deny the request. If the request is denied, the party requesting the light shall be notified in writing of the denial. This notification shall state the reasons for denial, inform the applicant of the right to appeal, and explain the appeal process outlined in Section 3.4.

3.3.2 If, based on his/her review of the recommendation of the Chief of Police and Superintendent of Public Works, a necessary public safety need is addressed by installation of the light, the Manager may authorize installation of the light if there are sufficient funds available in the current budget; may include funding for the light in the next municipal budget; or may deny the request. The Manager shall notify the party of his decision in writing and inform the applicant of their right to appeal under Section 3.4.

3.4 A party that is aggrieved by the decision of the Town Manager under Section 3.3.1 and 3.3.2 may, within 30 days of receipt of the notice of denial, appeal the Manager's decision directly to the Board of Selectmen. When the Board receives a request for an appeal, the Board will hear the appeal within 30 days at a regularly scheduled meeting. The Board may vote to uphold or overturn the Manager's decision.

4. CRITERIA TO DETERMINE IF A STREET LIGHT SHOULD BE INSTALLED AND/OR OPERATED AS A TOWN EXPENSE

The Superintendent of Public Works and Chief of Police shall use the following criteria as guidelines to assist in determining the degree to which a street light request addresses a necessary public safety need. The criteria include, but shall not be limited to:

4.1 The type of road: major, collector, or local access only.

4.2 The type of land use which occurs in the area and the density of these uses.

4.3 The amount of pedestrian and non-vehicular use, particularly the amount of use which occurs at night. This criteria also includes the availability of facilities to accommodate pedestrian use, such as sidewalks, paths or adequate paved road shoulder.

4.4 The proximity to a street intersection and the type of intersection; for example, a major road which intersects a collector road or a local access road which intersects another local access road.

4.5 The amount and severity of accidents which have occurred, particularly the critical rate factor for this area.

4.6 The type of parking which is permitted in the area, particularly the amount of on-street parking.

4.7 The spacing of existing public street lights in the area and the amount of existing private lighting in the area.

4.8 Other extenuating factors which may affect the need for a street light.

5. STREET LIGHT REQUESTS FOR NEW SUBDIVISION AND SITE PLAN PROPOSALS SUBMITTED TO THE PLANNING BOARD

5.1 When a subdivision or site plan application which is subject to Town review is submitted to the Town of York Planning Board, the Board shall refer the subject plan to the Chief of Police and Superintendent of Public Works to obtain a recommendation regarding the installation of street lights. The plan review shall be subject to the criteria in Section 4, and shall result in a written recommendation to the Planning Board. The Planning Board shall identify the recommended street lights in the final approval plan.

5.2 The request for public funds to operate street lights identified in a final subdivision plan shall be subject to the approval process identified in Section 3.3 of this policy. If the Town does not award public funds to operate the street lights, the failure to provide such lights shall not adversely affect the Planning Board's approval of the Final Plan.

6. EFFECTIVE DATE

This policy shall become effective upon its adoption by a majority of the Board of Selectmen. This action occurred at a Board meeting of May 11, 1993.