



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

January 29, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners, Acting as
the Governing Body of Service District No. 5
Clackamas County

**Second Reading of an Ordinance to adopt Clackamas County Code Chapter 4.04, Service District #5
Street Lighting Rules and Regulations. No County General Funds are involved.**

| | | | |
|-------------------------------------|---|---------------------------|---|
| Previous Board Action/Review | 12/02/2025 - Policy Session 01/15/2026 - Public Hearing and First Reading | | |
| Performance Clackamas | Vibrant Economy: By 2028, the County will conduct a review of all development regulatory processes to minimize burdens, providing an effective and timely permitting process for the community. | | |
| Counsel Review | Yes - JM | Procurement Review | No |
| Contact Person | Wendi Coryell, Service District Specialist - DTD Development Engineering | Contact Phone | 503-742-4657 (wendicor@clackamas.us) |

EXECUTIVE SUMMARY: Clackamas County Service District No. 5 is the District responsible for street lighting services within the unincorporated area of Clackamas County and, by agreement, within the City of Happy Valley.

District Rules and Regulations were established in 1970 pursuant to Ordinance No. 70-1078 and have not been updated since adoption. Since that time, several procedural changes have occurred and the existing rules and regulations are outdated.

Significant Changes

- Updating roles and definitions to reflect current practices and organizational structure.
- Separating and defining the nuances in processes for different lighting approval/installation methods – through Development, Petitions, Capital Improvement Projects, and Board Resolution.
- Updating required design and installation standards for new lighting installations.
- Defining existing practices regarding the installation of shields and/or the approval of banners on District managed lights.
- Moving the adoption of the rate schedule to RESOLUTION, to allow more flexibility to amend the descriptions with the adoption of new equipment and new rates through the budget process. (The District adopts by Resolution now, but original the Rules/Regulations included some outdated rate schedule references.)

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- Updating the process for how the District invoices user fees to reflect current practices.

Changes were coordinated with Land Use Planning (ZDO/Comp Plan) and Development Engineering (Roadway Standards) to remove conflicting provisions, reduce redundancy, and improve clarity resulting in a more efficient permitting process for the community.

RECOMMENDATION: Staff recommend that the Board hold this public hearing, read the attached ordinance by title only, and adopt the attached ordinance.

Respectfully submitted,

Dan Johnson, Director
Department of Transportation and Development

ATTACHMENTS:

1. Ordinance with Exhibit A

ORDINANCE NO. ____

**An Ordinance Adopting Clackamas County Code Chapter 4.04,
Clackamas County Service District No. 5 Street Lighting Rules and Regulations**

WHEREAS, the Board of County Commissioners is the Board of Directors of Clackamas County Service District No. 5. In this capacity the Board has authority to adopt ordinances applicable within the territory of Clackamas County Service District No. 5; and,

WHEREAS, the Board finds it necessary to adopt Chapter 4.04, Clackamas County Service District No. 5 Street Lighting Rules and Regulations, to remove outdated language and to improve the compatibility with the Clackamas County Comprehensive Plan, the Zoning and Development Ordinance, and the Roadway Standards; and,

WHEREAS, the text of Chapter 4.04 is shown in Exhibit A; and,

WHEREAS, The adoption of Chapter 4.04 will supersede and replace all past rules and regulations previously adopted and applicable to Clackamas County Service District No. 5 street lighting development; and,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Chapter 4.04, Clackamas County Service District No. 5 Street Lighting Rules and Regulations is hereby adopted as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

ADOPTED this ____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

CHAPTER 4.04 - SERVICE DISTRICT NO. 5 STREET LIGHTING RULES AND REGULATIONS



Clackamas County
Department of Transportation & Development
150 Beaver Creek Road
Oregon City, Oregon 97045

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Chapter 4.04

4.04 SERVICE DISTRICT NO. 5 STREET LIGHTING RULES AND REGULATIONS

4.04.010 District Establishment

Clackamas County Service District No. 5 is an ORS 451 Service District that was established in 1970 under County Order 70-1078 to construct, operate and maintain street lighting facilities for the lighting of streets and highways for the protection of public health, safety and general welfare.

[Codified by Ord. _____]

4.04.020 Purpose and Objectives

- A. It is hereby declared to be the policy of Clackamas County Service District #5 to provide street lighting service to residents of the District upon request of those residents as provided herein.
- B. It is further declared to be the policy of the District to provide street lighting service within Unincorporated Clackamas County and in the incorporated cities by agreement, for such areas as may be annexed to the District and may, in the judgment of the District, be feasibly served upon such terms, conditions, and as the District shall from time to time determine.
- C. The Rules and Regulations hereinafter set forth shall be applicable to street light installation, operation, maintenance and repair in Clackamas County Service District #5.

[Codified by Ord. _____]

4.04.030 Definitions

- A. "BOARD" means the Board of Directors of the District, being the Board of County Commissioners of Clackamas County, Oregon.
- B. "CITY" means any incorporated city now or hereafter within the District's boundaries.
- C. "COUNTY" means Clackamas County, Oregon.
- D. "DIRECTOR" means the Director of Transportation & Development of Clackamas County, Oregon.
- E. "DISTRICT" means Clackamas County Service District No. 5.
- F. "EXISTING POLE" means a pole originally installed for some purpose other than supporting street light facilities.
- G. "FRONTAGE" means the length of property contiguous to a public, local access, or private roadway.
- H. "INTERESTED PERSON" means any owner or resident of property or purchaser of a duly recorded land sale contract.

- I. "LETTER OF AUTHORIZATION" or "LOA" is the instrument used to accept responsibility for the ongoing energy costs related to the installation of new lighting.
- J. "LINE EXTENSION COST AGREEMENT" or "LECA" is the PGE cost agreement, authorizing work to be done and accepting responsibility for paying costs related to new street light installations and the discontinuation of existing services.
- K. "LUMENS" means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.
- L. "LUMINAIRE" means a complete lighting fixture.
- M. "MAY" is permissive.
- N. "OWNER" means the record owner(s) of real property, purchaser of a duly recorded land sale contract, or in the case of a corporation the recorded President or Secretary.
- O. "PGE" means Portland General Electric Company.
- P. "RIGHT-OF-WAY" means any public highway, road, street, avenue, alleyway, private road, public place, public easement, or public right-of-way.
- Q. "SERVICE AREA" means areas under service or proposed for service having similar types of service classification systems and well-defined boundaries.
- R. "SHALL" is mandatory.
- S. "STREET LIGHT ONLY POLE" means any pole installed for the exclusive purpose of supporting street lighting facilities.
- T. "UNIFORMITY OF ILLUMINATION" means the ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.
- U. "USER" means any person who receives street lighting services. The occupant of occupied property is deemed the user. If the property is occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value. It is presumed that the owner of the real property, as shown in the records of the Clackamas County assessor, is the occupant.
- V. "USER FEE" means the periodic charges applied on all users of the public lighting system for the cost of operation, maintenance, and replacement; including but not limited to, any other costs, such as but not limited to, debt service, debt service coverage, capital improvements, etc.

[Codified by Ord. _____]

4.04.040 Street Lighting Services

- A. Service will be provided by the District, or by PGE through an agreement with the District, in accordance with Public Utility Commission, Street Light Tariff Schedules 91 & 95.
- B. Street lighting activated by photoelectrical control will be provided from dusk to dawn daily.

[Codified by Ord. _____]

4.04.050 Street Light Design

- A. Prior to installation of street lighting, the District shall approve the design for such lighting. The street lighting plan shall be approved by the District and shall conform to the following requirements:
1. Street lighting shall be provided only on public rights-of-way. The District may provide service to areas or roads not dedicated to public use if easements are granted or access to facilities is otherwise assured in a manner acceptable to the District in its sole discretion.
 2. Illumination levels shall be consistent with the intent and recommendations of the American National Standards Institute - Standard Practice for Roadway Lighting (ANSI/IES RP-8, most recent version), except as provided in Section 4.04.202 below.
- B. The light levels may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the sole discretion of the District exercising best professional judgement.

[Codified by Ord. _____]

4.04.060 Street Light Maintenance

The District shall maintain or provide for the maintenance, repair, and replacement of the lighting system, including lamp replacement, as soon as reasonably possible after notification.

[Codified by Ord. _____]

4.04.070 Service Area

- A. To promote orderly development of street lighting, areas considered for service shall be well defined, including but not limited to:
1. Subdivisions, partitions, commercial, industrial, and multifamily residential development within the UGB
 2. Entire length of street
 3. Portion of street from one cross street to another
 4. Portion of street from one cross street to a dead-end; and
 5. Continuation of existing lighting that eliminates gaps in street lighting service.
 6. Additional adjacent areas which qualify may be included in any new service area at the discretion of the District.

[Codified by Ord. _____]

4.04.080 Street Light Installations: Development

- A. Street illumination installation is required for all partitions, subdivisions, commercial, industrial, and multifamily residential development within the UGB in Clackamas County if adequate street lighting does not already exist.

- B. When associated with development, street illumination is installed in accordance with sections 4.04.200 – 4.04.206, generally as part of a Development Permit.

[Codified by Ord. _____]

4.04.081 Street Illumination Approval: Development

- A. The following process is required to obtain Service District approval for street illumination for all developments as required under 4.04.080:
1. The applicant shall contact the Service District (sdn5-streetlighting@clackamas.us) and coordinate property owner signature on a Request for Street Lighting (“Compliance Form”), consenting to an annual assessment on the property tax statement of the affected properties for the operation and maintenance of the street lights.
 - a. All tax lots in the development will be included in an assessment area within the Service District for the purpose of paying for the operation and maintenance of the street lights.
 - b. After a formal hearing process, a special assessment is placed on the tax roll at the Service District rate determined by the classification of the property and the type of illumination installed.
 2. The Service District will provide the applicant with a PGE Street Lighting contact. The applicant shall contact PGE and provide PGE with a District approved photometric design by a licensed engineer.

[Codified by Ord. _____]

4.04.082 Public Hearing: Development Annexation

- A. The District, before annexing a new assessment areas under 4.04.080 into the district, shall:
1. Receive the Request for Street Lighting (“Compliance Form”) signed by owner(s); allowing permit issuance and continuation of the project.
 2. Provide for notice to affected owner(s) of the current RATE.
 3. The District approves the LOA with PGE agreeing to pay for ongoing electricity costs.
 4. Provide for a hearing before the Board of County Commissioners during which, the Board will annex the approved assessment area(s) into the District.
 5. The Board may approve or remove assessment areas, or make such other modification as determined appropriate, whether the matter is before the Board by petition or resolution.

[Codified by Ord. _____]

4.04.090 Street Light Installations: Petitions

- A. Whenever any interested person requests installation of street lights within the District, the request shall be in petition form.
1. Petition forms shall be provided by the District upon request. Petitions must contain:

- a. The signature of more than fifty (50) percent of the owner(s) of land within the proposed service area
 - b. An identification of the properties within the area to be served
 - c. Assessor's maps
 - d. Proposed user fee
 - e. A description of the improvements to be made
 - f. Annexation requirements
2. Street lighting through the petition process is only installed if it is financially feasible, through use of existing infrastructure, and/or funding partnerships that will help offset the cost of installation.

[Codified by Ord. _____]

4.04.091 Public Hearing: Petition Annexation

- A. Before the installation of new street lighting under 4.04.090 through a petition request, the District shall:
 1. Provide for notice to each affected owner of the District's intention to implement street lighting facilities, including:
 - a. The cost of installation, operation, maintenance, repair, and replacement, if any.
 - b. The proposed rate schedule and the current user fee.
 - c. The process for objecting to the installation of the lights and annexation into the District.
 2. Provide for a hearing before the Board of County Commissioners during which affected owner(s) may object to the installation of street lights.
 - a. Provide that if the District receives written objections prior to the conclusion of the hearing signed by more than fifty (50) percent of the affected owner(s), the assessment area will be removed from the annexation, and the proposed facilities will not be installed.
 - b. Written objections must be submitted to the District prior to the hearing, at the hearing, or any time before conclusion of the public hearing to be entered into the record for consideration.
 - c. The Board may approve or remove assessment areas, or make such other modification as determined appropriate, whether the matter is before the Board by petition or resolution.

[Codified by Ord. _____]

4.04.100 Street Light Installations: Capital Improvement Project (CIP)

Through the annual budget process, the District can be authorized to use interest earnings and funds from the prior sale of lighting as matching funds for the line extension and/or ongoing energy costs related to publicly funded capital improvement projects meeting the following objectives.

[Codified by Ord. _____]

4.04.101 CIP Line Extension Contribution

- A. The District can partner on, or pay for the PGE line extension (LECA) under 4.04.100, when a project meets most of the following criteria:
1. Project is in the Portland Metro Urban Growth Boundary (mandatory)
 2. Funding is available in the District budget (mandatory)
 3. Installation of the light(s):
 - a. Enhance existing lighting in the area. The installation enhances or completes a street lighting corridor.
 - b. Are new, the District is not replacing existing poles/fixtures
 - c. Improves school zone and/or community gathering safety. The project is near a school, park, community center, or other public gathering place.
 - d. The project is on a high traffic corridor. The site takes access from an ARTERIAL or COLLECTOR functional class roadway and/or roadway is designated as an Emergency Transportation Route.
 - e. The project is in a high-crime area.
 - f. The project is in an underserved area.

[Codified by Ord. _____]

4.04.102 Ongoing CIP Energy Costs

- A. When funding is available, the District can partner on, or pay for the ongoing energy costs (LOA) under 4.04.100, when a project meets most of the following criteria:
1. Project is in the Portland Metro Urban Growth Boundary (mandatory)
 2. The lights are installed as Option A lighting; under Streetlight Tariff Schedules 91 & 95 (mandatory)
 3. Most of the surrounding properties are already annexed into the District and/or the area presents future development opportunities that will allow for cost recovery through District rate payors
 4. Installation of the light(s):
 - a. The project is on a high traffic corridor. The site takes access from an ARTERIAL or COLLECTOR functional class roadway and/or roadway is designated as an Emergency Transportation Route
 - b. The project is in a high-crime area
 - c. The project is in an underserved area.

[Codified by Ord. _____]

4.04.110 Street Light Installations: Board Resolution

- A. When the Board determines that, in the interest of public safety, health, and welfare, street lights should be installed anywhere in the District, the Board may adopt a resolution or order to initiate the process of street light installation as if a petition were received.
- B. The resolution shall contain:
 - 1. A description of the area to be served
 - 2. Current user fee
 - 3. The nature of the improvement to be made
 - 4. The reasons for which the installation is required

[Codified by Ord. _____]

4.04.120 Notice

Notices required by this Chapter shall be by first class mail to each owner, using the last known name and mailing address as listed by the Tax Assessor for Clackamas County.

[Codified by Ord. _____]

4.04.200 Street Illumination Design & Installation Standards

- A. Street illumination is subject to the approval of Clackamas County Service District No. 5 (the District), administered through Clackamas County Development Engineering (Engineering), and the utility serving the District, Portland General Electric (PGE). Design standards may differ, based on the agency responsible for the roadway (state, county, city).
- B. Street illumination is designed to the current revision of *ANSI/IES RP-8* guidelines for the road classification, using existing infrastructure (poles, transformers, and circuitry) where available. The District is responsible for defining road classifications prior to design.
- C. The District shall have final approval over design and installation of lighting systems, following consultation with PGE and any affected City.

[Codified by Ord. _____]

4.04.201 Equipment: PGE “Option A”

The District has chosen “Option A” through PGE’s list of options regarding ownership, operation, and maintenance; Option A is for luminaires owned, maintained, and supplied with electric energy by PGE. (To ensure you have the most up-to-date information, please check the PGE website or reach out directly to the PGE Street Light Project Manager for the latest version of the approved materials list.)

[Codified by Ord. _____]

4.04.202 Design Requirements

- A. The developer/project is responsible for providing the PGE Lighting Design Project Manager with the street light design layout, which includes complete street light design details (pole and fixture specifications). Developers or customers are required to provide the District approved photometric design for the street light portion of their project. As specified in 4.04.050 Service District Design Approval.
- B. The lighting design layout will need to meet the recommended maintained illuminance values in the current revision of ANSI/IES RP-8 American National Standard Practice for Roadway Lighting and meet the jurisdiction's road classification standards.
 - 1. A street light pole cannot occupy the same space with a tree in a tree well.
 - 2. Street lights are recommended to be a minimum of 20' from any tree location.
 - 3. Facilities (conduit, junction box, street light pole, etc) may not be installed in bioswale / rain gardens.
- C. The Service District has the option to accept & authorize street light designs that do not meet ANSI/IES RP-8 guidelines, when site characteristics restrict/prevent compliance. PGE will put a notation on the letter of authorization (LOA) that is signed by the District as well as the sketch.
- D. Developers or project teams are encouraged to contact the PGE Lighting Design Project Manager with any questions. However, please note that the final photometric design must be reviewed and approved by the District.
- E. PGE's Outdoor Lighting internet page [<https://portlandgeneral.com/outages-safety/safety/outdoor-lighting>] provides a *PGE Streetlight Responsibility Option A & B* process document outlining the steps and responsibilities for Street Light Installations.

[Codified by Ord. _____]

4.04.203 Approved Lighting Equipment

- A. Option A street light designs require materials to be specified from PGE's approved street lighting equipment list. No substitutions are allowed. PGE Lighting Design Project Managers are available to assist with pole and fixture information needed on the project, this information will be based on Service District direction.
- B. A list of *PGE Approved Street Lighting Equipment* is posted on PGE's Outdoor Lighting internet page [<https://portlandgeneral.com/outages-safety/safety/outdoor-lighting>].

[Codified by Ord. _____]

4.04.204 Service District Design Approval

The final lighting design layout requires Service District approval. The Service District will sign a Letter of Authorization (LOA) to PGE upon approval of the design and the receipt of the signed Request for Street Lighting. The Service District has final approval for all street illumination fixtures for each development.

[Codified by Ord. _____]

4.04.205 Option A Construction & Installation

- A. Upon approval of the Street Illumination Design, the applicant shall sign the PGE Line Extension Charge Agreement (LECA) and pay for the installation of the equipment. The LECA charge covers the material and labor cost for PGE to install any necessary equipment; as outlined in the agreement.
- B. Any work performed by the developer/ contractor, in advance of PGEs installation, must meet the requirements outlined in the current version of the PGE [Statement of Streetlight Installation Responsibilities](#) document, which outlines the installation service requirements for Option A street lights.

[Codified by Ord. _____]

4.04.206 Authorization to Energize Street Lights

PGE will request the signed authorization (LOA) from the Service District to energize the street lights as installed and will begin billing the Service District under provisions of stated option.

[Codified by Ord. _____]

4.04.300 Shields

- A. Due to lighting impacts on adjacent users, the District offers shields to help direct the illumination to the roadway. Upon user request, shields may be installed on street lights at the discretion of the District. Shields must not be positioned in a manner that reduces the level of lighting directed toward the roadway.
 - 1. PGE may charge for the installation of a shield, and the District reserves the right to pass this cost on to the requestor.
 - 2. When a shield is requested due to an adverse impact on an existing user from street illumination of a new development, the District will pay for the shield when funds are available in the budget to do so.

[Codified by Ord. _____]

4.04.310 Banners

- A. The District recognizes the value of banners/attachments to help promote community events, foster community spirit, and as a means of placemaking. Banners/attachments can enhance visual appeal and functionality of public spaces, contributing to the overall vibrancy and connectivity of communities. For this reason, the District has adopted the following guidelines for the temporary installation of banners/attachments on District managed street lights.
- B. The District prohibits the following banners/attachments on District managed street lights:
 - 1. Banners or attachments of a political or religious nature
 - 2. Banners or attachments whose primary purpose is marketing on behalf of a for-profit organization.
 - 3. Banners or attachments that promote any ballot measure

4. Banners or attachments that promote preferences or prejudices
 5. Electrified Banners
 6. Cameras, noise, sensors or like devices (are not allowed)
- C. If approved, for installation:
1. Any costs related to the installation, maintenance, or removal of banners/attachments shall be paid by the applicant.
 2. The District may restrict the duration of the banner/attachment.
 3. The applicant shall be responsible for providing liability insurance to indemnify the District, road authority, and PGE.
 4. The District reserves the right to reject any application, for any reason.
 5. The District reserves the right to withdraw its permission and move or remove the approved attachments at any time after installation.
- D. Installation of banners/attachments on District managed street lights meeting these requirements may be allowed, pending an approved Portland General Electric (PGE) banner permit, and review/approval by both:
1. Road Official (City and/or County)
 2. Street Lighting District

[Codified by Ord. _____]

4.04.400 District Financing

The method of financing the installation, operation, maintenance, repair, or replacement of service facilities shall be by user fee charged to the owner(s) of annexed property. The owner and/or occupant of annexed property is deemed the user. If the property is not occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value.

[Codified by Ord. _____]

4.04.401 Service District Rates

- A. User fees for each service classification schedule shall be established based on the District cost for installation, operation, maintenance, repair, replacement, and administration.
1. Properties shall be classified according to the primary type of street lighting service received. All properties in an assessment area will be charged the same rate, using the schedule reflecting the primary type of street lighting service in the area.
 2. All areas of similar service shall be placed into a service classification identified on the adopted fee schedule by Resolution.
 3. District rates are subject to change annually through Resolution, as part of the District annual budget adoption process.
 4. Invoices for service cover the period from July 1 to June 30, following the County fiscal year.
 5. After annexing in to the district, the newly annexed property will be invoiced the service year following the date of installation.

[Codified by Ord. _____]

4.04.402 Means

- A. User fees are billed and collected on any reasonable schedule established by the District.
 - 1. The tax statement for Clackamas County includes the user fees for non-exempt parcels (parcels that are exempt from local property tax assessments, but not user fees, such as religious facilities, schools, etc.); and payments are made in accordance with the assessment and tax payment schedules.
 - 2. Exempt parcels are sent an invoice for services, and payment is due within 30 days of billing.

[Codified by Ord. _____]

4.04.403 Service Area

- A. All users within each of the District's service areas shall be placed into one of the service classifications adopted by Resolution.
- B. Each user within a service area is considered to be equally benefited without regard to frontage or lot size, except that commercial users are considered to be benefited according to the amount of frontage abutting the right-of-way served by street lighting, without regard to lot size.

[Codified by Ord. _____]

4.04.404 Special Conditions

- A. Users requesting street light installation shall be charged for initial costs of installation associated with trenching, conduit, transformers, restoration, and any other costs of installation not provided for under Section 4.04.205.
 - 1. Installation costs are paid to Portland General Electric (PGE) as part of the line extension agreement (LECA).
 - 2. Ongoing maintenance costs are captured in the user fees.

[Codified by Ord. _____]

4.04.500 Termination of Service

- A. The Director shall consider requests for termination of street light service by users provided:
 - 1. 50% of the owners of land within the proposed service area sign a petition requesting termination
 - 2. Termination of service does not affect the health, safety and security of users in the service area
 - 3. Under PGE tariffs there is a discontinuance cost for any removal of street light equipment, all costs for termination of street light service are paid by the service area users via one lump sum payment to the County allocated equally by user.

- B. Upon compliance with provisions 1-3, the Director shall recommend to the Board termination of street lighting within the service area. The Board may, at its discretion, call for a hearing regarding the removal of street lights.

[Codified by Ord. _____]

4.04.600 Regulation

If any provision of these Rules and Regulations of the District or their application to any person or circumstances shall be held invalid, the remainder of the Rules or Regulations or their application to other persons or circumstances shall not be affected.

[Codified by Ord. _____]

4.04.610 Compliance with Laws

Conformance with this ordinance shall in no way be a substitute or eliminate the necessity of conforming to any and all Federal, State or local laws, ordinances, Rules or Regulations which are now or may in the future be in effect.

[Codified by Ord. _____]

4.04.620 Service

Nothing contained herein shall require the District to provide street light service to any area when service has not been requested as provided by Chapter 4.04.

[Codified by Ord. _____]

4.04.630 Administration of this Ordinance

The District, through its Director or other authorized designated representative, shall have authority to do all things necessary to administer the provisions of this ordinance and rules adopted pursuant thereto.

[Codified by Ord. _____]