COUNTY AGENDA REQUEST

Department:	Environmental Management	Presenter(s):	Engineering Technician Deborah Sims
Meeting Date:	Thursday, November 13, 2014	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2014-18- Roads and Bridges, and in so doing deleting Article II pertaining to "Street Lighting", from Chapter 20, in its entirety, and by replacing it with a new Article II in Chapter 20 entitled "Article II. Street Lighting."

Background/History/Details:

The Fayette County Street Lighting Program illuminates streets in participating subdivision in accordance with standards of the American National Standard Practice for Roadway Lighting, 1973. Original street light participants were billed $1.50 per month on their monthly water bill. Fayette County developed neighborhoods in areas without access to county water, making it necessary to find other billing options to enable Fayette County to offer the street light service to more Fayette County residents. Street light districts were created in 1983 by the Board of Commissioners with Resolution 83-19.

The Board of Commissioners directed staff at the 2014 budget retreat to amend the Street Lighting Ordinance to include application fees electric fee prepayments when new street light districts are established, and assessing a 20% administration, operation and maintenance fee in addition to the actual cost charged to the County by the electric utility.

Other proposed amendments include adding definitions, application requirements and changing the name of the department responsible for administering the program. "Exhibit A" provides bullet points of changes to the existing ordinance. "Exhibit B" is a red-lined version of the proposed ordinance. "Exhibit C" is the final form of the proposed ordinance.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2014-18- Roads and Bridges, and in so doing deleting Article II pertaining to "Street Lighting", from Chapter 20, in its entirety, and by replacing it with a new Article II in Chapter 20 entitled "Article II. Street Lighting."

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	2014 BOC Retreat
Is Audio-Visual Equipment Required for this Request?*	Yes	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance		Reviewed by Legal	
Approved by Purchasing		County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Exhibit A

STREET LIGHT AMENDMENTS

- 20% - Administration Fee
- $100 - Application Fee
- 2 Years Prepayment Fee –Prepayment to cover utility bills until funds are recouped from the property taxes.

CHAPTER 20. ROADS AND BRIDGES.

ARTICLE II. STREET LIGHTING.

DIVISION 1. GENERALLY.

Sec. 20-19. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

District shall mean a group of residential lots that share a common recorded plat of development.

Lot shall mean any single tract of land and shall include both improved and unimproved property.

Property owner shall mean the owner(s) according to a deed or other instrument recorded with the Clerk of the Superior Court of Fayette County.

Subdivision shall mean separate lots on a common plat recorded with the Clerk of the Superior Court of Fayette County. Multiple phases may be in the same subdivision.

Sec. 20-~~19~~20. Establishment of districts.

Property owners residing in subdivisions with public streets in unincorporated areas of the county desiring street lighting for the area in which they live may petition the ~~county board of commissioners~~Fayette County Board of Commissioners for such services. ~~Such petition must contain not less than ten property owners representing not less than 662/3 percent of the property owners within the district to be established. A petition may be brought by less than ten property owners within the district to be established.~~The following are required:

(1) *Street light petition.* The street light petition must contain the signatures of the property owners of not less than ten (10) lots representing not less than sixty-six and two-thirds (66 2/3) percent of the lots within the district to be established. A petition may be brought for a district with less than ten (10) lots where such petition contains the signatures of the property owners of one hundred (100) percent of the lots within the district to be established. Where a lot owned by more than one property owner is included in a petition, said petition must contain the signatures of all such property owners.

(2) *Street light plan.* A diagram from the relevant electric company indicating where the district's street lights are installed, type of light, and estimated monthly cost for such lights.

(3) *Application fee.* An application fee of $100 per petition.

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(4) *Prepayment fee*. Prepayment for the first two (2) years of electric costs to cover street light expenses until fees may be recouped on the property tax bill.

Sec. 20-~~20~~21. Public hearing.

After presentation of the petition to the ~~utility services division~~Environmental Management Department and a review of the petition by that department to verify that the names of the petitioners represent the actual owners of the property in question and to make a determination as to the advisability of establishing a district under this article and receipt of all fees due, the petition shall be presented to the ~~board of commissioners~~Board of Commissioners for consideration at a public meeting. After approval by the ~~board of commissioners~~Board of Commissioners, the new street-light district shall be included with any other district ~~in~~ already approved within the same subdivision.

Sec. 20-~~21~~22. Modification of street light districts.

Any requests for modifications to an existing street light district shall be handled as follows:

(1) Requests for addition of lots to a previously established street light district shall be handled in accordance with ~~section 20-19~~Sections 20-20 and 20-21.

(2) Requests for additional street lights within a previously established street light district shall be made in writing to the ~~utility services division~~ Environmental Management Department. The ~~director of utility services~~Environmental Management Department shall then estimate whether or not the proposed modifications to the district will generate enough revenue to recover the costs to the county for the requested additional lights. Based on the results of the analysis, the following procedure shall apply:

a. If revenue estimated to be generated is sufficient to recover the costs of the requested additional lights, the ~~director of utility services~~Environmental Management Department shall approve the changes and instruct the appropriate power company to make the requested changes.

b. If revenue estimated to be generated is not sufficient to recover the costs of the additional lights, the ~~director of utility services~~Environmental Management Department shall determine the increase in charges to property owners needed to recover the cost of the additional lights. The applicant requesting the changes shall be required to submit to the ~~board of commissioners~~Board of Commissioners a petition for increasing the charges to all property owners for lighting within that district. The petition shall contain the signatures of the property owners of at least sixty-six and two-thirds (66 2/3) percent of the ~~property owners~~lots within the affected district. The petition shall be processed in accordance with ~~section 20-19~~Sections 20-20 and 20-21.

(3) The removal of a street light, lot, or lots within a street light district shall be processed in accordance with the procedure established in ~~section 20-19~~Sections 20-20 and 20-21.

Secs. 20-~~22~~ 23 through 20-45. Reserved.

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DIVISION 2. RATES.

Sec. 20-46. Establishment.

The rates established for the provision and maintenance of street lights within the county shall be set from time to time by the ~~board of commissioners~~Board of Commissioners in consultation with the ~~director of utility services~~Environmental Management Department. Rates shall be subject to change to reflect future increases in costs to the county and shall not be less than the ~~costs~~ actual cost charged to the county for payment for the provision of street lights by the applicable electric utility provider plus an amount equal to twenty (20%) percent of such cost to cover administrative, maintenance, and operation costs associated with the lights for that district. ~~In all cases, the rates for a street light district shall be sufficient to cover the administration, maintenance, and operation cost associated with the light for that district.~~ The charges shall be levied on a "per lot" basis. A party owning more than one lot, parcel, or tract of property within a street light district shall be billed the established rate or charge for each individual lot, parcel, or tract within that district.

Sec. 20-47. Collection of charges and imposition of liens.

(a) The County Tax Commissioner shall be responsible for the collection and receipt of moneys in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district.

(b) The rates or charges for street light service shall constitute assessments on the property served by street lights in street light districts established in accordance with this article. These assessments shall be added to annual property tax bills for each parcel served at the end of each year and shall constitute a tax lien upon the property served. Such lien shall have the same priority as tax assessments.

(c) The Board of Commissioners shall be authorized to establish, by resolution duly adopted, such other manner of billing, accounting, collecting and receiving of moneys in payment of the cost of providing and maintaining street lighting districts as the Board of Commissioners may deem necessary and proper.

Secs. 20-48 through 20-69. Reserved.

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DIVISION 3. STANDARDS.

Sec. 20-70. Adoption.

(a) The American Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association on July 11, 1973, is hereby adopted as the standard for installation and operation of street and roadway lighting in the unincorporated areas of the county. A copy of these standards is on file with the ~~director of utility services~~Environmental Management Department and in the records of the ~~board of commissioners~~Board of Commissioners.

(b) Lighting fixtures installed within the county's public rights-of-way to be operated for the purpose of street or roadway illumination shall comply with these standards.

Sec. 20-71. Approval of proposed installations; appeal from disapproval; manner of installation.

(a) Any party applying for permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the ~~director of utility services~~Environmental Management Department for approval. Said plans and specifications shall indicate how the proposed lighting meets the required standards. No lighting shall be installed or operated without said approval. Should the ~~director of utility services~~Environmental Management Department disapprove the application to install or operate lighting fixtures within any public right-of-way based on the failure of plans and specifications to meet required standards, ~~he~~ the department shall communicate such disapproval in writing to the applicant. Such written communication shall include the specific reasons for disapproval. Any disapproval of an application for permission to install or operate lighting fixtures within a public right-of-way by the ~~director of utility services~~Environmental Management Department may be appealed to the ~~board of commissioners~~Board of Commissioners. If any party desires to appeal an adverse decision by the ~~director of utility services~~Environmental Management Department, a notice of appeal shall be filed with the ~~director of utility services~~Environmental Management Department within thirty (30) days from the date following the written notice of disapproval; and it shall be the responsibility of the ~~director of utility services~~Environmental Management Department to transmit forthwith to the ~~board of commissioners~~Board of Commissioners all papers~~,~~ and allied documents constituting the record upon which the action appealed was taken and to insure that such appeal is promptly ~~scheduled for consideration by the board of commissioners~~placed upon the next available agenda for the Board of Commissioners. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(b) Roadway or street lighting luminaries or fixtures installed within public rights-of-way as "security lights," or for the purpose of lighting areas other than the public street or roadway shall be mounted on the side of the pole opposite from such street or roadway and shall be oriented in such a manner to insure that the lateral light distribution pattern is parallel to the street, and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the ~~director of utility~~

~~services~~Environmental Management Department shall be obtained before installation of such lighting fixtures.

(c) Other lighting fixtures to be installed within or outside of public rights-of-way for any purpose shall be installed and operated in such a manner as to prevent glare from being a hazard to or interfering with the normal use of the public right-of-way.

Sec. 20-72. Installation and operation.

The installation and operation of lighting fixtures located within the right-of-way of any public street, road, highway, sidewalk and/or alley in the unincorporated areas of the county, or affixed to any pole, lamp post, standard or other supporting device which is located within such right-of-way shall be in accordance with the following procedures:

(1) Plans and specifications for the proposed installation indicating compliance with these standards shall be submitted to the ~~director of utility services~~Environmental Management Department for approval. No installation shall be allowed without this approval.

(2) Fixtures for illuminating areas adjoining public streets or roadways, such as parking areas, driveways, easements, etc., shall be mounted in such a manner as to ensure that the lighting pattern is kept off the public street or roadway. When street or roadway lighting luminaries are to be used for "security lighting," they shall be mounted on the side of the pole that is opposite from the public street or roadway and shall be mounted to ensure that the lateral light distribution pattern is parallel to the street or roadway and the vertical light distribution at the initial light source is perpendicular to the street or roadway.

(3) If lighting fixtures of a type other than those in the classification of street or roadway luminaries are to be used or if the proposed lighting is to be for other than driveways, parking areas, or other similar areas, the plans and specifications submitted shall be sufficiently detailed to clearly indicate that such a proposal is in compliance with these standards and shall not cause a hazard to or interfere with the normal use of the public street or roadway.

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Exhibit C

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2014-18

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO STREET LIGHTING; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO STREET LIGHTING (ARTICLE II OF CHAPTER 20), BE AMENDED AS FOLLOWS:

Section 1. By deleting Article II, pertaining to "Street Lighting", from Chapter 20, in its entirety, and by replacing it with a new Article II in Chapter 20, to be numbered and read as follows:

ARTICLE II. STREET LIGHTING.

DIVISION 1. GENERALLY.

Sec. 20-19. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a

different meaning:

District shall mean a group of residential lots that share a common recorded plat of development.

Lot shall mean any single tract of land and shall include both improved and unimproved property.

Property owner shall mean the owner(s) according to a deed or other instrument recorded with the Clerk of the Superior Court of Fayette County.

Subdivision shall mean separate lots on a common plat recorded with the Clerk of the Superior Court of Fayette County. Multiple phases may be in the same subdivision.

Sec. 20-20. Establishment of districts.

Property owners residing in subdivisions with public streets in unincorporated areas of the county desiring street lighting for the area in which they live may petition the Fayette County Board of Commissioners for such services. The following are required:

(1) *Street light petition.* The street light petition must contain the signatures of the property owners of not less than ten (10) lots representing not less than sixty-six and two-thirds (66 2/3) percent of the lots within the district to be established. A petition may be brought for a district with less than ten (10) lots where such petition contains the signatures of the property owners of one hundred (100) percent of the lots within the district to be established. Where a lot owned by more than one property owner is included in a petition, said petition must contain the signatures of all such property owners.

(2) *Street light plan.* A diagram from the relevant electric company indicating where the district's street lights are installed, type of light, and estimated monthly cost for such lights.

(3) *Application fee.* An application fee of $100 per petition.

(4) *Prepayment fee.* Prepayment for the first two (2) years of electric costs to cover street light expenses until fees may be recouped on the property tax bill.

Sec. 20-21. Public hearing.

After presentation of the petition to the Environmental Management Department and a review of the petition by that department to verify that the names of the petitioners represent the actual owners of the property in question and to make a determination as to the advisability of establishing a district under this article and receipt of all fees due, the petition shall be presented to the Board of Commissioners for consideration at a public meeting. After approval by the Board of Commissioners, the new street-light district shall be included with any other district already approved within the same subdivision.

Sec. 20-22. Modification of street light districts.

Any requests for modifications to an existing street light district shall be handled as follows:

(1) Requests for addition of lots to a previously established street light district shall be handled in accordance with Sections 20-20 and 20-21.

(2) Requests for additional street lights within a previously established street light district shall be made in writing to the utility services division. The Environmental Management Department shall then estimate whether or not the proposed modifications to the district will generate enough revenue to recover the costs to the county for the requested additional lights. Based on the results of the analysis, the following procedure shall apply:

a. If revenue estimated to be generated is sufficient to recover the costs of the requested additional lights, the Environmental Management Department shall approve the changes and instruct the appropriate power company to make the requested changes.

b. If revenue estimated to be generated is not sufficient to recover the costs of the additional lights, the Environmental Management Department shall determine the increase in charges to property owners needed to recover the cost of the additional lights. The applicant requesting the changes shall be required to submit to the Board of Commissioners a petition for increasing the charges to all property owners for lighting within that district. The petition shall contain the signatures of the property owners of at least sixty-six and two-thirds (66 2/3) percent of the lots within the affected district. The petition shall be processed in accordance with Sections 20-20 and 20-21.

(3) The removal of a street light, lot, or lots within a street light district shall be processed in accordance with the procedure established in Sections 20-

20 and 20-21.

Secs. 20-23 through 20-45. Reserved.

DIVISION 2. RATES.

Sec. 20-46. Establishment.

The rates established for the provision and maintenance of street lights within the county shall be set from time to time by the Board of Commissioners in consultation with the Environmental Management Department. Rates shall be subject to change to reflect future increases in costs to the county and shall not be less than the actual cost charged to the county for payment for the provision of street lights by the applicable electric utility provider plus an amount equal to twenty (20%) percent of such cost to cover administrative, maintenance, and operation costs associated with the lights for that district. The charges shall be levied on a "per lot" basis. A party owning more than one lot, parcel, or tract of property within a street light district shall be billed the established rate or charge for each individual lot, parcel, or tract within that district.

Sec. 20-47. Collection of charges and imposition of liens.

(a) The County Tax Commissioner shall be responsible for the collection and receipt of moneys in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district.

(b) The rates or charges for street light service shall constitute assessments on the property served by street lights in street light districts established in accordance with this article. These assessments shall be added to annual property tax bills for each parcel

served at the end of each year and shall constitute a tax lien upon the property served. Such lien shall have the same priority as tax assessments.

(c) The Board of Commissioners shall be authorized to establish, by resolution duly adopted, such other manner of billing, accounting, collecting and receiving of moneys in payment of the cost of providing and maintaining street lighting districts as the Board of Commissioners may deem necessary and proper.

Secs. 20-48 through 20-69. Reserved.

DIVISION 3. STANDARDS.

Sec. 20-70. Adoption.

(a) The American Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association on July 11, 1973, is hereby adopted as the standard for installation and operation of street and roadway lighting in the unincorporated areas of the county. A copy of these standards is on file with the Environmental Management Department and in the records of the Board of Commissioners.

(b) Lighting fixtures installed within the county's public rights-of-way to be operated for the purpose of street or roadway illumination shall comply with these standards.

Sec. 20-71. Approval of proposed installations; appeal from disapproval; manner of installation.

(a) Any party applying for permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the Environmental

Management Department for approval. Said plans and specifications shall indicate how the proposed lighting meets the required standards. No lighting shall be installed or operated without said approval. Should the Environmental Management Department disapprove the application to install or operate lighting fixtures within any public right-of-way based on the failure of plans and specifications to meet required standards, the department shall communicate such disapproval in writing to the applicant. Such written communication shall include the specific reasons for disapproval. Any disapproval of an application for permission to install or operate lighting fixtures within a public right-of-way by the Environmental Management Department may be appealed to the Board of Commissioners. If any party desires to appeal an adverse decision by the Environmental Management Department, a notice of appeal shall be filed with the Environmental Management Department within thirty (30) days from the date following the written notice of disapproval; and it shall be the responsibility of the Environmental Management Department to transmit forthwith to the Board of Commissioners all papers and allied documents constituting the record upon which the action appealed was taken and to insure that such appeal is promptly placed upon the next available agenda for the Board of Commissioners. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(b) Roadway or street lighting luminaries or fixtures installed within public rights-of-way as "security lights," or for the purpose of lighting areas other than the public street or roadway shall be mounted on the side of the pole opposite from such street or roadway and shall be oriented in such a manner to insure that the lateral light distribution pattern is parallel to the street, and the vertical light distribution, at the initial light source, is

perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the Environmental Management Department shall be obtained before installation of such lighting fixtures.

(c) Other lighting fixtures to be installed within or outside of public rights-of-way for any purpose shall be installed and operated in such a manner as to prevent glare from being a hazard to or interfering with the normal use of the public right-of-way.

Sec. 20-72. Installation and operation.

The installation and operation of lighting fixtures located within the right-of-way of any public street, road, highway, sidewalk and/or alley in the unincorporated areas of the county, or affixed to any pole, lamp post, standard or other supporting device which is located within such right-of-way shall be in accordance with the following procedures:

(1) Plans and specifications for the proposed installation indicating compliance with these standards shall be submitted to the Environmental Management Department for approval. No installation shall be allowed without this approval.

(2) Fixtures for illuminating areas adjoining public streets or roadways, such as parking areas, driveways, easements, etc., shall be mounted in such a manner as to ensure that the lighting pattern is kept off the public street or roadway. When street or roadway lighting luminaries are to be used for "security lighting," they shall be mounted on the side of the pole that is opposite from the public street or roadway and shall be mounted to ensure that the lateral light distribution pattern is parallel to the street or roadway

and the vertical light distribution at the initial light source is perpendicular to the street or roadway.

(3) If lighting fixtures of a type other than those in the classification of street or roadway luminaries are to be used or if the proposed lighting is to be for other than driveways, parking areas, or other similar areas, the plans and specifications submitted shall be sufficiently detailed to clearly indicate that such a proposal is in compliance with these standards and shall not cause a hazard to or interfere with the normal use of the public street or roadway.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had

known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2014.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
County Attorney