

AN ORDINANCE

AN ORDINANCE TO CREATE CHAPTER 83 IN THE CITY OF ACWORTH CODE OF ORDINANCES FOR THE PURPOSE OF CREATING A SPECIAL STREET LIGHT ASSESSMENT IN THE CITY OF ACWORTH, GEORGIA.

WHEREAS, TO PROVIDE FOR THE COLLECTION OF A SPECIAL ASSESSMENT TO COVER THE COST, AND

WHEREAS, TO PROVIDE AND MAINTAIN THE SERVICE OF THE PROVISION OF STREET LIGHTS CITYWIDE, AND

WHEREAS, TO ESTABLISH STANDARDS FOR THE CONSTRUCTION OF STREET LIGHTS, AND

WHEREAS, TO ARTICULATE EXEMPTED PARCELS, TO ESTABLISH A PROCESS FOR TEMPORARY SUSPENSION AND ADMINISTRATIVE ADJUSTMENT FROM COLLECTION OF THE FEE, AND

WHEREAS, TO ESTABLISH A RIGHT OF APPEAL, AND

WHEREAS, TO ESTABLISH PROCEDURES TO BE FOLLOWED BY DEVELOPERS IN ALL NEW SUBDIVISIONS.

NOW, THEREFORE, FOLLOWING A PUBLIC HEARING IT IS HEREBY ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ACWORTH, GEORGIA THAT:

Section 1. Chapter 83 of the Code of Ordinances of the City of Acworth, GA, is hereby created to establish and create a special street light assessment as follows:

Article I - STREET LIGHTS

Section 83-1. Street Light District.

- (a) Authority: The governing authority of the City of Acworth is granted supplementary powers pursuant to Ga. Const. Art. IX, § II, ¶ 3(a)(4) to provide street light services within corporate limits. Further, the City is granted powers with respect to its municipal street system to provide lighting on any public road located within its corporate limits. O.C.G.A. § 32-4-92____. Further, Ga. Const. Art. IX, § II, ¶ VI permits the City to create a special assessment for the provision of local government services within such district and allows a fee to be collected within such district to pay, wholly or partially, the cost of providing such services therein. Such special assessment may be created and fees collected by municipal ordinance.
- (b) Purpose: The governing authority of the City of Acworth does hereby declare that it shall promote the health, safety, and general welfare of the citizens of the City by providing for street lights in public rights of way. The governing authority of the City finds that it is in

the best interest of the citizens of Acworth and to those visiting the City of Acworth that the City provide a street light system that is functional, operational, aesthetically pleasing and uniform throughout the City. The maintenance of street lights in the public rights of way provides illumination for vehicular and pedestrian commuters in the City to navigate and travel to and from their respective destinations along and across the public rights of way during non-daylight hours. Further, street lights provide illumination for citizens to access (ingress and egress) and frequent commercial and residential establishments within the City during non-daylight hours. Further, the illumination provided by street lights during non-daylight hours may help to reduce crime by discouraging criminal behavior in areas that are lighted throughout areas of the City. The City finds that the cost to provide street lights within the City rights of way should be borne by all property owners that receive the public benefit of street lights Citywide.

- (c) Creation: The governing authority of the City does hereby create a special street light assessment pursuant to Ga. Const. Art. IX, § II, ¶ VI as amended from time to time. The boundaries of which are the same as the corporate limits of the City of Acworth as they currently exist on the date of the adoption of this ordinance.
- (d) Annexation and De-Annexation: Upon the annexation of any territory into the City following the adoption of this ordinance, the boundaries of the street light services shall extend to include the territory so annexed and all territory so annexed shall thereafter be subject to the terms of this article. Upon the de-annexation of any territory out of the City, the boundaries of the street light services shall be reduced to exclude the territory so de-annexed and all territory so de-annexed shall thereafter not be subject to the terms of this article.
- (e) Cost: The governing authority of the City does hereby declare that the cost for the creation and maintenance of the street light assessment shall be a service, as authorized by Ga. Const. Art. IX, § II, ¶ VI, and not a tax.
- (f) Special Assessment: Each owner of each parcel of land contained in the street light district, unless exempted herein, is required to pay a special assessment as such fee is determined from time to time by the Mayor and Board of Aldermen. A 'parcel of land' or 'parcel' for purposes of this Article means any plot, lot, or acreage shown as a unit on the latest county tax assessment records that has its own individually assigned tax parcel number.
- (g) Calculation of Special Assessment: An annual review of power customers and costs associated with providing street light services will be completed to determine the calculation of the fee and approved by the Mayor and Board of Aldermen.
 - (1) The manner in which the parcel is developed will determine the method of calculation to determine the amount of the special assessment. The Public Works Director will take an annual inventory of all property types throughout the City including commercial (single and multi-unit parcels), industrial (single and multi-unit parcels), residential (single and multi-unit parcels) and institutional.

- (2) All individually developed parcels will be charged a flat assessment of \$24 on the annual tax bill;
- (h) Exemptions: The following parcels are exempt from having to pay the street light special assessment:
 - (1) any parcel of land that is undeveloped;
 - (2) any parcel of land that is developed but which has not obtained a certificate of occupancy at the time the fee is collected by the City;
 - (3) parcels that comprise common areas owned by homeowner and property owner associations.
- (j) Collection: The City shall collect the street light special assessment on all non-exempt parcels through the City's annual property tax billing statement.
 - (1) The street light service account shall be in the name of the parcel owner, even if the structure located on the parcel is leased to a tenant. The parcel owner shall be responsible for the assessment fee.
 - (2) The special assessment shall be paid by the due date and interest may accrue and be assessed against the parcel's account for all payments made after the due date. A service charge shall be assessed for all dishonored checks or dishonored credit card charges pursuant to what is allowed by State Law.
 - (3) If the account becomes delinquent for more than four months, a lien may be placed against the parcel and any further delinquencies may result in the City foreclosing on the property. Parcel owner shall bear all costs related to filing and releasing said liens.

Section 83-2. Conformance by developers; acceptance of public right of way.

- (a) The owner, developer, or any other person or entity developing a subdivision, a shopping center, industrial park, office park, apartment complex or like development constructing new streets or roads to be dedicated to the City or utilize existing City roads or any combination thereof shall be required to provide street lights which conform to all standards provided in this article.
- (b) The City will not accept any streets for dedication unless the provisions of this article are complied with. The Public Works Director shall not recommend the acceptance of any public streets or roads proposed to be dedicated to the City for perpetual ownership and maintenance until such time as the street lights conform to the approval street light layout. Unless waived by the Public Works Director, the developer, at the time of submitting the final plat to the City, shall:
 - (1) Submit a final street light layout prepared by the utility company which will provide the lighting service showing the exact location of street lights within the development. For residential subdivisions, this drawing must be approved by the public works department prior to obtaining any building permit within the subdivision. For nonresidential developments, the drawing must be approved by the public works department and payment made for installation of standards/poles prior to acceptance by the city of any streets or roads for public maintenance. Fixtures and standards/poles

installed or used shall be approved by the utility company, which will be responsible for the maintenance of the facilities.

- (2) Pay all costs for standards/poles, fixtures and any other related items or materials necessary for the installation.
- (3) Submit proof of payment for complete installation to the public works department.
- (4) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.
- (5) Submit an executed contract between the homeowners' association and an independent electrical contractor for complete maintenance and/or replacement of such lighting, equipment and wiring
- (6) The following requirements are minimum requirements pertaining to street lighting. The Public Works Department or the City may require additional information or conditions prior to final approval:
 - i) Lighting plan drawn to scale showing the location of all proposed lights, including all nearby City and County streets;
 - ii) Arrangement of all poles;
 - iii) Height of all poles;
 - iv) Type of electrical service (underground or overhead);
 - v) Number of luminaries per pole;
 - vi) Mounting heights of luminaries;
 - vii) Wattage of proposed lights;
 - viii) Mounting angle of fixtures;
 - ix) Lamp source to be used;
 - x) Photograph of the light to be utilized must be attached to the final plans.

Section 83-3. Standards. Approval by Director.

- (a) Safe Use of Roadways: Street lights to be installed within or outside of public rights-of-way for whatever purpose shall be installed and operated in such a manner so as to prevent glare from being a nuisance, or creating a hazard, or interfering with the normal use of adjacent residential property or the public rights-of-way. Lighting shall be established in such a way that the quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected.
- (b) Illumination:
 1. In order to ensure adequate illumination of public rights-of-way and promote safety and security, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute latest edition, as amended, is adopted as the standard for the installation and operation of lighting in the City on rights of way in the City, subject to the following recommended minimum standards.
 2. A .2 minimum foot candle level is recommended for pedestrian lighting and street scape lighting projects.

3. A 1.0 minimum foot candle level is recommended for parking areas and multi-family residential developments using mounting heights in the range of 25-30 feet using an LED fixture. A .5 minimum foot candle level is recommended for parking areas and multi-family residential developments using a decorative post top style lighting application.
- (c) Subdivisions: The lighting plan shall provide that lighting be located at all subdivision entrances, cul-de-sacs, and intersections and pole locations every third lot line, as such location is permissible by the design.
 - (d) Mounting Height: The fixtures shall be mounted on a minimum of 16 and 25 feet above the ground for post top and regular street lamps, respectively, and each fixture shall have appropriate arm length to illuminate the street. Mounting heights in subdivisions should not exceed 16 feet.
 - (e) Lights at Intersections: The City may require, in addition to other requirements, a light to be located at any or all street intersections within any development.
 - (f) Parking lots: In order to ensure adequate illumination of parking lots and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots in the City.
 - (g) Discretion to Approve Plans: Notwithstanding the objective standards contained in this ordinance, the Director is authorized, in his or her discretion, to vary from those standards and approve lighting plans that are consistent with the objectives and goals of this ordinance, which include, but are not limited to: 1) to locate street lights on lot lines; 2) to eliminate glare of lights existing on commercial property to negatively impact the use and enjoyment of adjacent residentially used property; 3) to provide adequate illumination for safe use of streets, sidewalks and parking areas; and 4) to maintain uniform and aesthetically pleasing lighting system throughout the City.

Section 83.4. Appeal.

Any applicant aggrieved by a decision of the Director made under this Article may appeal that decision to the city manager within 10 days of the Director's decision. Any such appeal shall be made in writing and sent via statutory overnight delivery to the city clerk. Thereafter, any appeal from a decision by the City Manager shall be by certiorari within 10 days to the Superior Court of Cobb County.

Section 83.5. Conflict.

If any provision of this ordinance is in conflict with any state or federal law, or with any rule, regulation or order of any state or federal agency having jurisdiction of the subject matter of this article, it is hereby deemed to be the intention of the Mayor and Board of Aldermen that the state or federal law or rule, regulation or order, as the case may be, shall prevail so that the remaining portion of this Article shall be deemed to be of full force and effect.

Section 2.

All Ordinances in conflict with this Ordinance are hereby repealed.

Section 3.


This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

Section 4.

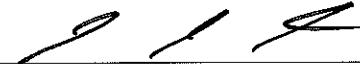
This ordinance shall become effective immediately upon its adoption by the Mayor and Board of Aldermen of the City of Acworth.

SO ORDAINED by the Acworth Mayor and Board of Aldermen on this 6/4/20 day of _____, 2020.

CITY OF ACWORTH

By: 
Mayor Thomas W. Allegood

ATTEST:


Regina Russell, City Clerk
(SEAL)

