

O-16-0027

SPONSOR: MAYOR ROBERT A.B. REICHERT  
CO-SPONSOR: COMMISSIONER GARY BECHTEL

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE X OF CHAPTER 29 ENTITLED "RESIDENTIAL STREET LIGHTING" OF THE MACON-BIBB COUNTY CODE OF ORDINANCES; TO REFLECT THE ELIMINATION OF FEES REQUIRED FOR RESIDENTIAL STREET LIGHTING FOR CITIZENS RESIDING IN THE FORMER AREA KNOWN AS BIBB COUNTY; TO REMOVE THE CURRENT FEES BEING PAID BY CITIZENS OF FORMERLY APPROVED STREET LIGHTING DISTRICTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Article X of Chapter 29 of the Macon-Bibb County Ordinances currently contains two (2) divisions regarding residential street lighting, with one (1) division being used for the area that encompassed the former Bibb County limits and one (1) division being used for the area that encompassed the former City of Macon limits; and

**WHEREAS**, prior to consolidation, residents of the former City of Macon were taxed at a higher millage rate than residents of the former Bibb County; and

**WHEREAS**, because of the higher taxes, additional revenue was received by the former City of Macon to allow for the former City of Macon to install and be responsible for the operation and maintenance of all residential street lights installed in the former City of Macon limits; and

**WHEREAS**, prior to consolidation, residents of the former Bibb County who desired to have street lights erected in their neighborhoods were assessed a quarterly fee for the operation, maintenance, and electrical costs associated with such lights; and

**WHEREAS**, for tax year 2015, the millage rate assessed to property located in the former area of Bibb County and the area of the former City of Macon was equalized and the additional mills of tax previously assessed as the Macon City Tax District was abolished; and

**WHEREAS**, as such, all residents of Macon-Bibb County are now assessed taxes in equal amounts; and

**WHEREAS**, the residential street lighting ordinance currently in place requires amending in order to reflect the equal tax rates now assessed to all citizens of the consolidated area known as Macon-Bibb County; and

**WHEREAS**, therefore, it is the desire of the Macon-Bibb Commission to ensure that residents of all areas of Macon-Bibb County be able to receive equivalent services as funds are available for such lighting purposes; and

**WHEREAS**, the amended residential street lighting ordinance shall allow citizens to request additional or new street lights via a petition in a residential area, with said petition being subject to review and approval by the Macon-Bibb County Commission and being contingent upon funds being able to provide such installation; and

**WHEREAS**, upon approval and installation, no fee shall be assessed to the individual citizens and Macon-Bibb County shall be responsible for the operation, maintenance, and upkeep of said street lights; and

**WHEREAS**, in addition, this ordinance update shall repeal and abolish all service fees currently being assessed to any and all citizens under residential street lighting districts established under the former Bibb County and the current Macon-Bibb County, with all said fees being abolished as of July 1, 2016; and

**WHEREAS**, said previously issued service fees shall be prorated as to stop accumulation as of July 1, 2016; and

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

#### Section 1.

Article IX of Chapter 29 of the Code of Ordinances of Macon-Bibb County, Georgia is hereby **repealed in full** and shall be amended to read as follows:

#### **ARTICLE IX. RESIDENTIAL STREET LIGHTING**

Sec. 29-201. Statement of policy.

Sec. 29-202. Petition for installation of street lighting on existing public streets.

Sec. 29-203. Petition for installation of street lighting on existing private streets.

Sec. 29-204. Installation of lighting in new developments.

Sec. 29-205. Lighting requirements for area formerly known as Bibb County.

Sec. 29-206. Lighting requirements for area formerly known as City of Macon.

Sec. 29-207. Abolishment of all previous street lighting districts.

Sec. 29-208 – Sec. 29-215. Reserved.

#### **Sec. 29-201. - Statement of policy.**

- (a) Macon-Bibb County recognizes that residential street lighting is necessary to illuminate public streets and pedestrian infrastructure. It is the policy of Macon-Bibb County to assist residents in the installation and maintenance of essential residential street lighting.

in order to provide such services. It is the intent of Macon-Bibb County that all areas receive consistent treatment and requests for lighting shall be considered in order to ensure that areas are safe for vehicular and pedestrian traffic. Any secondary benefit such as perceived personal security, or the lighting of yards, driveways, or private property is considered coincidental.

- (b) Unless installed by a utility company, Macon-Bibb County shall be responsible for the costs associated with the maintenance, installation, and operation of all approved residential street lights located on public streets.

#### **Sec. 29-202. Petition for installation of street lighting on existing public streets.**

This policy follows the standard County process for citizen response to provide uniformity and ensure responsiveness and accountability.

- (a) **Requests for new street lights and/or changes in existing street lights on existing roadways must be made in writing to the Director of Facilities Management.** Requests should include the primary concern, an individual contact person for follow up, and a non-refundable fee of one hundred dollars (\$100.00) for the administrative costs of review of the area. **Requests will be logged and included on the County's list of street light requests.**

When an organized group is active, i.e., homeowners association (HOA), civic association or other, the request shall be submitted by that entity. If no formal group exists, the request may be made by an individual or group of individuals.

**Requests for street light changes may include, but are not limited to, the following:**

- **Additional/fewer lights**
- **Rearrangement of lights**
- **Refurbishing of lights**

- (b) Upon receipt of the street light request, a field survey shall be conducted by Facilities Management, or its designee, to determine the existing lighting conditions including number of street lights, locations, spacing, fixture types, poles, and any other pertinent information. An inspection may take place at night hours if deemed necessary to properly assess the area.
- (c) **Macon-Bibb County shall only approve petitions in areas that have above-ground utility poles, with lighting sources attached.** Pole installation may be done by agreement of the property owners with the power company serving the district, or by any other method which Macon-Bibb County determines to be satisfactory. All existing poles or installed poles must be approved by the Macon-Bibb County Engineer, or their designee, prior to installation.

- (d) If installation is recommended by the Director of Facilities Management, or their designee, upon review of the area, the community shall circulate a petition to the impacted neighboring property owners. The impacted neighboring property owners are defined as any property owner that has all or a portion of their property within a 300 foot radius of a requested street light modification. **The requestor must obtain approval of at least 65% of the property owners petitioned unless a single light is requested, at which point 100% of the property owners must be in favor of the additional street light.** All properties in the impacted area must be contacted. If a property owner does not respond, it will be counted as a no vote. If a legitimate safety problem can be documented, the Director of Facilities Management, or their designee, shall have the authority to waive the petition process.
- (e) Once the petition is verified, a map shall be drawn of the area showing any existing street lighting. Facilities Management, or their designee, shall prepare a recommendation and estimated costs of such work, including installation of lights, maintenance costs, and electricity costs.
- (f) All findings, costs, and recommendations shall then be submitted via resolution to the Macon-Bibb County Commission for consideration and approval of installation. The Macon-Bibb County Commission shall assess each petition individually on the merits and shall be required to identify funding for any approved projects.

**Sec. 29-203. Petition for installation of street lighting on existing private streets.**

**Macon-Bibb County shall not be responsible for the installation, operation, or maintenance costs associated with the installation of street lighting on private streets.** Facilities Management and/or County Engineering staff may work with the neighborhood association and/or utility company to design a plan that shall meet County specifications, if directed by the Macon-Bibb County Commission. **Neighborhood associations or other private entities will be responsible for the cost of installation and all ongoing maintenance and power costs for street lights on private streets.**

**Sec. 29-204. Installation of lighting in new developments.**

- (a) Prior to the commencement of subdivision construction and prior to any permits being issued, all developers of new subdivisions and other new projects in Macon-Bibb County shall provide for street lighting in such development and shall submit to the Director of the Facilities Management Department and the County Engineer plans as to the proposed location, type and installation specifications of all street lights in the subdivision for a determination as to compliance with the lighting requirements of Macon-Bibb County.

- (b) Upon completion of the street lighting system and prior to formal acceptance by Macon-Bibb County for the maintenance and operation of the street lighting system, all developers must provide the Director of the Facilities Management Department and the County Engineer with proof that all costs of installation of the street lighting system have been paid, and obtain written approval from the Director of the Facilities Management Department and the County Engineer that the street lighting system complies with the lighting requirements of Macon-Bibb County. In addition, developer must submit a copy of the final "as-built" drawings to the Director of the Facilities Management Department and the County Engineer prior to such written approval being granted. Costs of installation of the street lighting system in new developments are to be paid by the developer.

**Sec. 29-205. Lighting requirements for area formerly known as the unincorporated Bibb County.**

For street lighting installed in the area formerly known as the unincorporated Bibb County, the following standards are required:

- (a) Lighting fixtures installed within the public rights-of-way to be operated for the purpose of residential street illumination shall comply with the American National Standard Practice for Roadway Lighting, dated July 1, 1973, referred to above.
- (b) Luminaries or fixtures installed within the public rights-of-way as "security lights" or for the purpose of lighting areas other than the public street shall be mounted on the side of the pole opposite from such street and shall be oriented in such a manner 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. Such security lights shall not be installed without the prior approval of Macon-Bibb County.
- (c) Other lighting fixtures to be installed within or without public rights-of-way for any purpose whatever shall be installed in such a manner as to prevent glare from being a hazard, or interfering with the normal use of public rights-of-way.
- (d) Fixtures for illuminating areas adjoining the public streets, roads, etc., such as parking areas, driveways, etc., will be mounted in such a manner as to insure that the light pattern is kept off the public roadway. When street or roadway lighting luminaries are to be used for "security lighting," they will be mounted on the side of the pole that is opposite from the public street and will be mounted 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.
- (e) 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 drives, parking areas or other similar area lighting, the plans and specifications submitted will be

sufficiently detailed to clearly show that such a proposal is in compliance with these standards and will not cause a hazard to, or interfere with, the normal use of the public streets, roads or highways.

**Sec. 29-206. Lighting requirements for area formerly known as City of Macon.**

For street lighting installed in the area formerly known as the City of Macon, the Urban Code of Street Lighting is hereby adopted by reference and all requirements of such Code shall be abided by. A copy of the code is on file with the Macon-Bibb County Clerk and additional copies of the code may be obtained from the Director of Facilities Management.

**Sec. 29-207. Abolishment of all previous street lighting districts.**

- (a) All previously enacted and approved street lighting districts located in Macon-Bibb County are hereby abolished and terminated. The fees incurred by such street lighting districts are hereby discontinued and said fees shall prorated and cease to accrue as of July 1, 2016.
- (b) Any fees or outstanding balances due on previously approved street lighting districts accrued prior to July 1, 2016 shall remain collectable and due, however, no further fees or obligations shall be incurred.

**Sec. 208 – Sec. 2015. Reserved.**

**Section 2.**

- (a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.
- (b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.