

**ORDINANCE
AMENDMENT
NO. __OA-2023-09__**

CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. - REQUIRED MINIMUM STANDARDS

SECTIONS 32-89 through 32-119

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances to create new street light districts and provide standards, application processes, regulations and cost determinations for said districts; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on September 11, 2023; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment creating street light districts serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I

That the Code of Ordinances of the City of Dallas, Georgia, CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV. – REQUIRED MINIMUM STANDARDS, SECTIONS 32-89 through 32-119 are amended as follows:

CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. - REQUIRED MINIMUM STANDARDS

Sec. 32-89. Street light districts created.

The city does hereby ratify its action creating street light districts in certain areas of the city as shown by the records in the office of the city clerk to which reference is hereby made for a full and complete description of each and every district hereinbefore created.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2022)

Sec. 32-90. Cost of service for creation.

The city does hereby declare that the cost and service for creation of street light districts or street lighting hereafter created, or as provided for in section 32-89, shall be a service and not a tax, Ga. Const. art. IX, § II, ¶ II (formerly Ga. Const. art. IX, § IV, ¶ II). A street light district special revenue fund shall be created. Revenues from the street light district programs will be deposited into such special revenue fund. Such revenues shall be used exclusively for any direct and indirect costs and expenses related to the city's street light district program or any special projects related to installation of streetlights.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-91. Maintenance.

The cost of providing and maintaining the service in existing street light districts and in street light districts hereafter created shall be borne by those citizens and residents receiving the service, and that the charge therefor shall be the actual cost of the energy plus the pro rata share of the retirement of any construction costs plus ten percent for administrative costs. The city energy cost schedule shall be available for public view in the office of the city clerk. The city may adjust the monthly rate charged to homeowners if the energy rate billed by the electric company changes or if additional maintenance is needed. In those districts now in existence or which may hereafter be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and shall be billed accordingly per "lot."

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-92. "Lot" defined.

The term "lot" is hereby defined as a portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use together with the customary accessories and open spaces belonging to the same. The term "lot" includes the term "plot" or "parcel."

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Cross reference(s)—Sec. 44-1. - Definitions, § (Comp. Ords. 2005, § 5-1803(j)(2); Ord. No. 92-20, 11-2-1992; Ord. No. 03-11, 7-7-2003; Ord. No. 2008-04, § 5-302, 11-3-2008; Ord. No. OA-2012-04, 3-19-2012).

Sec. 32-93. Payment for service.

The due date for the payment of the service and sums provided for in this article shall be the same date of each month as garbage collection fees are due to city sanitation department and subject to the same penalties for late payment and for failure to pay. Any service provided by the city or the city water and sewer department may be discontinued for late payment or nonpayment as provided for in this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-94. Billing, accounting, collecting and receiving of monies.

The billing, accounting, collecting, and receiving of the monies provided for in this article is hereby declared to be the responsibility of the city billing department.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-95. Conformance with standards.

The owner, developer or other person developing a subdivision who is providing street light services shall be required to conform to all of the standards provided for in this article prior to the city accepting any public streets or roads; and the city shall not accept any public streets or roads proposed to be dedicated until such time as the provisions, hereof, have been complied with. A final plat shall not be issued until the developer has submitted to the city manager and/or his designee proof of payment for all materials and installation of the street lights, a copy of the street light layout as proposed by the electric company, and a payment equal to the energy cost of all installed street lights for a period of 12 months plus a ten percent administrative fee. The city has the right to adjust these terms based on economic factors and the best interest of the city, etc.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-96. Districts other than single-family residential.

Street lighting along public and private roads in districts other than single-family residential shall be provided. Costs and monthly billing, per parcel or business, associated for lighting and maintenance within these districts shall be established on a case-by-case basis by the city. The cost will be based on the number of lights required to serve one side of the street serving the property. If the property is bisected by the street, the cost to provide lighting for both sides of the street will apply.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-97. Standard for installation and operation.

In order to ensure adequate illumination of public rights-of-way and promote safety and security, it is hereby ordained that the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide (2005) as amended, is hereby adopted as the standard for installation and operation of lighting in the areas of the city with the following exception:

- (1) Lighting fixtures installed within the public right-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be:

Roadway and Walkway Classifications	Off Roadway Light Sources	Average Maintained Illuminance	Minimum Illuminance	Illuminance Uniformity Ratio
	General Land Use	foot-candles (min)	foot-candles (min)	avg/min (max)
Principal Arterials	Commercial	1.6	As uniformity ratio allows	3:1
	Intermediate	1.2		3:1
	Residential	0.8		3:1
Minor Arterials	Commercial	1.4		4:1
	Intermediate	1.0		4:1
	Residential	0.7		4:1
Collectors	Commercial	1.1		4:1
	Intermediate	0.8		4:1
	Residential	0.6		4:1
Local	Commercial	0.8		6:1
	Intermediate	0.7		6:1
	Residential	0.4		6:1
Sidewalks	Commercial	1.3		3:1
	Intermediate	0.8		4:1
	Residential	0.4		6:1
Pedestrian Ways and Bicycle Ways*	All	2.0		3:1

*Assumes a separate facility. For pedestrian ways and bicycle ways adjacent to a roadway, use roadway design values.

- (2) Any party requesting permission to install or operate lighting fixtures within the public right-of-way shall furnish plans specifications to the city manager and/or his designee for approval. Should the city manager and/or his designee disapprove a request to install or operate lighting fixtures within any public right-of-way, they shall communicate disapproval in writing to the party requesting approval. The written communication shall include specific reasons for disapproval. Any disapproval of a light or lighting system by the city manager and/or his designee may be appealed to the city council. If any party desires to appeal an adverse decision by the city manager

and/or his designee within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the city manager and/or his designee to transmit, forthwith, to the city council all papers and allied documents constituting the record upon which the action appealed was taken and to ensure that the appeal is promptly placed upon the agenda of the city council for its determination. The city council may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from.

- (3) Roadway or street lighting luminaries or fixtures installed within the public right-of-way as "security lights" for the purpose of lighting areas other than the public streets, shall be mounted on the side of the pole opposite from the street and shall be oriented in such a manner to ensure 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 city manager and/or his designee shall be obtained before installation of these lights.
- (4) Other lighting fixtures to be installed within or outside of public right-of-way for whatever purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public right-of-way.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-98. Petition to create district.

Any subdivision now in existence may present a petition to the city manager; the petition shall contain signatures of at least 75 percent of the lot owners, and the city council shall conduct a public hearing for the purpose of determining whether or not to create a street light district. Safety and economic factors shall be the prime consideration in making such a determination. Unless 100 percent of the lot owners have signed such petition, the petition shall be advertised in the official organ of the city one time at least ten days before the public hearing. The owner, developer, or other person developing a subdivision shall be required to provide street lights which conform to all of the standards provided for in this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-99. Special street lighting districts.

In areas where special conditions as to safety, security, land topography, economic and other factors may be involved, the city council may create special street lighting districts and provide for special street lighting under such terms and conditions as may be determined by the city council, and other provisions of this article to the contrary, notwithstanding; provided, however, that in such instances, a public hearing shall be held by the city council after advertisement in the official organ of the city one time at least ten days before conducting such public hearing.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-100. Contracting with public utilities.

The city may contract with public utilities for the purpose of carrying out the terms of this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-101. Exceptions.

The city council may grant exceptions to the literal terms of this article where a special condition or hardship exists.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-102. Conflicts.

If any provision of this article 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 city council 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 in full force and effect.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-103. Appeal.

Any person or agency dissatisfied with any decision or action of the city manager and/or his designee or of the city shall have the right to appeal from such decision to the city council within 30 days from the date of such decision or action.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-104. Copies of article provided.

A copy of this article shall be spread upon the official minutes of the city council, and the city manager and/or his designee is hereby required to post a copy of this article in the office of the city clerk and to provide copies thereof for persons desiring copies of this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-105. Reserved.

Editor's note(s)— (Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-106. Subdivision requirements.

- (a) The installation of street lights shall be mandatory of the developers of all new subdivisions. At the time of and as a requirement of the submission of a final plat, the developer shall:
 - (1) Submit a drawing of the subdivision's layout showing locations of all proposed street lights within each platted phase. This drawing must be approved by the city manager and/or his designee prior to obtaining any building permit within the subdivision. The final plat shall annotate that street lights shall be installed in accordance with the provisions of this article. Fixtures and standard/poles installed or used shall be approved by utility company which will be responsible for the maintenance of the facilities. With the first platted phase, streetlights shall be installed along the local street. The local street will be included in the street light district for the subdivision.
 - (2) Pay all costs for all approved standard/poles, fixtures and any other related items or materials necessary for the installation.
 - (3) Pay a sum equal to the energy cost for a period of 12 months plus a 10% administrative fee to the city.

- (4) Submit proof of payment for complete installation to the city manager and/or his designee.
- (5) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.
- (6) Street lights in new subdivisions shall be activated upon installation. If the subdivision is divided into units or phases, each unit or phase will be treated independently.
- (b) In subdivisions utilizing underground cable for electrical service, the developers shall be required to accomplish the same items listed in the preceding section hereof.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-107. Decision—Exceptions.

Exceptions to the ordinance may be approved by the Mayor and Council, upon recommendation of the finance director and city manager and/or his designee so long as the streetlight district revenue fund is sufficient to cover expenses. The type of exceptions generally involves providing energy and/or infrastructure for street light service within incomplete or stalled developments or resolve nonconforming or unforeseen situations causing a delay in activation of street light service.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Secs. 32-108—32-119. Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV EFFECTIVE DATE. Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after _____, 2023.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE

CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF

_____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date

