

O-22-0055



LEGISLATIVE SPONSORS

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|----------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> MAYOR LESTER M. MILLER | <input checked="" type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN | <input type="checkbox"/> COMMISSIONER PAUL BRONSON |
| <input type="checkbox"/> COMMISSIONER ELAINE LUCAS | <input type="checkbox"/> COMMISSIONER MALLORY C. JONES, III |
| <input type="checkbox"/> COMMISSIONER RAYMOND WILDER | <input type="checkbox"/> COMMISSIONER BILL HOWELL |
| <input checked="" type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR. | <input type="checkbox"/> COMMISSIONER AL TILLMAN |
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AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND SECTION 29-202 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES, TO AMEND THE REQUIREMENTS OF THE STREET LIGHT REQUEST PROCESS; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, on ~~March~~ 1, 2016, the Macon-Bibb County Commission approved Ordinance No. O-16-0027, providing for a uniform process and administrative fee for street lighting requests across all parts of Macon-Bibb County; and

WHEREAS, by virtue of Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia, and pursuant to Section 29-201 et seq. of the Macon-Bibb County Code of Ordinances, the Macon-Bibb County Commission is authorized to install, operate, and maintain all approved residential streetlights located on the public streets of Macon-Bib County; and

WHEREAS, Section 29-202 of the Macon-Bibb County Code of Ordinances outlines the requirements for petitions and requests for the installation of street lights on existing public streets, existing private streets, and new developments; and

WHEREAS, the Macon-Bibb County Commission finds that the petition requirements imposed under the current language of Sec. 29-202(d) is unduly burdensome and an unnecessarily high bar for an individual or organization requesting a street light; and

WHEREAS, pedestrian safety is a priority of utmost importance for Macon-Bibb County, and the installation of street lights to illuminate streets is a method of preventing harm to those who may be crossing the street, especially during and after twilight hours; and

WHEREAS, the Macon-Bibb County Commission finds that this Ordinance is necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants;

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.

Chapter 4, Section 29-202 of the Code of Ordinances for Macon-Bibb County, entitled "Petition for installation of street lighting on existing public streets" is hereby repealed in its entirety and reenacted to provide as follows:

Sec. 29-202. Request 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 and an individual contact person for follow up. 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 consider requests in areas that have above-ground utility poles, with electrical 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) A map shall be drawn of the area showing any existing street lighting. Facilities Management, or their designee, shall prepare a recommendation (which may vary from the requested scope of work and may include performing no work at all) and estimated costs of such work, including installation of lights, maintenance costs, and electricity costs. If

the recommendation varies from the request or recommends no work at all, then the recommendation report shall include a description of the work originally requested in order to illustrate that variance.

- (e) All findings, costs, and recommendations shall then be submitted via resolution to the Macon-Bibb County Commission for consideration. The Macon-Bibb County Commission shall assess each request individually on the merits and has the authority to approve, modify, or deny any request, in whole or in part. At the time of consideration of any street light request, the Macon-Bibb County Commission shall be required to identify funding for any approved projects.

The modifications to this Code Section are in red on the attached hereto Exhibit "A".

Section 2.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by references as if fully set out herein.

Section 3.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County. Upon adoption, the Clerk of Commission is hereby directed to send a certified copy of this Ordinance to the publisher of the Macon-Bibb County Code of Ordinances for inclusion in future publications.

Section 4.

- (a) It is hereby declared to 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 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.
- (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences,

paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5.

All ordinances or part of Ordinances in conflict with this Ordinance are, to the extent such conflict, hereby repealed or set aside.

Section 6.

In the event scrivener's errors shall be discovered in this Ordinance after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

Section 7.

This Ordinance shall become effective upon its approval by the Mayor or its adoption into law without such approval.

SO ORDERED AND ORDAINED this 20 day of September, 2022.


LESTER M. MILLER, MAYOR

ATTEST: 
JANICE S. ROSS, CLERK OF COMMISSION



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EXHIBIT “A”

Sec. 29-202. ~~Request~~ 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 and ~~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 consider~~approve request~~ petitions in areas that have above-ground utility poles, with electrical ~~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 neighbors. "Impacted neighbor" is defined as any property owner, or lessee thereof, that has all or a portion of their occupied, improved property within a 300 foot radius of a requested street light installation, modification, or removal. The requestor must obtain the signature of at least 65% of the impacted neighbors. All impacted neighbors must be contacted. If any property within the 300 foot radius of the request is a property containing multifamily dwelling units, only the units within or immediately adjacent to the prescribed 300 foot radius must be contacted. If an impacted neighbor does not respond, it will be counted as a yes 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. No petition shall be required where the requestor is a homeowner's association or other community or neighborhood association.
- ~~(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 (which may vary from the requested scope of work and may include performing no work at all) and estimated costs of such work, including installation of lights, maintenance costs, and electricity costs. If the recommendation varies from the request or recommends no work at all, then the recommendation report shall include a description of the work originally requested in order to illustrate that variance.
- (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 ~~request~~ petition individually on the merits and has the authority to approve, modify, or

deny any request, in whole or in part, and At the time of consideration of any street light request, the
Macon-Bibb County Commission shall be required to identify funding for any approved projects.

SPONSORED BY:

- ☐ MAYOR LESTER M. MILLER
☐ MAYOR PRO TEMPORE SETH CLARK
☐ COMMISSIONER VALERIE WYNN
☐ COMMISSIONER PAUL BRONSON
☐ COMMISSIONER ELAINE LUCAS
☐ COMMISSIONER MALLORY C. JONES, III
☐ COMMISSIONER RAYMOND WILDER
☐ COMMISSIONER BILL HOWELL
☒ COMMISSIONER VIRGIL WATKINS, JR.
☐ COMMISSIONER AL TILLMAN

COMMITTEE ACTION TAKEN AND DATE:

RECOMMEND: _____

(Approved/Disapproved/Approved as Amended)

Date

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COUNTY COMMISSION TO AMEND
SECTION 29-202(d) OF THE MACON-
BIBB COUNTY CODE OF ORDINANCES,
TO PROVIDE FOR AMENDED
PETITION REQUIREMENTS TO THE
STREET LIGHT REQUEST PROCESS;
AND FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on _____

Date: _____

REPORT

Rendered September 20, 2022
and approved

APPROVED AS TO FORM BY COUNTY ATTORNEY


Adrianna Beavers
Assistant County Attorney



VOTE

Yes No Abstain Absent

Wynn	✓			
Bronson	✓			
Lucas	✓			
Jones	✓			
Clark	✓			
Wilder	✓			
Howell	✓			
Watkins	✓			
Tillman	✓			
Mayor Miller				
Total:				