

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2021-48

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 82 "STREETS, SIDEWALKS, AND OTHER PLACES" TO REPLACE "TRAFFIC ENGINEERING DEPARTMENT" AND "TRAFFIC ENGINEER" WITH "TRANSPORTATION AND DEVELOPMENT DEPARTMENT"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Chapter 82 "Streets, Sidewalks, and Other places," Article III "Street Lighting," Sections 82-51 through 82-56 in their entirety and substituting new Sections 82-51 through 82-56 to read as follows:

Sec. 82-51. – Establishment of districts- Filing petition

Property owners residing in any unincorporated area in the county desiring street lighting for the area in which they live may petition the transportation and development department of the county to have such services. Such petition must contain not less than ten property owners representing not less than 50 percent of the property owners within the district to be established. A petition may be brought by less than ten property owners where such represents 100 percent of the property owners within the district to be established.

Sec. 82-52. – Same- Public hearing on petition.

After investigation by the transportation and development department as to advisability of establishing a district under this article, the petition shall be presented to the board of commissioners for consideration upon a public hearing. After the public hearing, the petition will be either approved or disapproved by the board of commissioners.

Sec. 82-53. – Standard for installation and operation adopted by reference, compliance.

The American National 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 transportation and development department, and two copies are on file in the minutes of the board of commissioners. Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards.

Sec. 82-54. – Procedure for approval of proposed lighting within public rights-of-way; installation of security lights, etc., within public rights-of-way; installation of other lights within public rights- of way.

(a) Any party requesting permission to install or operate lighting fixtures within the public rights-of-way shall furnish plans and specifications to the transportation and development department for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without such approval. Should the transportation and development department disapprove the request to install or operate lighting fixtures within any public rights-of-way because of the failure to meet standards, the department shall communicate such disapproval in writing to the party requesting same. Such written communication shall include the specific reasons for disapproval. Any disapproval of a light or lighting system by the transportation and development department may be appealed to the board of commissioners. If any party desires to appeal an adverse decision by the transportation and development department, a notice of appeal shall be filed with the department within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the transportation and development 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 agenda of the board for its determination. The board may reverse or affirm, wholly or partly, or may modify the order, require, decision or determination appealed from.

(b) Roadway or street lighting luminaries or fixtures installed within the public rights-of-way as "security lights," or for the purpose of lighting areas other than the public streets, shall be mounted on the side of the pole opposite from such street and shall be oriented in such a manner as 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 transportation and development department shall be obtained before installation of such lights.

(c) Other lighting fixtures to be installed within or outside of public rights-of-way for whatever 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 rights-of-way.

Sec. 82-55. – Approval of proposed lighting installations within public rights-of-way required; installation of security lights, etc., on public rights-of-way; submission of plans and specifications for lighting fixtures in public rights-of-way.

The installation and operation of lighting fixtures located within the rights-of-way of any public street, road, highway, sidewalk or alley in the unincorporated areas of the county, or fixed to any pole, lamppost, standard or other supporting device which is located within such rights-of-way, will follow the following procedures:

(a) Plans and specifications for the proposed installation showing compliance with these standards will be submitted to the transportation and development department for approval. No installations will be made without this approval.

(b) 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.

(c) 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.

Secs. 82-56— Service rates—Establishment; amendment.

The rates established for the provision and maintenance of street lights within the county shall be set by the board of commissioners in consultation with the transportation and development department. These rates will be subject to change to reflect future rate increases to the county and shall not be less than the charges to the county.

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

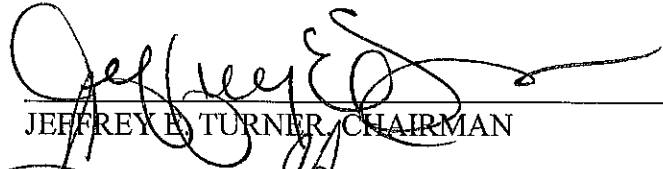
Section 3. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

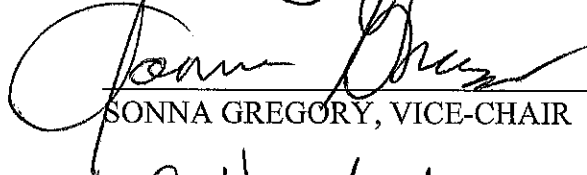
SO ORDAINED, this the ____ day of _____, 2021.

{Signatures on the following page}

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



SONNA GREGORY, VICE-CHAIR



GAIL HAMBRICK, COMMISSIONER

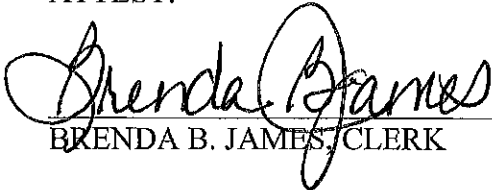


FELICIA FRANKLIN, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:



BRENDA B. JAMES, CLERK