

PART 4

Severability: To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Ordinance.


PART 5

Upon approval of this ordinance, all other approved Street Light Districts in the City of Brookhaven will be abolished on December 31, 2024. This ordinance provides authority to the City Manager or their designee to implement this ordinance and take all appropriate actions to implement this ordinance.

PART 6

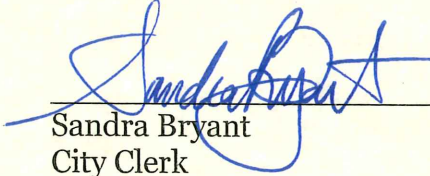
Repeal of Conflicting Provisions – All City Resolutions and Ordinances inconsistent with this Ordinance shall be repealed.

SO ORDAINED this 19th day of November, 2024.



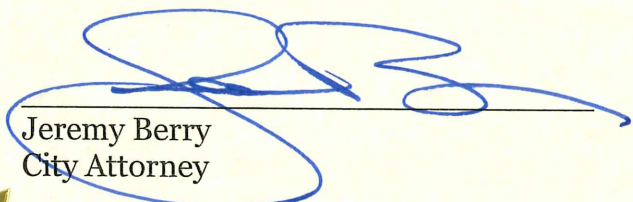
John Park
Mayor

ATTEST:

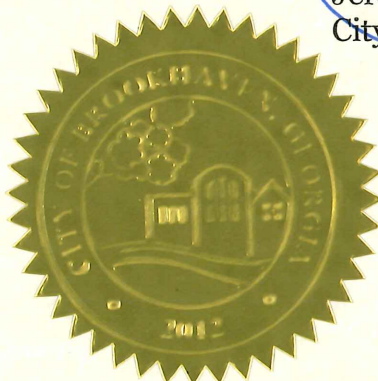


Sandra Bryant
City Clerk

APPROVED AS TO FORM



Jeremy Berry
City Attorney



de-annexed and all territory so de-annexed shall thereafter not be subject to the terms of this chapter.

- (e) Cost: The City hereby declares 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 City Council. A "parcel of land" or "parcel" for purposes of this chapter 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 the costs associated with providing street light services will be completed to determine the calculation of the fee and approved by the Mayor and City Council in a public meeting.
 - (1) All parcels will be charged a flat assessment on the annual tax bill in an amount determined by the City.
 - (2) When determining or adjusting the special assessment, the City shall consider the costs of installation, operation, maintenance, and repair of street lights and collection of fees (including administrative costs) and any other costs that the City deems relevant in its sole discretion.
- (h) Exemptions: The following parcels are exempt from having to pay the street light special assessment: parcels that comprise common areas owned by homeowner and property owner associations.
- (i) Collections: 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 a one percent late charge shall be assessed against the owner for the unpaid balance.

PART 3

This Ordinance shall become effective on December 31, 2024.

PART 2

Chapter, 23 Article II is hereby amended as follows to create a special street light assessment:

Section 23-32 – Street Light District

- (a) Authority: The governing authority of the City of Brookhaven 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(a)(9) . 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 City of Brookhaven hereby declares and acknowledges 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 Brookhaven and to those visiting the City of Brookhaven 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 traffic 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 and frequent commercial and residential establishments within the City during non-daylight hours. The City finds and declares that the cost to provide street lights within the city rights-of-way should be borne by all property owners who receive the public benefit of street lights citywide.
- (c) Creation: The City hereby creates a special street light assessment district pursuant to Ga. Const. Art. IX, § II, ¶ VI and O.C.G.A. § 32-4-92(a)(9). The boundaries of such special street light district shall be the same as the corporate limits of the City of Brookhaven as they currently exist on the date of the adoption of the ordinance from which this chapter derives.
- (d) Annexation and de-annexation: Upon the annexation of any territory into the city following the adoption of the ordinance from which this chapter derives, the boundaries of the street light service district shall extend to include the territory so annexed and all territory so annexed shall thereafter be subject to the terms of this chapter. 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

AN ORDINANCE TO AMEND CHAPTER 23, ARTICLE II IN THE CITY OF BROOKHAVEN CODE OF ORDINANCES FOR THE PURPOSE OF CREATING A SPECIAL STREET LIGHT ASSESSMENT IN THE CITY OF BROOKHAVEN, GEORGIA

WHEREAS, the City of Brookhaven is charged with providing for the health, safety, and welfare of the citizens of the city; and

WHEREAS, the City of Brookhaven originally adopted its Street Lights Policy from DeKalb County and all street lights were transferred from the County to the City; and

WHEREAS, the City, through City Council, enacted its own Street Lights Policy in January 2018 that applies to public streets only; and

WHEREAS, the City updated its Street Lights Policy in 2022; and

WHEREAS, there is a cost associated with the installation of streetlights on overhead power poles and underground utilities and a cost for annual service and maintenance of those streetlights; and

WHEREAS, all residents and property owners of Brookhaven benefit from illuminated streets, as does the public traveling through the City; and

WHEREAS, the City's current Street Lights Policy bases street light assessments on the length of the roadway frontage in a Street Light District; and

WHEREAS, the current policy disproportionately places the financial responsibility for equipment and ongoing operation of each street light district on a small number of local residents; and

WHEREAS, the City seeks to provide for a single, uniform, and citywide collection of a special assessment to cover these costs, with such cost burden shifted to all City property owners.

NOW THEREFORE, the Mayor and City Council of the City of Brookhaven, in an open and public meeting hereby ordain that Chapter 23 of the Code of Ordinances of the City of Brookhaven, is hereby amended to abolish existing Street Light Districts and establish a new special City-wide Street Light District and assessment as follows:

PART 1

The title of Chapter, 23 Article II is hereby amended as follows:

Article II – Special Street Light Assessment and Street Lighting Standards