

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 929

Short Title: Street Light Assessments.

(Public)

Sponsors: Representatives Hege, Hasty; Cromer, J. Crawford, Brubaker, Howard, Redwine, Justus, and Gibson.

Referred to: Government.

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE COUNTIES TO MAKE SPECIAL ASSESSMENTS FOR
3 STREET LIGHTS IN RESIDENTIAL SUBDIVISIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 153A-185 reads as rewritten:

6 "**§ 153A-185. Authority to make special assessments.**

7 A county may make special assessments against benefited property within the
8 county for all or part of the costs of:

- 9 (1) Constructing, reconstructing, extending, or otherwise building or
10 improving water systems;
- 11 (2) Constructing, reconstructing, extending, or otherwise building or
12 improving sewage collection and disposal systems of all types,
13 including septic tank systems or other on-site collection or disposal
14 facilities or systems;
- 15 (3) Acquiring, constructing, reconstructing, extending, renovating,
16 enlarging, maintaining, operating, or otherwise building or improving
 - 17 a. Beach erosion control or flood and hurricane protection works;
18 and
 - 19 b. Watershed improvement projects, drainage projects and water
20 resources development projects (as those projects are defined in
21 G.S. 153A-301).

1 (4) Constructing, reconstructing, paving, widening, installing curbs and
2 gutters, and otherwise building and improving streets, as provided in
3 G.S. 153A-205.

4 (5) Providing street lights and street lighting in a residential subdivision,
5 as provided in G.S. 153A-206.

6 A county may not assess property within a city pursuant to subdivision (1) or (2) of this
7 section unless the governing board of the city has by resolution approved the project."

8 Sec. 2. Article 9 of Chapter 153A of the General Statutes is amended by
9 adding at the end a new section to read:

10 "**§ 153A-206. Street light assessments.**

11 (a) Authorization. A county may annually levy special assessments against
12 benefited property in a residential subdivision within the county and not within a city
13 for the costs of providing street lights and street lighting pursuant to the procedures
14 provided in this Article. The provisions of this Article, other than G.S. 153A-190
15 through G.S. 153A-193, apply to street light assessments under this section.

16 (b) Basis of Assessment. The estimated costs of providing street lights and street
17 lighting shall be apportioned among all benefited property on the basis of the number of
18 lots served, or subject to being served, by the street lights, at an equal rate per lot.

19 (c) Amount of Assessment. The county shall determine the amount of the
20 assessments on the basis of an estimate of the cost of constructing or operating the street
21 lights during the ensuing year, and the board of commissioners' determination of the
22 amount of the assessment is conclusive. In determining the total cost to be included in
23 the assessment, the board may also include estimated costs of necessary legal services,
24 projected utility rate increases, and the costs to the county of administering and
25 collecting the assessment.

26 (d) Procedure. The county may approve the levy of street light assessments
27 under this section upon petition of at least two-thirds of the owners of the lots within the
28 subdivision. The request or petition shall include an estimate from the appropriate
29 utility of the charge for providing street lights and street lighting within the subdivision
30 for one year. Upon approval of the petition, the petitioning owner or owners shall pay
31 to the tax collector the total estimated assessment amount for the ensuing year as
32 determined by the county. This payment shall be set aside by the county tax office in
33 escrow as security for payment of the assessments.

34 (e) Collection and Administration. The county shall levy the street light
35 assessments on an annual basis and shall pay the costs of providing street lights and
36 street lighting to the appropriate utility on a periodic basis. The assessment amount
37 shall be adjusted on an annual basis in order to maintain in the escrow account an
38 amount equal to the estimated cost of providing street lighting plus related expenses for
39 the ensuing year."

40 Sec. 3. This act is effective upon ratification.