

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 929  
Second Edition Engrossed 6/14/89

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

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

The General Assembly of North Carolina enacts:

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

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

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

- (1) Constructing, reconstructing, extending, or otherwise building or improving water systems;
- (2) Constructing, reconstructing, extending, or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;
- (3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving
  - a. Beach erosion control or flood and hurricane protection works; and
  - b. Watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in 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-186, G.S.  
15 153A-187 and G.S. 153A-190 through G.S. 153A-193, apply to street light assessments  
16 under this section.

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

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

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

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

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