

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 1

AN ORDINANCE

Enacting the City Code of Lookout Mountain, Georgia, providing for general provisions relating to such Code, providing for the establishment and operation of fire and police departments of said City and their activities, responses to fires beyond the City limits of said City, officers and employees of said City in general, the administration of fire and police department personnel of said City, and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

Section 1. A Portion of the City Code:

That the following City Code is hereby adopted regulating and governing the matters therein provided:

CITY CODE OF LOOKOUT MOUNTAIN, GEORGIA

Chapter 1.

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code, City of Lookout Mountain, Georgia," and may be so cited.

Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing body:

City. The words "the city" or "this city" shall mean the City of Lookout Mountain, Georgia.

Computation of time. Unless otherwise specifically provided, the time within which an Act is required by law to be done shall be computed by excluding the first day and including the last; except that the last shall be excluded as if it be Sunday.

Governing body. Wherever the words "governing body" are used, they shall mean the "city council of Lookout Mountain, Georgia."

County. The words "the county" or "this county" shall mean Walker County, Georgia.

Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

Land. "Land" and "real estate" includes rights and easements of an incorporeal nature.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular include the plural, and the plural includes the singular number.

Oath. The word "oath" includes affirmation. When an oath is required or authorized by law, and affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed." An affirmation has the same force and effect as an oath.

Or, and. "Or" may be read "and", and "and" may be read "or" if the sense requires it.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

Personal property. "personal property" includes every specie of property except real property, as herein defined.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. "Property" includes real, personal and mixed estates and interests.

Public place. The term "public place" shall include any park, cemetery, school yard or open space

adjacent thereto, any lake or stream, or any place which from its public character, members of the general public frequent, or where they may be expected to congregate at any time as a matter of common right; also, any place at which, even though it is privately owned or controlled, a number of persons have assembled through common usage or by general or indiscriminate invitation, expressed or implied.

Real property. "Real property" shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. Includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Georgia.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public streets and ways in the city and shall embrace all parts thereof constituting the designated right-of-way.

Tenant or occupant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Written, in writing. "Written" or "in writing"

shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

(State law reference--For similar provisions of state law governing statutory enactments see §§102-102 to 102-104, Ga. Code Ann.)

Sec. 1-3. Catchlines of sections.

The catchlines of this Code printed in boldface type, italics or otherwise, are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of

any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from said Code by omission from reprinted pages.

Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That section of the Code of Ordinances of the City of Lookout Mountain, Georgia, is hereby amended to read as follows: (Set out new provisions in full) "

When the governing body desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the governing body desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance:

"Section It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this ordinance may be re-numbered to accomplish such intention."

All sections, articles, chapters or provisions of this Code desired to be repealed, should be specifically repealed by section or chapter number, as the case may be.

Sec. 1-7. Altering Code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Lookout Mountain, Georgia, to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-8 hereof.

Sec. 1-8. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code or any such ordinance shall be punished by a fine not to exceed Five Hundred Dollars and costs or by imprisonment in the city jail or jail of Walker County, Georgia, or by compulsory labor on the streets or other public works not to exceed ninety days. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Chapter 2.

ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Compensation, etc. of elected and appointed persons.

The city council shall determine and fix the compensation term, bond, and such other conditions of employment as it may deem necessary with respect to the officers, employees and agents of the city.

Sec. 2-2. Expenditures.

All expenditures of the city council including salaries of the city officers, agents and employees shall first be authorized and passed on by the council at a regular or special meeting and then paid out of the general fund of the city upon the order of the city council by check signed by the mayor and city clerk; provided, that bills on which a commercial discount is allowed for payment before the tenth day of the month may be paid by an order drawn as herein provided for other bills after such bills have been approved by the mayor and the chairman of the finance committee.

Sec. 2-3. Meetings.

Regular meetings of the city council shall be held at 7:30 P.M. in the council chambers in the city hall on the third Thursday in each month; provided, that when such day falls on a legal holiday the city council shall meet on the next succeeding Thursday.

Special, adjourned or called meetings of the city council shall be held at such time and place as the city council in its discretion, may deem necessary for the proper and expeditious handling of the business of the city.

Sec. 2-4. Filing of accounts against the city.

All bills and accounts against the city shall be filed for inspection with the City Clerk on or before the twenty-fifth day of every month. Upon failure to so file, the payment of any such account shall be passed over for one month and shall not be considered at the first meeting unless by consent of the council.

Sec. 2-5. Contents, form and recordation of ordinances.

All ordinances passed by the City Council shall contain the following items, which shall be in the order set forth in this section:

- (1) Ordinance number;
- (2) Title and purpose;
- (3) Ordaining clause;
- (4) Body of ordinance by sections;
- (5) Severability clause;
- (6) Penalty clauses, if appropriate;
- (7) Repealing clause, if appropriate;
- (8) Adoption date;
- (9) Effective date;
- (10) Signature of mayor or vice mayor; and
- (11) Attestation of clerk.

All ordinances shall be recorded in a separate book for that purpose, and such book shall bear the title "Ordinances of the City of Lookout Mountain, Georgia."

Sec. 2-6. Rules of council.

(1) Call to order, etc. The mayor shall take the chair at the hour appointed and call the members of the council to order. He shall preserve order and decorum, decide all

questions of order, unless appealed to the council, and appoint all committees. In the absence of the mayor, the vice-mayor is vested with like powers.

(2) Order of business. The following order shall be observed in the transaction of business:

- (a) Reading of the minutes.
- (b) Information docket.
- (c) Reports from standing committees.
- (d) Reports from select committees.
- (e) Reports from officers.
- (f) Resolutions, orders and ordinances.
- (g) Accounts, etc.
- (h) Business of last meeting lying over.
- (i) Salaries of officers.
- (j) Election of officers.
- (k) Annual licenses.
- (l) New business.

(3) Ordinance and minute books. All of the following shall be recorded in the minutes of the council:

- (a) All motions, except for adjournment.
- (b) All resolutions.
- (c) All information required by the laws of the United States and of this state.
- (d) The motion, number and title by which new ordinances are introduced.
- (e) All other information which council may direct.

(4) Elections. All elections shall be by ballot.

(5) Record of "yeas" and "nays". The "yeas" and "nays" shall be recorded whenever required by one or more members.

(6) Addressing chairman. Each member when the council is convened and organized for business, when speaking, shall address the presiding officer.

(7) Duties of City Clerk. The duties of the City Clerk, shall in no instance except in case of sickness, or by consent of the City Council, be performed by proxy or substitute.

(8) Minutes of previous meetings. Before the minutes of any preceding meeting of the council are confirmed, any member may move to reconsider any question, motion, resolution or other matter contained in the minutes of such previous meeting. If such reconsideration is voted for by a majority of the members present, the subject matter of such reconsideration shall be the first business in order to be disposed of.

(9) Parliamentary Rules. Robert's Rules of Parliamentary Order shall govern the proceedings of the council insofar as the same are applicable.

(10) Alteration of rules. The rules contained in this section are binding on the council and can be altered or added to only by motion, submitted at a meeting previous to the one at which the vote is taken.

(11) Any person who, during the sitting of the council assembled for and engaged in the study of, or the consideration of, the affairs, interests, and problems of the city, or in the enactment of rules, resolutions, motions, or ordinances for the city shall create any disturbance by any noises, conversations, gestures, acts, or conduct that interferes with the orderly considerations and deliberations of the council, thus assembled, shall be guilty of disorderly conduct, as such disturbance is hereby prohibited and declared to be disorderly conduct, and, upon conviction thereof, such person shall be punished as provided in Section 1-8 of this Code.

Sec. 2-7. Power of mayor and council to subpoena witnesses - Declared

The city council, when sitting as a judicial or quasi-judicial body pursuant to public law, its charter, or its ordinances, shall compel the attendance of witnesses by subpoena under the same rules as prevail in the superior courts of Georgia; and any witness who shall fail to respond to such subpoena, or who shall refuse to testify under oath, shall be guilty of a contempt.

Sec. 2-8. Service of subpoena.

Such subpoenas as authorized in the preceding section shall bear witness in the name of the mayor, shall be issued by the city clerk, and shall be served by the chief of police, any police officer, or by such other person as the mayor may designate.

Sec. 2-9. Form of subpoena.

Subpoenas may be in the following form:

"GEORGIA
WALKER COUNTY
CITY OF LOOKOUT MOUNTAIN:

To _____:

You are hereby commanded to be and appear at a meeting of the City Council, at the Council Chamber, at _____ o'clock on the _____ day of _____, 19__ to testify and the truth to speak in a matter before said City Council. Fail not under penalty of law.

Witness the Honorable _____, Mayor,
this _____ day of _____, 19__.

City Clerk"

Sec. 2-10. Refusal to answer, declared contempt; penalty.

Should any person fail to respond to a subpoena, after having been lawfully served, without good cause, or should such person refuse to testify under oath, then the City Council shall hold such person in contempt, and, in its discretion, punish such person by the imposition of a fine not greater than twenty-five dollars (\$25.00) or by incarceration in the City jail or Walker County jail for a period of time not to exceed three days. Each of the failures or refusals herein described shall constitute a separate contempt.

Sec. 2-11. Official time.

The standard of time within the corporate limits of the city shall be Eastern Standard Time or Eastern Daylight Time as specified for the region from time to time by the State of Georgia, and all offices and all legal and official proceedings within the limits of the city shall be regulated thereby.

Sec. 2-12. Fiscal year.

The fiscal year shall begin the first day of July and end the thirtieth day of June of each calendar year.

Sec. 2-13. Officers authorized to accept cash bonds.

The City Judge, the chief of police, the assistant chief of police, and the police officer assigned by the chief of police to the desk and record duties in the city police office are each hereby authorized to accept cash bonds from persons charged with a violation of this Code or of any city ordinance.

Sec. 2-14. Purchases to be based on competitive bidding; consideration.

After bids are received by council committees, said bids shall be submitted by the committees with its recommendation

to the City Council for approval or disapproval, which recommendation and approval shall be determined on the basis of the following considerations:

- (a) The low cost of the bid;
- (b) The excellence of the commodity, or service;
- (c) The practical problems involved in the operation, or maintenance or service of the matter or thing considered;
- (d) An equitable consideration of and for bidders, all things being equal.

Sec. 2-15 - 2-20. Reserved.

ARTICLE II. POLICE DEPARTMENT.

Sec. 2-21. Composition; compensation of members

There is hereby created a department to be hereafter known as The Fairyland Police Department of the City of Lookout Mountain, Georgia. Said Police Department shall be composed of a Chief of the Police Department, Deputy Chief and/or First Assistant Chief, Assistant Chief, and such other officers and members as the City Council may from time to time designate. The officers and members of the department shall receive such compensation as the City Council may from time to time direct.

Sec. 2-22. Direction and control

(a) The direction and control of the Police Department of the city shall be under the Chief of Police, and it shall be the duty of all officers and members of the department to obey the orders of the Chief of Police, and it shall be the duty of all members to obey the orders of the officers of the department.

(b) It shall be the duty of the Chief of Police, when from sickness or other cause he is unable to perform his duties, promptly to notify the Mayor or City Clerk.

(c) The Chief of Police is authorized and empowered to employ persons to act as school patrolmen at hazardous intersections and areas and also to employ persons to act as church zone patrolmen on Sunday.

(d) The Chief of Police shall formulate a set of rules and regulations to govern the internal operation of the Police Department and he shall be responsible to the City Council for the morale and general efficiency of the Police Department.

(e) The care, control and management of all equipment, patrol cars, weapons, machinery and other apparatus used by the Police Department in performing the duties of that department and the police headquarters and all buildings used in connection with the department shall be the responsibility of the Chief of the Police Department who shall be responsible for the proper maintenance of all such equipment, buildings and apparatus, keeping the same at all times in clean condition and in good working order.

(f) It shall be the responsibility of the Chief of Police to report all offenses against the city ordinances, serve all processes, notices, executions, attachments and warrants issued by the Mayor, the city judge, any member of the council or clerks of the city and obey and execute all orders of the City Council in relation to any matter or thing affecting the interest of the city; provided, that unless otherwise specified, the duties of the Chief of Police as above stated may be performed by his assistant or other member of the department.

(g) It shall be the responsibility of the Chief of Police to preserve order in the city, enforce each and every public ordinance of the city and make cases against violators of the same. He shall be responsible for keeping the streets and roads open and preventing persons from congregating in crowds on the

streets, roads or sidewalks of the city and making cases against those who refuse or fail to remove or disperse at his request. All disorderly, drunken or riotous persons shall be arrested and committed to the police headquarters and the city jail or Walker County jail to be tried. In case of inability of the Chief and his officers and members to suppress disorder, the Chief of Police may call to his aid any number of persons that may be necessary to assist him.

Sec. 2-23. Duties of Chief of Police and police officers.

(a) The Chief of Police or his appointed assistant or deputy shall attend all meetings of the council and the city court and preserve order therein, collect all fines imposed by the council or city court and carry out all executions and demands that may be placed in his hands and pay the money into the city treasury, taking his receipt therefor and making a detailed report of all such collections to the City Council at the first regular meeting in each month. It shall be the responsibility of the Chief of Police to keep a docket, to be furnished by the city, in which shall be entered all executions issued by authority of the city, and when the same are paid.

(b) The Chief shall make a complete annual report to the City Council within 60 days after the close of the city's fiscal year, such report to include a summary of all violations of the laws of this city and state occurring within the corporate limits of the city, the number of arrests made and the disposition of all cases against violators, the condition of the police headquarters, all buildings, equipment, machinery and other apparatus, and recommendations for improving the operation of the department.

(c) The Chief shall properly keep and maintain records and statistics of all violations, alleged violations, or investigations concerning, the laws of this city and state occurring within the corporate limits of this city, all equipment, vehicles, machinery, personnel and other information pertinent to the department.

(d) The Chief shall also recommend to the Mayor a proposed budget for the operation of the Police Department and otherwise assist and cooperate in the Mayor's preparation of the annual budget proposals to the council.

(e) The members and officers of the Police Department shall arrest all persons found by them violating any provision of this Code or other city ordinance or laws of this state. Any person arrested shall be immediately committed to police headquarters and the city jail or Walker County jail by the officer or member making the arrest.

Sec. 2-24. Procedure on arrests.

(a) It shall be unlawful for any person to resist any officer or member in making an arrest or in detaining any person after arrest or trial, whether the offender is the person whom the officer or member is seeking to arrest or detain or another person.

(b) The officer in charge at police headquarters shall permit any person detained therein to make a local telephone call.

(c) No officer or member of the Police Department shall, under any circumstances, receive or take any money or other property or effects of any kind from any person under arrest or threatened with arrest, except in the presence of the officer in charge at police headquarters or his assistants, to whom all money or other property belonging to any arrested person shall be delivered; provided, that it shall be lawful for a policeman to

disarm any person attempted to be arrested by him. For money or property so delivered to them, the officer or his assistants shall give the person arrested a receipt. The officer in charge and his sureties as such shall be responsible and liable for all money or other valuables entrusted to them.

Sec. 2-25. Unlawful use of police department equipment.

(a) It shall be unlawful for any person to use any Police Department equipment, motor vehicle or apparatus, for any private purpose, or for any person to willfully and without proper authority take away or conceal any article of equipment or item owned by the Police Department.

(b) It shall be unlawful for the Police Department of the city to answer a call, respond to a complaint, or investigate any matter at or upon any property lying and being without the boundaries of the corporate limits of the city except when such calls, responses or investigations are necessary for the protection of persons or property within the limits of the city, or the prosecution of offenses or violations occurring within the city.

Sec. 2-26. Traffic and accidents.

(a) It shall be the duty of the officers and members of the Police Department to investigate traffic accidents, to render written reports concerning same and to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(b) The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically, and shall be available for the use and information of the public.

(c) The Police Department may furnish to any interested person photostatic copies of such reports upon the payment by such interested person of such fees therefor as may be prescribed from time to time by the City Council.

Sec. 2-27. Reporting law violations.

All physicians and ambulance drivers shall immediately report to the Chief of Police all cases of shooting, cutting or other injuries which may constitute violations of the laws of this city or state, which they may be called upon to treat or service, giving in such report the place of the residence and the names of the injured persons. It shall also be the duty of all ambulance drivers and physicians to report to the Chief of Police all patients injured in automobile accidents to whom they may be called for professional services.

Sec. 2-28. Police assistance in fire protection.

It is hereby made the duty of the Chief of Police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms within the limits of this city, and assist the Fire Department in the protection of life and property within the limits of this city, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Code.

Sec. 2-29. Marking of police equipment and right-of-way.

All motor equipment and all personal cars of department members shall be properly marked, and if so marked, shall have right-of-way over all other traffic when responding to a call or carrying out the duties incident to the Police Department.

Sec. 2-30. Unlawful to damage police equipment.

It shall be unlawful for any person willfully or knowingly to injure or damage in any way or manner whatsoever any equipment, motor vehicles, or other apparatus of any kind connected with or used by the Police Department of the city.

Sec. 2-31 - 2-40. Reserved.

ARTICLE III. FIRE DEPARTMENT

DIVISION 1. IN GENERAL

Sec. 2-41. Creation of Fire Department.

(a) There is hereby created a department to be hereafter known as The Fairyland Fire Department of the City of Lookout Mountain, Georgia, the object of which shall be the prevention of fire and the protection of life and property within the authorized fire protection limits of the City of Lookout Mountain, Georgia.

(b) The buildings, machinery and equipment of the fire department of the city shall be under the control, supervision and management of the City Council.

(c) The fire department of the city shall be composed of a chief of the fire department, deputy chief and/or First Assistant Chief, Assistant Chief, and such other officers and members as the City Council may from time to time designate. The officers and members of the department shall receive such compensation as the City Council may from time to time direct.

Sec. 2-42. Fire Department rules and regulations.

The Chief shall formulate a set of rules and regulations to govern the internal operation of the Fire Department and shall be responsible to the City Council for the morale and general efficiency of the Fire Department.

Sec. 2.43. Care and control of fire apparatus and hydrants.

(a) The entire care, control and management of fire engines, trucks, ladders, hose and other apparatus for extinguishing fires and the fire house and all other buildings used in connection therewith shall be under the chief of the fire department who shall be responsible that all apparatus used by or in connection with the fire department is at all times clean and in good working order and that the fire house and other buildings or parts thereof used by or in connection with the fire department are kept clean and all apparatus arranged in a proper and orderly fashion.

(b) The Chief or his authorized representatives shall be responsible for the location, installation, inspection and maintenance of all fire hydrants within the fire protection limits.

Sec. 2-44. Fire companies.

The Chief shall determine the number and type of companies of which the fire department is to be composed and subject to the limitations set out herein shall determine the response of such companies to alarms.

Sec. 2-45. Instruction.

The Chief or his authorized representatives shall at least once a month conduct or cause to be conducted, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the authorized fire protection limits, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire and shall make arrangements for suitable civil defense assistance at all fires.

Sec. 2-46. Investigation.

The Chief shall investigate the original of all fires that may occur in the fire protection limits and report promptly all fires and the names of all persons suspected of setting fire to any building to the City Council. The Chief shall also render a written report to the City Council of the city at each regular monthly meeting setting out therein the number of fires during the preceding month, the condition of the apparatus and equipment, the location and date of same, the amount of damage of each fire and the supposed origin of each fire, the number and purpose of all other runs made; the number of members responding to each fire or other run and any changes in membership.

Sec. 2-47. Annual Report.

The Chief shall make a complete official annual report to the City Council within sixty days after the close of the city's fiscal year, such report to include a summary of the information specified in Section 2-46 next above, together with comparative data for previous years and the recommendations for improving the operation of the department and a copy of the volunteer fire organization's annual report required herein. The Chief shall also submit a proposed annual budget to the Mayor for inclusion in the Mayor's budget proposals to the council.

Sec. 2-48. Records.

The Chief shall keep complete records of all fires, inspections, apparatus, equipment, personnel and other information pertinent to the fire department.

Sec. 2-49. Powers of Chief.

The Chief of the fire department shall be in absolute and complete control of all persons and all fire equipment at and in the vicinity of all fires, and he shall have authority to deputize any and all officers and all other persons as he shall deem necessary for the purpose of fighting and controlling such fires and of removing any and all persons from the vicinity of such fires and for the purpose of protecting buildings and other property from damage or theft, and he and such officers or persons as he shall deputize shall arrest any person who shall be caught stealing goods or other property from or around any store or house at a fire and shall prosecute such person.

Sec. 2-50. Insignia and right-of-way.

All motor equipment and all personal cars of department members shall have right-of-way over all other traffic when responding to an alarm. Suitable insignia shall be attached to all such vehicles identifying such vehicles as fire department vehicles.

Sec. 2-51. Interference, or injury, false alarm, etc.

(a) It shall be unlawful for any person willfully or knowingly to injure or damage in any way or manner whatsoever any engine, hose, hook, ladder, or any other implement, material or fixture of any kind connected with or used by the fire department of the city.

(b) It shall be unlawful for any person to injure any house, ground, tree or shrub which is the property of the fire department.

(c) It shall be unlawful for any person willfully or knowingly to put any trash or other obstructions of any kind in front of any engine, hook and ladder or hose house.

(d) It shall be unlawful for any person willfully and knowingly to start or cause to be given a false alarm of fire.

(e) It shall be unlawful for any person to use any fire apparatus or equipment for any private purpose, or for any person to willfully and without proper authority take away or conceal any article used in any way by the department.

(f) It shall be unlawful for any person to enter any place where fire apparatus is housed or handle any apparatus or equipment of the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

(g) It shall be unlawful for any unauthorized person to open or shut or in any way to injure or interfere with any fireplug in the city, to draw any water therefrom or cause any water to flow therefrom for any purpose other than the extinguishment of fires. It shall be unlawful for any unauthorized person to do any of the acts prohibited herein for any unauthorized purpose.

(h) It shall be unlawful for any person to drive any vehicle against any fireplug or to throw, roll, push or shove, or in any way to cause any stone, iron or other object to come in contact with any fireplug with such force or weight as to injure same.

DIVISION 2. RESPONSE TO FIRES BEYOND CITY LIMITS.

Sec. 2-52. Prohibited except as provided in this Division.

It shall be unlawful for the fire department of the city to answer a call in the event of fire at or upon any property lying and being without the fire protection limits of the city.

Sec. 2-53. Fire Protection Limits.

The fire protection limits of the city are hereby defined to be the corporate limits of the city, together with all property which meets the requirements of Sections 2-54 through 2-58; all property adjacent or near to the limits of the city as provided in Section 2-59, and all property which is the subject of any contract or mutual assistance pact to which the city is signatory and which requires fire department response to alarms.

Sec. 2-54. When permitted generally.

Any person desiring the service of the fire department of the city for the purpose of fire protection to property located beyond the corporate limits of the city shall be required to guarantee to the city payment for services as herein provided and to comply with the following provisions of this division.

Sec. 2-55. Registration.

Such person shall register such property and the location thereof at the office of the chief of the fire department and pay an annual registration fee of 10 mills on each \$1.00 of value of such property as assessed by the County in which located plus all amounts owing to the city either directly or on accounts assigned to it.

Sec. 2-56. Description of property, etc.

The registration required by Section 2-55 of this chapter shall accurately and completely describe the premises, giving the name of the tenant, if the same is occupied by a tenant. It shall be the duty of the property owner to inform the office of the chief of the fire department of any change in occupancy in the premises wherein protection is sought.

Sec. 2-57. Inspection.

(a) The registration required by Section 2-55 of this chapter shall contain a provision allowing and permitting an initial inspection of such premises by the chief of the fire department or any other person designated by him to make such inspection, and in the event the premises shall be deemed unsafe or a hazard to the equipment of the fire department of the city, the person making such inspection shall have the right to cancel such registration.

(b) In the event of cancellation of the registration, the registration fee shall be returned to the registrant after deducting the costs of inspection.

(c) The registration required by Section 2-55 of this chapter shall further provide for additional inspections at any time. If it be determined after any such inspection that there is a change of conditions in the premises, making the same more hazardous to the man power and equipment of the city, then such registration shall be cancelled.

Sec. 2-58. Agreement Required

(a) Such registrant shall also sign an agreement containing a stipulation and provision that the city shall not be liable for any damages caused by the failure of the fire department to answer any such fire call, when such failure to answer is caused by an order of the chief of the fire department; provided, that such order is predicated upon the opinion of the chief that to answer such call would jeopardize the safety and welfare of property within the limits of the city.

(b) Such agreement shall also contain any other provisions of this article which may be necessary in the opinion of the city attorney. Forms for such agreement shall be approved by the city attorney and shall be placed on file in the office

of the Chief of the fire department. The agreement shall be executed on behalf of the city by the chief or in his absence by the officer next in command and shall be executed on behalf of the registrant in person or by his duly authorized agent.

Sec. 2-59. Discretion of Chief.

(a) This division shall not impair the discretion of the Chief of the fire department to answer calls on account of fires at the property of citizens adjacent or near to the limits of the city, when such calls are necessary for the protection of property lying within the limits of the city.

(b) When the provisions of this division have been complied with, the fire department of the city shall be authorized to answer calls within the fire protection limits of the city.

(c) The fire department of the city is also permitted to answer calls to property lying and being without the boundaries of the corporate limits of the city where such property is the subject of a contract or mutual assistance pact to which the city is a signatory.

(d) The permission granted by the provisions of this division for the fire department of the city to answer fire calls outside the corporate limits of the city shall not be construed as obligatory or mandatory; nor shall any person seeking protection under the provisions of this division be deemed to have any right to demand and compel the fire department to answer any such fire call; but whenever, in the opinion of the chief of the fire department, the use of the equipment and personnel to answer such calls would jeopardize the safety or welfare of any property within the city limits, the fire department may refuse and decline to answer such calls. In the absence of the chief, the person next in authority may make the decision as to answering calls.

Sec. 2-60. Volunteer fire organization.

(a) The fire department is authorized to establish or continue a volunteer fire organization whose membership shall consist of all members of the fire department who serve on a non-remunerative basis and who otherwise meet the qualification requirements which the volunteer fire organization shall by appropriate bylaws establish. The volunteer fire organization may elect such officers as its membership deems appropriate or necessary but such officers shall not, solely by reason of their office in the volunteer fire organization, be deemed officers of the fire department. Nothing herein however shall preclude officers of the fire department or other city officials or employees from becoming members or officers of the volunteer fire organization nor preclude officers or members of the volunteer fire organization from becoming officers of the fire department.

(b) The volunteer fire organization shall be under the direct supervision, control and management of the chief of the fire department and shall be responsible for assisting the chief in accomplishing the objectives of the fire department.

(c) The President or Chief Executive of the volunteer fire organization shall submit an annual report to the chief of all activities of the volunteer fire organization during the city's preceding fiscal year. Such report shall be submitted within 30 days after the close of the city's fiscal year and shall be attached to and form a part of the chief's annual report required hereinabove.

Sec. 2-61. Administration of Police and Fire Department Personnel.

1. Applications for Examination.

(a) Application for examination must be made in writing to the City Clerk on a form provided by the department for which the applicant desires to be a member. The form must be answered fully.

(b) Applicants for regular employment in the Fire and Police Departments shall have passed their twenty-first birthday.

(c) Birth certificates or other proof of age must be attached to the application or official notes by a member of the department applied for.

(d) Applicants must have vision corrected to 20/20.

(e) Applicants must be of good habits and moral character.

(f) Applicants need not be residents of the State of Georgia or Walker County, Georgia.

2. Examinations.

Examinations conducted may consist of:

- (1) A written examination,
- (2) A character investigation,
- (3) An oral examination, and
- (4) A rigid physical examination.

3. Vacancies within the Departments.

Upon notification in writing from the Chief of the Fire or Police Department that a vacancy exists in the respective department, the City Clerk will submit to the Chief the names and addresses of not more than three candidates approved by the Mayor and Council as eligible for each vacancy. The Chief shall select a candidate or candidates from this list to fill the vacancy.

4. Appointments to the Police and Fire Departments.

All appointments to the Police or Fire Departments are probationary for a period of twelve months from the date of appointment. Any probationer may be discharged by the Chief of his department within the probationary period, and such discharged probationer shall not be entitled to a hearing before the Mayor and/or Council upon such discharge.

5. Promotion within the Police and Fire Departments.

(a) When a vacancy exists for a rank or rate, the respective chiefs shall recommend, from the membership of their departments, a person or persons deemed qualified to be promoted to a higher rank, which recommendations shall not be effective until approved by the Mayor and Council.

(b) The chiefs of the respective departments are authorized to employ whatever test they deem sufficient to aid them in determining if a member of their department is qualified for promotion.

6. Demotions, suspensions and discharge within the Police and Fire Departments.

(a) Except as may be otherwise provided, the Chiefs of the Fire and Police Departments shall have authority to demote members of their departments with the consent of the Mayor and Council given at an open public hearing.

(b) The Chief of the Fire Department or the Police Department has the authority to suspend any member of his department without pay for a period of fifteen days, and the person so suspended shall not be entitled to a hearing before the Mayor and/or Council. Suspensions for periods longer than 15 days are given pending a hearing before the Mayor and Council.

(c) Members of the Fire or Police Departments may be discharged only after they are served in writing and given an opportunity for an open public hearing.

Sec. 2-62 - 2-70. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES.

Sec. 2-71. Holidays established.

(a) All departments of the city, except the fire and police departments, shall be closed on the following days, to-wit:

- (1) New Year's Day
- (2) Independence Day
- (3) Labor Day
- (4) Thanksgiving Day
- (5) Christmas Eve Day, from 12:00 noon
- (6) Christmas Day

If any one of the above named holidays fall on Sunday, then the following Monday will be observed as a holiday.

(b) Employees required to work on holidays shall be paid as for one extra workday. Police and fire department employees shall be paid as for one extra day on all of the above holidays.

Sec. 2-72. Holidays in vacation period.

Where one of the holidays set forth in the preceding section falls in any vacation period, the employee having such vacation period is hereby granted an extra day of vacation.

Sec. 2-73. Vacations--A privilege.

Vacations of employees are not a right which the employee may demand, but are privileges granted by the city which may be changed from time to time.

Sec. 2-74. Same--Nonaccumulative.

All vacations must be used in the calendar year in which they are granted and cannot be accumulated from one calendar year to the next calendar year.

Sec. 2-75. Same--Extra pay where waived.

Employees waiving their vacation shall be entitled to extra compensation in lieu of their vacation. No vacation may be waived except by express permission of the City Council.

Sec. 2-76. Same--Period of vacation granted.

The Council hereby grants the privilege of vacation to all employees who have been in the service of the city for an accumulated period of more than twelve months. An employee with an accumulation of twelve months' service shall have two weeks of vacation.

Sec. 2-77. Same--Head of department to establish schedule.

The head of each department shall establish a vacation schedule for his department in order that the department may operate effectively. The head of the department shall have first choice as to periods of vacation so established. His assistant and his supervisors shall have second and third choice respectively. Where two or more employees desire the same period of vacation, the senior employee shall have first choice.

Sec. 2-78. Sick leave--Not of right; defined; excuses chargeable not chargeable as sick leave.

(a) Sick leave is not a right for which employees may make demand but is a privilege granted by the city, which may be changed from time to time.

(b) Sick leave means absence from duty due to sickness or injury to the employee or contraction of contagious disease.

(c) An employee may use his sick leave for the following:

- (1) Sickness to himself.
- (2) Injury to himself as a result of an accident not in connection with his occupation.
- (3) Death of an immediate family member of the employee.
- (d) The following absence may not be charged to sick

leave:

- (1) Sickness of a member of an employee's family.
- (2) Absence to attend funeral other than that of immediate family of employee.
- (3) Absence caused by accident occurring while in actual service of city (such absences shall not be charged against employee).
- (4) For any reason other than those outlined in subsection (c) above.

Sec. 2-79. Same--Earning; accumulation; advance; for new employees; use of all sick leave time.

(a) Employees earn one sick leave per calendar month, twelve days per year. Additional sick leave may be advanced by the Council upon request from the employee's department head in exceptional cases, after cases have been reviewed by the Council.

(b) The privilege of sick leave may be accumulated from year to year until an employee has accumulated a total of thirty days of sick leave, but no longer.

(c) Department heads, in their discretion, may grant advance sick leave to employees who have less than one year's service with the city. In no case shall the sick leave advanced exceed twelve days.

(d) Once an employee has used all his sick leave days, his salary or wages cease. The granting of sick leave is solely for the advantage of the employee. Every employee should strive to accumulate as much sick leave as possible. It is the desire of the city in granting sick leave to employees that the employee will have the assurance and peace of mind in knowing that his pay shall continue in case of illness or accident.

Sec. 2-80. Same--General rules governing sick leave.

(a) An employee absent due to reasons outlined in Section 2-78 above must telephone his supervisor forty-five minutes prior to work time on the first day of absence. A member of the employee's family may phone for the employee. (b) When the absence exceeds three days, a doctor's certificate must be furnished stating that the employee was under the care of a doctor and it was necessary for the employee to be absent from work.

(c) No employee shall be paid for sick leave unless the above stated rules are adhered to.

Sec. 2-81. Same--Head of department to investigate; penalty for wrongfully claimed sick leave.
(a) Department heads shall investigate all claims for sick leave of employees under him. If the department head shall have doubt of the validity of the claim of sick leave, he may demand a written statement from a doctor before allowing an employee sick leave.

(b) If the department head shall determine that an employee has wrongfully claimed sick leave pay, said head of

department may, in his discretion:

- (1) Deduct the value of the absent time from the employee's vacation, or
- (2) Deduct the value of the absent time from the employee's wages or salary or,
- (3) Take such disciplinary action as he deems proper.

Sec. 2-82. Same--Termination of employment.

If an employee shall retire, quit or be discharged or leave the employ of the city for any reason, and such employee shall have to his or her credit, earned days of sick leave, such employee shall not be entitled to pay for such sick leave. The termination of service with the city terminates any sick leave accumulated to the credit of such employee.

Sec. 2-83-2-90. Reserved.

Section 2. Severability:

If any section, subsection, sentence, or clause of this Ordinance or of the City Code hereby adopted be adjudged invalid, such adjudication shall not affect the validity of the Ordinance or Code as a whole or of any section, subsection, sentence, or clause hereof or thereof not adjudged invalid.

Section 3. Effective Date:

BE IT FURTHER ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained that due to the immediately impending discontinuance of fire and police protection to the people of this City by the organizations heretofore providing such protection, namely the Fairyland Protective Association and the Fairyland Fire District, the need of the citizens of Lookout Mountain, Georgia, for such protection without interruption and for the City Government to be able to commence operation and to provide for such protection, an emergency exists and the public safety and welfare require that this ordinance be effective upon its adoption and approval by at least four members of the Council of this City on two readings on successive days, and this ordinance shall therefore be effective immediately upon such approval after such two readings and its adoption following the second of such readings.

Approved on first reading on January 1, 1969

Robert H. McInnis
Member of City Council of Lookout Mountain, Ga.

Hollie Mathis
Member of City Council of Lookout Mountain, Ga.

John W. Self
Member of City Council of Lookout Mountain, Ga.

John Brainer
Member of City Council of Lookout Mountain, Ga.

Jesse B. Sims
Member of City Council of Lookout Mountain, Ga.

Harwood S. Buckley
Mayor of Lookout Mountain, Ga.