

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 104

AN ORDINANCE

To amend Ordinance No. 94 (which amended and restated Ordinance No. 28 as amended by Ordinance Nos. 36 and 60), as amended by Ordinance No. 98; to abolish in its entirety the present garbage classification system in effect in the City and to replace said classification system with a more equitable system; 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. Ordinance No. 94 is hereby amended by striking and deleting therefrom the proviso contained in Section 8.1 of Ordinance No. 94, said proviso consisting of the final eight lines of the aforesaid Section 8.1, it being the express intent and purpose of the Council of the City to abolish in its entirety the present garbage classification system in effect in the City and to replace said system with the system described in the amended Sections 8.2 through 8.5 of this Ordinance.

SECTION 2. Ordinance No. 94 is further amended by striking in their entirety Sections 8.2 and 8.3 and substituting in lieu thereof new Sections 8.2 through 8.5 to read as follows:

8.2 New Classification System. There shall be two classifications of owners of single dwelling units, and such classifications shall receive the refuse removal service heretofore described in this Ordinance. All owners of single dwelling units are hereby classified under Classification I unless approved for reclassification to Classification II by the Council of the City under the procedures hereinafter set forth.

8.3 Eligibility for Reclassification. It is the declared intention and purpose of the Council of the City to provide relief for owners of single dwelling units within the City who are

presently classified under Classification II and for whom the payment of the full amount of the City's fees and charges for refuse removal services would impose a substantial financial burden. All owners of single dwelling units within the City who meet the following criteria shall be entitled to be reclassified under Classification II and, upon such reclassification, shall pay fees for refuse removal services equal to fifty (50%) percent of the fees paid by owners of single dwelling units falling within Classification I. In order to be eligible for classification under Classification II, an owner of a single dwelling unit must meet all of the following criteria:

- (a) The owner of the dwelling was, as of the date of the final passage of this Ordinance, approved for Classification II treatment; and
- (b) The combined gross income from any source (including but not limited to salary, wages, interest, social security, retirement benefits, investments, rental income, dividends, trusts) of the owner and occupants of the dwelling are not in excess of \$8,000.00 per year; and
- (c) The total combined assets of any nature whatsoever (excluding the dwelling itself, furnishings therefor, and clothing of the occupants) of the owner and occupants of the dwelling are not in excess of \$16,000.00.

8.4 Procedure for Application. Owners of single dwelling units desiring reclassification shall submit applications on forms to be furnished by the Council and shall complete all such forms in reasonable detail and shall also furnish copies of their most recent federal income tax returns, with schedules. Such application shall authorize the Council and the City to investigate any information furnished in the application to determine its accuracy and completeness. All applications shall be delivered to the Chief of Police of the City and warranted and subscribed as true and correct in person before the Chief of Police or his appointed representative. No applicant, once rejected, may re-apply more frequently than annually. All adults residing in the

dwelling unit which are the subject of the application must join in the application and furnish the information required.

8.5 Duration of Classification. Owners of single dwelling units qualifying for Classification II treatment under Sections 8.3 and 8.4 shall be eligible for Classification II treatment for a period of two (2) years from the date of the Council's approval of the owner for Classification II treatment, after which (and every two years thereafter) the owner must reapply and requalify for Classification II treatment under the provisions of the foregoing Sections 8.3 and 8.4. If no such application is filed within thirty (30) days of the expiration date of the owner's Classification II treatment, such owner shall automatically be reclassified into Classification I. Whenever there is any change in occupancy of any dwelling unit, other than vacating by one or more previous occupants without any new person becoming an occupant, such dwelling unit shall automatically revert to Classification I.

SECTION 3. PART OF CODE OF ORDINANCES. It is the intention of the governing body and 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 numbered to accomplish that intention.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, or clause of this Ordinance be adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any section, subsection, sentence or clause hereof not adjudged invalid.

SECTION 5. REPEALER. All other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

Approved on first reading on June 23, 1983.

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

*R. A. McRae*  
Mayor of Lookout Mountain,  
Georgia

Approved and adopted on second reading on July 21,  
1983.

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Member of City Council

*[Signature]*  
Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

*R. A. McRae*  
Mayor of Lookout Mountain,  
Georgia

ATTEST:

*Carolyn J. Brookes*  
City Clerk