

CITY OF LOOKOUT MOUNTAIN, GEORGIA
ORDINANCE NO. 127

AN ORDINANCE to eliminate and to prevent the occurrence of public nuisances, and for other purposes:

WHEREAS, the City Council has received expressions of concern for the appearance and upkeep of privately owned property in the City; and

WHEREAS, the City Council has determined that the health, safety, and welfare of the City shall best be served by regulation, elimination, and prevention of public nuisances;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

SECTION 1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

1.1. Nuisance. "Nuisance" shall mean and include:

- (1) Stagnant water on premises;
- (2) Any dead or decaying matter, whether fruit, vegetable, animal or other upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the City;
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the City;
- (4) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) Obstruction of a public street, highway, or sidewalk without a permit;

(7) Loud or unusual noises which are detrimental to the public, including without limiting the foregoing, unusual loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and club house areas;

(8) All walls, trees, other vegetation and buildings that may endanger persons or property;

(9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent such activities;

(10) Unused iceboxes, refrigerators, junked motor vehicles in a state of disrepair and incapable of being moved under their own power, and other similar unused or unusable appliances or vehicles;

(11) Any accumulation of debris, objects, materials, or other conditions which may constitute a health, accident, or fire hazard, or which creates a blighting or deteriorating effect in the city;

(12) Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind found growing in any lot or tract of land in the city, and any weeds, grasses or plants other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding six (6) inches anywhere in the city;

(13) Any vacant lot whereon debris is permitted to accumulate or vegetation is allowed to remain uncontrolled, in such a manner as to create a fire hazard or other hazard to the public health, safety or welfare;

(14) Kudzu, a prostrate Asiatic leguminous vine; and

(15) Any other condition constituting a nuisance under state law.

1.2. Written Notice. "Written Notice" shall mean a notice in writing served personally, or by registered or

certified mail, or by attaching a copy of the notice to the principal entrance of the dwelling or other conspicuous place on the property, and containing a description of the location of the property upon which such condition exists. With respect to all notices given by registered or certified mail, the depositing of such notice in the United States Mail by registered or certified mail, return receipt requested, addressed to the owner of the property at the address shown on the latest ad valorem tax return of such owner for such property shall constitute sufficient service of such notice, where the return receipt shall be duly returned signed by the addressee or someone residing on the premises, or where the return receipt or other notification from the federal postal service indicates that the notice was refused, or that there was a refusal to sign the return receipt, or that delivery of the notice at such address could not be made.

SECTION 2. PROHIBITION. The control, elimination, and prevention of nuisances are of paramount importance to the preservation of the beauty and property value within the City of Lookout Mountain, Georgia. Therefore, it shall be unlawful for any person to maintain or permit the existence of any nuisance on any property within the City.

SECTION 3. ENFORCEMENT.

3.1 Enforcing agents. The Chief(s) of Fire and/or Police, or the City Council, or their designated agents, shall have authority to enter upon property within the City of Lookout Mountain, Georgia, for the purpose of determining the existence and extent of a nuisance.

3.2 Notice to issue. Whenever a person or persons charged with enforcing this ordinance shall discover a nuisance existing within the city limits, the inspecting person shall cause a written notice to be issued to the property owner and/or occupant. The written notice shall advise of the existence of the nuisance and shall invite the

owner or occupant to eliminate the nuisance within fifteen (15) days of the date the notice is sent or posted.

3.3 Owner or occupant failure to eliminate nuisance. In the event the owner or occupant fails to take appropriate steps to eliminate the nuisance, the City's designated agents may enter upon the property and take reasonable steps to eliminate the nuisance. In the event the City has entered the property and taken necessary steps to eliminate the nuisance, the City may charge the reasonable costs thereof to the owner and/or occupant of the land.

3.4 Charges constitute a lien. Any expenses incurred by the City in the elimination of such nuisances shall become a municipal lien against the land until paid in full, and the expenses so incurred may be collected through the same execution procedures as tax liens are for other city revenues.

SECTION 4. REMEDIES. The remedies provided in this ordinance are accumulative of all other remedies which the City of Lookout Mountain, Georgia, has for the accomplishment of the objectives set forth in this ordinance. Nothing in this ordinance shall be construed as relieving any person from the obligation to comply with all other ordinances, laws, or regulations of the city, or to permit the maintenance by any person of a nuisance.

SECTION 5. MISCELLANEOUS.

5.1 Part of Code of Ordinances. 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 City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish that intention.

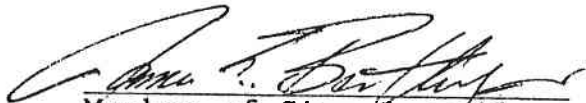
5.2 Severability. If any section, subsection, sentence, or clause of this Ordinance be adjudged invalid, such adjudication shall not affect the validity of the


Ordinance as a whole or of any section, subsection, sentence or clause hereof not adjudged invalid:


5.3 Repealer. All other ordinances or parts thereof heretofore enacted by the City in conflict therewith are hereby repealed.

5.4 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 October 10, 1987.

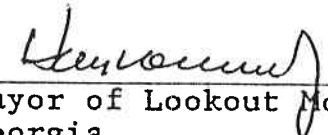

Member of City Council
Lookout Mountain, Georgia


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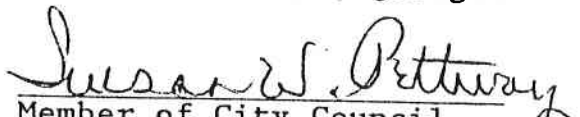
Member of City Council
Lookout Mountain, Georgia




Mayor of Lookout Mountain,
Georgia

APPROVED AND ADOPTED on second reading on Oct 20, 1987.


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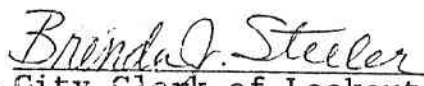

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Mayor of Lookout Mountain,
Georgia

ATTEST:



City Clerk of Lookout
Mountain, Georgia

LJT4:14328