

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 13

AN ORDINANCE

To provide for the licensing of all persons, firms, or corporations engaged in, or about to engage in, any business, calling, trade or profession in the City of Lookout Mountain, Georgia; to regulate the conduct of same; to provide and fix annual license fees and special taxes; to provide for their collection; and to provide penalties for the violation of this ordinance.

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

Section 1. The following Chapter is herewith added to the Code of Ordinances of the City of Lookout Mountain, Georgia:

CHAPTER 7

LICENSES

ARTICLE I.

Sec. 7-1. Issuance.

It shall be the duty of the clerk of the city to issue all licenses required by this chapter.

Sec. 7-2. Failure to acquire within a certain period.

A penalty of ten per cent of the license fee is hereby exacted and provided for in the event that any license required by this chapter is not acquired within forty-five days from the time such license fee is due and payable.

Sec. 7-3. Posting.

All licenses issued under this chapter shall be posted conspicuously in the place of business of the person to whom the license is issued. Upon the failure to so post, the license, in the discretion of the Mayor, may be suspended. It shall be unlawful for any person to violate the provisions of this section.

Sec. 7-4. Suspension and revocation generally.

The Mayor of the City shall have the right to suspend any license issued under this chapter, whenever a person doing business under such license shall violate any law of the United States, or of this state or ordinance of the City in pursuance of such business conducted under such license, or when it shall be proven before the Mayor that the health, morals, interest and convenience of the public demand the revocation of the license of the person holding such license. The Mayor shall report his suspension of such license to the next regular meeting of the Council for their ratification or rejection and should the action of the Mayor be sustained by the Council, then the license shall be permanently revoked; otherwise it shall be restored and remain in full force.

Sec. 7-5. Additional penalty.

Any person, employee or agent thereof, engaging in, conducting or carrying on any of the uses, businesses, trades, occupations or professions, subject to the provisions of this chapter, without first having obtained a license as herein required, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-8 of this Code; provided, however, that in no event shall a fine for the first offense be less than ten dollars.

Sec. 7-6. Special consideration for veterans; limitation.

In order to qualify for a free veteran's license, veterans must have at least a ten per cent disability. Privilege licenses cannot be issued to veterans without charge.

Sec. 7-7 - 7-10. Reserved.

ARTICLE II.

Sec. 7-11. Payment of fee as requisite to issuance; prorating fee.

All licenses shall be issued for the calendar year beginning on the first day of January, and the fees prescribed in this Article shall be paid in full to the City Clerk by each person as requisite to the issuance of such license; provided, that persons commencing business after the first day of August of any year shall pay one-half of such license fee, and provided, further, that fees for the calendar year 1969 shall be payable on or before August 15, 1969 but shall be the same amount as required for a full calendar year.

Sec. 7-12. Transfer.

Any license issued under this Article shall be non-transferable except upon the written approval of such transfer by the Mayor and Council of the City. The Mayor and Council shall have full discretion to approve or disapprove such transfer.

Sec. 7-13. Persons exempt from license fee to obtain permit; compliance with regulations governing business.

Any person who may be exempt under state or other law from paying a license must apply to the City Clerk for a free permit to engage in or carry on any business or occupation, provided for in this Article. Such person shall submit proper and lawful credentials, exempting him from the payment of a City license tax or license fee. Such person must comply with the City rules and regulations pertaining to or governing such business or occupation, otherwise, such person shall be subject to the penalties provided in this Article.

Sec. 7-14. Required.

On and after the first day of January of each year after the year 1969 and on and after August 15, 1969, and from day to day it shall be unlawful for any person to carry on, or to engage in or conduct in the City, any of the uses, occupations, businesses, trades, or professions, not inherently lawful as such, or any uses, occupations, businesses, trades, or professions enumerated in Schedule A annexed hereto, except as to such use, business, trade,

or profession which may have been specifically exempted by the general laws of the State, unless such person, or party is granted a license by the City for such use, occupation, business, trade or profession, subject to this article.

Sec. 7-15. Granting or refusing in discretion of city; intention of city as to rule making as requisite for license.

As to any use, occupation, business, trade or profession, which a municipality, including this city may prohibit, or grant or refuse a permit or license therefor, in its discretion, as referred to in the preceding section, it is hereby expressly provided that it is not the intention of the City to establish and fix rules, regulations, restrictions, or conditions upon compliance with which the City will grant such permit, or license; but, it is expressly provided that the City in all such cases, on such applications, retains the right, within its discretion to grant, or refuse any application for any such license, or permit, for such privilege.

Sec. 7-16. Application.

Any application for license as provided in this article for such privilege shall be made in writing and addressed to the Mayor and Council and deposited with the Clerk of the City. Such application shall disclose the name of applicant, his personal address, business address, nature of privilege sought, where and how such privilege is to be exercised, name and address of applicant's employees for such privilege, and the name, kind, nature and amount of insurance or bond coverage, if any, for such privilege.

Sec. 7-17. Construction of article, etc.

Should any part, term, or provision of this article, relating to method of making application for a license or permit, be construed by any court as an exercise of discretion as to such application instead of a provision for the issuance of such

license, or permit, subject to the discretion of the Mayor and Council, to be exercised at the time of the consideration of such application, then such part, term, or provision is hereby repealed; and the Mayor and Council hereby intend expressly to provide for the issuance, or refusal of such license, or permit, subject to the discretion of the Mayor and Council, to be exercised at the time of the consideration of the application for such privilege license, or permit.

Sec. 7-18. Suspension and revocation.

The Mayor of the City shall have the right to suspend any license issued under this Article, whenever a person doing business under such license shall violate any law of the United States or of this State or any ordinance of the City in pursuance of such business conducted under such license, or when it shall be proven before the Mayor that the health, morals, interest and convenience of the public demand the revocation of such license. The Mayor shall report his suspension of such license to the next regular meeting of the Council for ratification or rejection, and should the action of the Mayor be sustained by the Council, then the license shall be permanently revoked, otherwise it shall be restored and remain in full force.

Sec. 7-19. Amount of Fees.

The fees set opposite each use, occupation, business, trade or profession on Schedule A annexed hereto are hereby prescribed and set as the license and permit fees of the City.

Section 2. Severability:

If any section, subsection, sentence, or clause in this

ordinance or of the Chapter 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. 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 the City of Lookout Mountain, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 4. Effective Date:

This ordinance shall be effective ten (10) days after its adoption and approval by at least three members of the Council of this City after two readings at least one week apart.

Approved on first reading on June 19, 1969.

William Mettrey
Member of City Council of Lookout Mountain, Ga.

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

Joseph A. Johnson
Member of City Council of Lookout Mountain, Ga.

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

[Signature]
Member of City Council of Lookout Mountain, Ga.

Shepherd D. Dudley
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on June 30, 1969.

William Mettrey
Member of City Council of Lookout Mountain, Ga.

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

Joseph W. [Signature]
Member of City Council of Lookout Mountain, Ga.

John [Signature]
Member of City Council of Lookout Mountain, Ga.

[Signature]
Member of City Council of Lookout Mountain, Ga.

Herwood D. Dudley
Mayor of Lookout Mountain, Georgia

ATTEST:
[Signature]
City Clerk of Lookout Mountain, Georgia

(SEAL)

SCHEDULE A
LICENSE FEES

Antique dealer	\$ 25.00
Barber and beauty shop - per chair	15.00
Beer license	250.00
* Billiard or pool room, per table	
First one	100.00
Each additional	50.00
Pinball machine - each	50.00
Camp ground - trailer park	50.00
Cafe or restaurant	25.00
Hotel or motel with or without restaurant	50.00
Drug store	75.00
Variety store, including five & ten cent stores	75.00
Gift shop	35.00
Souvenir shop	300.00
Service station	25.00
Clothing shop	25.00
Grocery store	50.00
Radio station or studio	50.00
Washateria	25.00
Plumber	25.00
Tourist attraction	5,600.00

* Provided that all billiard parlors and pool rooms shall close no later than 12:00 midnight of each night.