

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 26

AN ORDINANCE

Authorizing the Southern Bell Telephone and Telegraph Company to use the public streets of the City of Lookout Mountain, Georgia, for the purpose of erecting, constructing, maintaining and operating lines of telephone and telegraph thereon and thereunder.

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

Section 1. Southern Bell Telephone and Telegraph Company having failed to accept Ordinance No. 12 of the City within the prescribed period of sixty (60) days following its effective date, said ordinance is herewith declared lapsed, rescinded and repealed.

Section 2. Permission be and the same is hereby granted to the Southern Bell Telephone and Telegraph Company, its successors and assigns, to construct, maintain and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets and highways of the City of Lookout Mountain, Georgia, as its business may from time to time require, provided that all poles shall be neat and symmetrical.

Section 3. The work of erecting poles and constructing underground conduits under this ordinance shall be done subject to the supervision of the City, and the Company shall replace or properly relay and repair any sidewalk or street

that may be displaced by reason of such work, and upon failure of the Company so to do, after twenty days' notice in writing shall have been given by the Mayor of the City to the Company, the City may repair such portion of the sidewalk or street that may have been disturbed by the Company, and collect the cost so incurred from the Company.

Section 4. In consideration of the rights and privileges herein granted, the Company shall pay to the City, within sixty (60) days from the effective date of this ordinance, the sum of \$600.00, and in addition shall pay to the City, for each of the years this ordinance is in effect, on or before July 1 of such fiscal year, the amount prescribed by applicable tariffs of the Public Service Commission in effect on the date of payment as the maximum which a City in the same designated class as Lookout Mountain may impose upon the Company, without any portion of it being collectible, in additional charges for service, from subscribers in Lookout Mountain.

Section 5. The payment provided for herein shall be in lieu of specific registration fees, business licenses and all special taxes on poles or conduits; however, such payment shall not reduce the amount to be paid by the Company on account of the ad valorem taxes on its physical property, under existing statutes, and shall not exclude charges for the opening of the streets, the repavement or repairing of same, sanitary taxes, water charges, or like charges, all of which shall be paid by the Company in the same manner as any other citizen is required to pay therefor.

Section 6. The Company shall indemnify the City against, and assume all liabilities for, damages which may arise or accrue to the City for any injury to persons or property from

the doing of any work herein authorized, or the neglect of the Company or any of its employees to comply with any ordinance regulating the use of the streets of the City, and the acceptance by the Company of this ordinance shall be an agreement by it to pay to the City any sum of money for which the City may become liable from or by reason of such injury.

Section 7. The Company shall file with the City Clerk of the City its acceptance of this ordinance within sixty (60) days from the date when it shall take effect.

Section 8. Nothing in this ordinance shall be construed as a surrender by the City of its right or power to pass ordinances regulating the use of its streets.

Section 9. This ordinance shall be in force for a period of twenty (20) years from and after ten (10) days after the date of its passage.

Section 10. Severability:

If any section, subsection, sentence, or clause in this ordinance 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 11. 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 re-numbered to accomplish such intention.

Section 12. 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 April 22, 1970.

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

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

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

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

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

Herwood D. [Signature]
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on May 8, 1970.

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

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

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

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

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

Herwood D. [Signature]
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]
City Clerk of Lookout Mountain, Georgia