

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 29

AN ORDINANCE

To add to the Code of Ordinances of the City of Lookout Mountain, Georgia, provisions as to miscellaneous offenses, loitering, noises, banners, police obedience, resisting arrest, soliciting alms, theft, vagrancy, street obstruction, picnicing, burials, guns, assault and battery, burglar's tools, street congregations, disorderly conduct, deposits on streets, narcotics, non-interference, transportation of intoxicating beverages, pedestrians, prowling, throwing objects, trespass, pyrotechnics, parking, camping, nuisances, septic tanks and harmful chemicals.

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 12

OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 12-1. Loitering, etc.

It shall be disorderly conduct and unlawful for any person, or persons, except the duly employed and authorized employees and agents of the city, or of its commissions or agencies, in the regular and necessary conduct and management of their employment by same, to be upon or to appear within (a) any of the public parks, public areas, public streets and public buildings, owned or controlled by the city, or by any of its subsidiary agencies, commissions, or boards, in or on any school buildings or grounds, in an idling or loitering

manner between the hours of eleven o'clock p.m. and seven o'clock a.m., except and unless such person has a right to be upon and within such places by virtue of a lawful admission or invitation, or (b) without the prior consent of the owners or lawful occupants, of any church, club or private property.

Sec. 12-2. Same--Aiding violation of laws, etc.

It shall be disorderly conduct and unlawful for any person, or persons, to go to, congregate at, or assemble in or upon the public places, public streets, and public sidewalks of the city or, without the prior consent of the owners or lawful occupant, any church, club or private property to aid, induce, encourage, or abet, as an idler or loiterer, or as an obviously interested spectator, or otherwise, any person in the violation of any provision of this Code or of any other ordinances of the city, or of the laws of the State of Georgia. If a person should see, hear, or otherwise know, or understand that a violation of such ordinance or such law is being committed, or violated, or has been violated, or is planned to be violated, and should fail or refuse to use ordinary means to dissociate himself from such place or such violation, and to notify the city police officers of such violation, when it should appear to the ordinary person that the said officers should be notified thereof, such person, presumably, aids or abets the violater, and upon conviction, shall be equally guilty with such actual violator of the ordinance, or law.

Sec. 12-3. Loud, unnecessary, etc., noises--Prohibited.

It shall be unlawful for any person to make, continue or allow, suffer, permit or cause, to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city.

Sec. 12-4. Police, obedience to, etc., required.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, sign or direction of a police officer or fireman.

Sec. 12-5. Resisting an officer.

It shall be unlawful for any person to oppose or resist any officer of the city in the discharge of his duties.

Sec. 12-6. Soliciting alms.

No person shall solicit alms on any street or at any residence in the city or beg or ask in person for any financial aid or in any other way or manner seek financial assistance in the city through the asking of charity, provided, however, that this section shall not apply to solicitations by residents of the city for the benefit of bona fide religious, benevolent, charitable, educational, scientific, literary or similar public welfare organizations.

Sec. 12-7. Theft or injury of city property.

No person shall take, mar, deface, soil or in any manner injure, disturb or interfere with any city property.

Sec. 12-8. Vagrancy.

It shall be unlawful for any person who has no known legitimate source of income sufficient to support such person and who is not a dependent of a person having such a source of income, to idle, stroll, loaf, stand or sit about the streets, sidewalks, parks or other public places in the city.

Sec. 12-9. Obstruction of view and use of streets--By structures, trees, shrubs, etc.

No person owning, occupying or in anywise controlling property in this city shall permit any structure, tree, bush,

shrub or other improvement or vegetation on such property or on the right of way in front thereof to so project over any street of this city or to be so located as to materially obstruct or interfere with the view and use of persons walking, or riding in a vehicle on such street or of other persons or vehicles approaching from cross or intersecting streets from a distance of 50 feet or less.

Sec. 12-10. Same--Failure to remove after notice.

It shall be unlawful for any person, whether the owner, tenant, agent or person controlling property in the city to fail to remove any structure, tree, bush, improvement, vegetation or other obstruction in violation of Section 12-9 after ten days' notice by a City official or an employee of the city's police department so to do.

Sec. 12-11. Casting water, mud, etc. on street prohibited.

No person shall erect, maintain or fail to remedy any driveway, drain, downspout, ditch or other improvement or arrangement on his property or on any right of way adjacent to his property that casts or causes to flow or be deposited on the right of way of any public street, or the property of any other person, any water, mud, gravel, leaves, chert, debris or other substances, except as permitted by Georgia law or pursuant to valid easements, prescriptive rights or natural conditions.

Sec. 12-12. Correction of improperly constructed or maintained driveways, ditches, etc.--Required after notification of defects; expense of construction, etc.

All persons owning property with driveways, ditches or other improvements or arrangements in violation of Section 12-11 shall, within fifteen days after being notified in writing by the city engineer or by the chief of police, or other city official, construct, alter or change any such

driveway, ditch or other arrangement so that the same shall not continue in any manner to be in violation of Section 12-11. All expense of making such construction, change or alteration shall be borne by the owner of the property upon which such construction, change or alteration is required.

Sec. 12-13. Same--Procedure upon failure of owner to correct defects after notice.

Upon the failure of any property owner to make the constructions, changes or alterations required by the preceding two sections within fifteen days from the date of the delivery of the notice described in such section, it shall then be the duty of the city engineer to forthwith cause the construction, change or alteration to be made in accordance with the requirements of this article. When such construction, change or alteration is completed, an ordinance shall be passed assessing the cost of such construction, change or alteration against the owner of the property affected thereby and asserting a lien against the property and against the owner thereof. Such lien shall date back to the time of the completion of the construction, change or alteration required.

Sec. 12-14. Same--Notice of assessment; lien created by unpaid assessments, etc.

After the adoption of the assessing ordinance provided for in the preceding section, a written statement shall be furnished by the City Clerk to the owner of the property subject to the assessment herein provided for, showing the amount of such assessment and the construction, changes or alterations for which such assessment was made. Upon the failure of the owner to pay such assessment to the clerk within thirty days from the receipt of such statement,

the City Clerk is hereby authorized to issue execution in the name of the Mayor against such owner. Such execution shall be a lien against the property from the date of the ordinance assessing the costs of the construction, change or alteration. Such execution shall bear interest at the rate of eight per cent from the date on which it is issued and shall further provide for costs in the amount of One Dollar for each execution so issued. The execution when so issued shall be delivered to the Chief of Police, who shall execute the same by levy and sale of the property, or so much thereof as may be necessary to satisfy the execution, together with all costs that may accrue thereon.

Sec. 12-15. Same--Law applicable to procedure; execution of deed.

The law applicable to sales under tax executions issued by the city shall apply as to the levy, notice, advertisement and sale of property made under such execution, and the City Clerk shall have authority to execute deeds for the property so sold and to deliver the immediate possession thereof to the purchaser at the sale.

Sec. 12-16. Service of notices and statements.

The notices and statements provided for in Sections 12-11--12-15 shall be delivered personally to each owner of the property residing within the city where possible. If such owner is a nonresident of this city, or is absent from the city or conceals himself, it will be sufficient service that such notices or statements be mailed to such owner at his last post office address known to the City Clerk. In the event the owner of the property affected by this article is not known to the City Clerk, it will be sufficient to serve such notices or statements on any occupant of the property.

Sec. 12-17. Picnicing, etc.

It shall be unlawful for any person to picnic on the right of way of any street or alley, or on any public property, within the city unless such property shall have been specifically set aside by the Chief of Police or his representative, or upon any private property without the prior express permission of the owner or lawful occupants.

Sec. 12-18. Same; Definition.

"Picnicing", as used in Section 12-17 means any form of cooking, preparing, serving or consumption of any food or beverage, or both, either outdoors or in or on any vehicle.

Sec. 12-19. Burials.

No person shall bury or cause to be buried any dead human body in any place in the city, other than a cemetery, if any, licensed by the city.

Sec. 12-20. Guns, etc.

Unless in self-defense or in the execution of law, it shall be unlawful for any person in the city to use, point, fire or discharge any firearm, gun, bow or other weapon or instrument by which missiles may be projected by explosives, springs, air or other force.

Sec. 12-21. Assault and battery.

It shall be unlawful for any person to commit an assault or an assault and battery in the city.

Sec. 12-22. Burglar's tools, switch blades and other unlawful devices.

It shall be unlawful for any person except police officers in the due and proper course of their duties for

evidentiary or police purposes, to have in his possession, actual or constructive, any instrument or device usable for the commission of a burglary or for picking locks or pockets, any switchblade knife, stiletto, blackjack, slapjack or set of brass knuckles, or any swindling device.

Sec. 12-23. Congregating on streets or street corners.

It shall be unlawful for persons to congregate upon any of the streets or street corners in the city to the annoyance of citizens or to the obstruction of traffic. The officers of the police department shall disperse all such gatherings on the streets and keep the streets open.

Sec. 12-24. Deposit of offensive substances in street, etc.

It shall be unlawful for any person in the city to throw into the street or any other public place, or on the property of others, any filth or obnoxious substance, or to permit the same to flow from his premises into the right of way of any street, any sidewalk or any public place, or in or on the property of others.

Sec. 12-25. Disorderly conduct.

It shall be unlawful for any person in the city to use boisterous, offensive, provocative or threatening language in any public place, or to make or to countenance or assist in making any improper noise, disturbance, breach of the peace or diversion, or to conduct himself in a disorderly manner, in any place to the annoyance of others.

Sec. 12-26. Narcotics, etc.

It shall be unlawful for any person, except a licensed physician, a pharmacist, or any other person except pursuant to a physician's written prescription, to sell, use, possess, give away, disperse or administer any narcotic, hypnotic, marijuana, hallucinatory or similar drug.

Sec. 12-27. Interference with rights of others.

No person shall so conduct himself, individually or in concert with others, in the use of or upon or in, any property, public or private, so as to interfere with the free and uninterrupted use of such property by others lawfully there, or to fail or refuse to leave the premises upon the request of the owner or person in charge of such property.

Sec. 12-28. Transportation of intoxicating beverages.

(1) It shall be unlawful for any taxicab or other vehicle for hire to transport any beer, wine, whiskey or other intoxicating beverage within the city except such as may be owned by a fare-paying passenger actually in the vehicle at the same time.

(2) It shall be unlawful to sell, deliver to a purchaser, or produce, within the city any whiskey or other intoxicating beverage in respect of which all required federal taxes have not been paid or for which all requisite licenses have not been obtained.

Sec. 12-29. Pedestrians--Conduct on sidewalks, etc.

When two or more pedestrians are together, they shall not proceed, loiter or stand upon the sidewalks, crosswalks, streets, alleys or parking places so as to interrupt or obstruct the free passage of other persons and vehicles. If they halt, they shall stand so as to leave abundant room for other persons and vehicles to pass in both directions without turning in or out.

Sec. 12-30. Prowling.

It shall be unlawful for any person in the city to prowl in or about the property of others without being able to give a good account of himself, or to prowl or loiter about any dwelling or business house, outbuilding or other building for the purpose of spying or peeping therein or otherwise invading the privacy of others.

Sec. 12-31. Throwing objects at houses on properties.

It shall be unlawful, except in the normal delivery of newspapers, for any person to throw or fling any stone, missile or other object against any house or other building in the city, or against or through the window of any building, public or private, or to throw any stones, missiles, paper, debris or other objects on the private property of others.

Sec. 12-32. Trespass on and injuries to property.

It shall be unlawful for any person to trespass on any property, public or private, in the city, by entering the premises without the express or implied consent of the owner or custodian thereof, or to injure or disfigure any public or private building, structure, improvement, or fixture, or any personal property of any other person, or to injure any shade tree, shrub or equipment on the private premises of any other person in the city.

Sec. 12-33. Pyrotechnics; Regulated.

(1) For the purposes of this section, "pyrotechnics" shall mean any sparkler, squib, rocket, firecracker, Roman candle, fire balloon, signal light, railroad track torpedo, flashlight composition, fireworks or other devices or composition used to obtain visible or audible pyrotechnic display.

(2) No person shall have, keep, store, use, manufacture, sell, handle or transport any pyrotechnics in the city; provided that the Chief of the Fire Department may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in school grounds, club grounds, or other open places. Such permits shall impose such restrictions as may, in the opinion of the chief, be necessary to properly safeguard life and property in each case. The applicant for such permit shall file a bond deemed adequate in each case by the chief, which shall become available for the payment of any damage arising from the negligence of the holder of such permit or his agents or employees.

Sec. 12-34. Obstructions to be lighted at night.

It shall be unlawful for any person to place or leave any material or obstruction of any kind on the streets or sidewalks of the city at night without placing and keeping lit and in continuous operation thereon a sufficient number of red lights or flares or flashing lights to warn all persons before reaching such obstruction that there is danger and that the street is obstructed.

This section shall be construed to apply to all kinds and types of materials for erecting buildings and other structures, and to rails, boxes, poles, wires, bricks, mortar, planks, sand, cuts, holes, trenches, vehicles (except those vehicles properly equipped with reflectors), machinery, equipment, and any other thing that prevents the street or sidewalk from being clear and free from obstructions. All persons so obstructing the street or sidewalk, including any contractor or his employee in charge of the obstruction shall see to it that this section is fully complied with, and that such lights or flares are placed on such obstruction at twilight each night and kept lit until daylight.

Sec. 12-35. Liability for failure to light obstructions.

When any person neglects to comply with the preceding section and an accident results by reason of such negligence causing damage, the person whose negligence caused the accident shall be held responsible therefor, and if the city is required to pay out any money as damages therefor, the city attorney shall prosecute the offender and bring an action against him to recover any damages that the city may have sustained by reason of his failure to comply.

Sec. 12-36. Parking on or in front of residential property.

(1) It shall be unlawful to park, or allow to stop or stand for more than five (5) minutes any automobile,

truck, motorcycle or other vehicle on any street in front of any property in the residential area of the city except (a) those belonging to the owner or a lawful occupant of such property, or one of their agents, employees, guests, licensees or invitees, or (b) as permitted in Section 3-96 of this Code.

(2) The preceding subsection shall not apply to a necessary stop, such as for repairs, to obtain directions or help or to make bona fide inquiries, for the period and only the period necessary for such purpose or to parking for social or other noncommercial purpose, pursuant to permission obtained in advance from the Police Department, in the manner directed by such Department.

Sec. 12-37. Camping.

(a) It shall be unlawful to set up any tent or similar shelter or camping facility in the city at any time or to park or to allow to stop or stand for more than five (5) minutes in the city between sundown and sunup any camper, truck, trailer or other vehicle used, or intended to be used, for sleeping.

(b) It shall be unlawful to sleep outdoors or in any automobile or other vehicle, tent, camping facility or shelter in the city between sundown and sunup.

(c) The two preceding subsections shall not apply to (1) parking while properly transacting business with the City, any licensed commercial establishment or any public institution, (2) use of any licensed campground or trailer park, or (3) noncommercial use of real property by an owner or lawful occupant thereof, or by any guests of such owner or occupant.

Sec. 12-38. Committing nuisances.

It shall be unlawful for any person to deposit any human feces at any place in the city other than in a properly operating water closet connected to a septic tank approved by the health department of the County in which located.

Sec. 12-39. Septic tanks and grease traps.

No person shall permit any septic tank, grease trap, or incidental facility under his control to be in such condition that it gives off any offensive odor, or any effluent therefrom runs or appears on the surface of any street, alley or the property of any other person.

Sec. 12-40. Harmful chemicals.

No person shall use any pesticide, weed killer, or any chemical harmful to or destructive of animal life or vegetation upon the right-of-way of any street or on any public property without prior written permit from the head of the department of streets or upon any property of any other person without the prior written consent of the owner or lawful occupant of such property.

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 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 August 3, 1970.

Jesse B. Sims
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.

Joe D. McGinnis
Member of City Council of Lookout Mountain, Ga.

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

Sherwood D. Dudley
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on September 17, 1970.

Jesse B. Sims
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.

Joe D. McGinnis
Member of City Council of Lookout Mountain, Ga.

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

Sherwood D. Dudley
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]
City Clerk of Lookout Mountain, Georgia

(SEAL)