

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 52

An Ordinance to amend Ordinance No. 25 to add thereto sewage treatment facilities as permitted uses within the Single Family District of the City.

Be it ordained by the City Council of the City of Lookout Mountain, Georgia and it is hereby ordained:

SECTION 1. Section 10-3 of Ordinance No. 25 is hereby amended by adding thereto new paragraph (8) as follows:

(8) Sewage treatment facilities upon the following conditions:

(a) Submission of an application for the construction and use of a sewage treatment facility within the Single Family District which shall be in writing signed by the Owner of the property upon which the facility is to be located and directed to the Municipal Planning Commission of the City. Each application shall be made on forms to be provided by the Municipal Planning Commission and shall contain the following information:

(i) A survey or map showing the location of the proposed facility and compliance with all setback, side and rear yard requirements;

(ii) Names and addresses of owners of property upon which facility is to be located;

(iii) Location of residences within 400 feet of proposed location of the nearest exterior wall of said facility.

(iv) Photograph of artist's rendering of proposed facility, together with screening proposed;

(v) Detailed plans and specifications of the facility which shall include, without limitation, finished grade and building height elevations;

(vi) Engineering data regarding rate and location of discharge, amount of sewage to be treated per day; source of sewage, noise and odor levels generated;

(vii) Proposed screening and safety features; and

(viii) Such other information as the Municipal Planning Commission may reasonably require.

(b) An application for a sewage treatment facility shall not be approved and the use under this paragraph (8) shall not be permitted unless and until the Municipal Planning Commission shall make all of the following findings:

(i) That sewage generated by the proposed or present improvements to be served by the facility does or will present a substantial health hazard to residents of the City or constitutes an unreasonable increase in water pollution detrimental to the environment of the City, and that septic systems to handle present or proposed effluents will not comply with the State or Walker County Health Board Regulations, and

(ii) That the proposed facility meets with the approval of the State or Walker County Board of Health, and

(iii) That the proposed facility conforms to all applicable zoning regulations, or if not that variances have been granted therefor, and

(iv) That screening as proposed is sufficient and predicted noise and odor levels are sufficiently low so as not to adversely affect the general character of the neighborhood or the property of other residents, and

(v) That adequate precautions have been proposed to safeguard the life and health of the residents of the City.

(c) In making such findings the Municipal Planning Commission shall be entitled to rely on information and opinions supplied by the State or Walker County Boards of Health, the Coosa Valley Regional Planning Commission, and/or engineers or other qualified water-quality experts, including without limitation applicants engineers or water-quality experts.

(d) All findings by the Municipal Planning Commission shall be final and non-reviewable except to the extent appeals are provided by Ordinance or Law.

(e) All such findings (whether favorable or unfavorable to the applicant) shall be made at a regular or special meeting of the Municipal Planning Commission held within 60 days from the date of application. Each applicant shall be entitled to a hearing at such meeting or at such earlier time as the Municipal Planning Commission shall set, notice of which shall be given to the applicant at least five (5) days in advance thereof.

(f) In the event of favorable findings by the Municipal Planning Commission, the Municipal

Planning Commission shall direct the City Building Inspector to issue a building permit upon compliance with applicable building code requirements and payment of required building permit fees.

(g) In the event the proposed facility is not built in strict compliance with the written application and all exhibits attached thereto, the Municipal Planning Commission shall have the right to either waive such non-compliance or to seek enforcement by appropriate legal action in the City or State Courts; and to require removal of the facility by the owner in the event compliance is not obtained within thirty days from the date of notice of non-compliance.

(h) No approved facility nor plans therefor shall be altered or its size increased without re-submitting an application hereunder.

(i) In the event any sewage treatment facility shall become a nuisance to the residents of the City, because of lack of proper maintenance, the Municipal Planning Commission shall have the right to enjoin its continued use until such nuisance has been abated.

SECTION 2.

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 3.


If any section, subsection, sentence or clause in this Ordinance be adjudged invalid such invalidity shall have the effect of repealing this ordinance in its entirety.

SECTION 4.

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

Approved on first reading on December 20, 1973.

  
\_\_\_\_\_  
Member of City Council

  
\_\_\_\_\_  
Member of City Council

Joe McGinnis  
Member of City Council

Jesse B Sims  
Member of City Council

Member of City Council

Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on December 28, 1973.

John Amick  
Member of City Council

[Signature]  
Member of City Council

Joe McGinnis  
Member of City Council

Jesse B Sims  
Member of City Council

Member of City Council

Mayor of Lookout Mountain, Georgia

Attest:

City Clerk of Lookout Mountain,  
Georgia